



# CONTINUING RESOLUTIONS 2023-2024

## **School Choice & Public Funding for Nonpublic Schools**

(Adopted 1992; amended 1995, 1998, 2001, 2002, 2005; readopted 2008, 2011; amended 2014, 2016, 2018, 2021)

WHEREAS, public school choice is available in accordance with state law and local board of education policy, and includes a wide array of schools and school programs such as Science, Technology, Engineering and Mathematics (STEM), Performing and Visual Arts, International Baccalaureate (IB), Business and Finance, Information Technology, Construction, Automotive, Culinary Arts, Health Care, and Biomedical Science, among others; and

WHEREAS, public charter schools play a significant role in providing public school choice opportunities for parents and students; and

WHEREAS, public school choices are provided under state law and through local board policies that reflect a commitment to serving all students, in compliance with federal and state requirements for academic and fiscal accountability; and

WHEREAS, nonpublic school choice is available to all parents and students in accordance with Maryland laws and regulations which provide for varying degrees of state regulation and autonomy for nonpublic, parochial, and church-exempt schools; and

WHEREAS, nonpublic schools, with the exception of nonpublic special education schools, are not subject to the same legal requirements as public schools in areas such as teacher education and certification; academic standards, student assessments and other performance accountability measures; civil rights and anti-discrimination laws; and special education; and

WHEREAS, publicly funded nonpublic school choice programs typically include vouchers, which are direct payments of taxpayer money by the government for nonpublic school tuition; and tuition tax credit programs, which offset expenditures for nonpublic school tuition by reducing a person's or business entity's tax liability; and

WHEREAS, for many years the General Assembly considered, but did not enact, legislation to create a nonpublic tuition tax credit system, often entitled the "Building Opportunities for All Students and Teachers," or B.O.A.S.T., to provide a tax credit for 60 to 75 percent of the contributions made by a business to an eligible nonprofit organization that either: (1)

provides scholarships to eligible nonpublic school students, e.g., vouchers, or scholarships to teachers at nonpublic schools; or (2) provides grants to public schools to support innovative educational programs; and

WHEREAS, in 2016 the General Assembly enacted the state budget bill with a conference committee amendment establishing the \$5 million Broadening Options and Opportunities for Students Today (BOOST) Program to provide scholarships for students who are eligible for free or reduced-price meals to attend eligible nonpublic schools. To be eligible to participate in the BOOST program, a nonpublic school must administer student assessments in accordance with state and federal law; participate in the Aid to Non-Public Schools Program for textbooks and computers administered by MSDE; and comply with Title VI of the Civil Rights Act of 1964 as amended; Title 20, Subtitle 6 of the State Government Article; and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation; and

WHEREAS, the annual state budget bill has, for many years, appropriated several million dollars to support the purchase of textbooks, computer hardware and software, and other electronically-delivered learning materials for loan by MSDE to nonpublic schools; and

WHEREAS, the Non-Public School Textbook/Technology Program provides nonreligious textbooks and computer hardware and software to students attending nonpublic schools whose tuition does not exceed the state average per pupil cost; and

WHEREAS, MABE and other public education advocates opposed the creation of the Nonpublic School Textbook/Technology Program, and consistently oppose the expansion of this program; and

WHEREAS, in 2013 the General Assembly approved \$3.5 million for a new Nonpublic Aging Schools Program to allow eligible nonpublic schools to receive grants for school facility projects that are eligible under the Aging Schools Program, including school security improvements. This \$3.5 million program has continued to be funded in subsequent capital budgets, with an additional \$3.5 million provided since FY 2019 for school security projects; and

WHEREAS, MABE and other public education advocates opposed the creation, and oppose continued funding, of the Nonpublic Aging Schools Program; and

WHEREAS, in 2020 MABE joined the National School Boards Association and other organizations in successfully opposing a final interim rule adopted by Secretary of Education Betsy DeVos to require the allocation of a disproportionate share of COVID-19 relief funding to nonpublic schools;

NOW, THEREFORE, BE IT RESOLVED, that MABE supports local discretion to develop and implement policies that facilitate public school choice, including public charter schools, and opposes efforts to establish or expand publicly funded or state administered nonpublic school choice programs in the state; and

BE IT FURTHER RESOLVED, that MABE opposes maintaining or enhancing the BOOST program or establishing any other nonpublic school voucher program in the state budget or through separate legislation; and

BE IT FURTHER RESOLVED, that MABE supports requiring private and parochial schools receiving state funding to comply with state and federal anti-discrimination standards applicable to both students and staff; and

BE IT FURTHER RESOLVED, that MABE supports sustained public investments in public elementary and secondary education, and opposes continued or increased public expenditures for nonpublic school programs.