
R00A03

Funding for Educational Organizations

Maryland State Department of Education

Response to the Analyst's Review and Recommendations

Senate Education, Business, and Administration Subcommittee –
February 24, 2020

House Education and Economic Development Subcommittee –
February 19, 2020



Karen B. Salmon, Ph.D.
State Superintendent of Schools

The Maryland State Department of Education (MSDE) welcomes the opportunity to respond to the items noted in the budget analysis. The analysis provides a comprehensive overview of the goals and activities of the Funding for Educational Organizations budget. As noted in the analysis, this budget provides grants to organizations with unique operations through five budgetary programs:

- The Maryland School for the Blind
- Blind Industries and Services of Maryland
- State Aided Educational Institutions
- Aid to Nonpublic Schools
- Broadening Options and Opportunities for Students Today (BOOST)

With regard to the specific issues and recommendations noted in the analysis:

Maryland School for the Blind (MSB)

The Department of Legislative Services (DLS) recommends that MSDE and MSB review MSB’s State funding formula including, but not limited to, enrollment data; federal, State, and local sources of revenue, including formula funding, Enhanced Services grant funding, and LEA funding; expenses identified in accordance with State object and subobject categories; and a ten-year capital improvement plan that includes preventive maintenance expenses. This report should include budget data beginning with the fiscal 2019 actuals through the fiscal 2023 anticipated expenditures and revenues.

MSDE Response: The Maryland School for the Blind will address the questions and recommendations noted in the DLS analysis pertaining to MSB.

DLS recommends to the budget committees that MSDE and MSB consider the viability of these institutional structures as part of their review of MSB’s financial information and State funding.

MSDE Response: The Maryland School for the Blind will address the questions and recommendations noted in the DLS analysis pertaining to MSB.

Broadening Options and Opportunities for Students Today (BOOST)

DLS recommends that the BOOST Advisory Board and MSDE explain Special Education awards totaling \$501,644 instead of the \$700,000 allocated for these awards in fiscal 2020.

MSDE Response: Chapter 565 of the Acts of 2019 reserves \$700,000 of the Program’s appropriation to provide a required additional award for students with special needs that is at least equal to the scholarship award. The BOOST Board established the maximum award amount for four different eligibility categories, which are identified in Exhibit 13 of the Analysis.

To be eligible for a special education award adjustment, participating nonpublic schools must indicate the BOOST Scholarship student is a student with special needs *and* provide the documentation used by the school to document the needs of the student and the services he or she is receiving. The documentation can include an Individualized Education Program (IEP), an

Individualized Services Plan, a 504 plan or other official plan used by the school for students with special needs.

The actual scholarship award amount is calculated as the lesser of: the total tuition minus non-BOOST financial aid and the maximum award amount for the student's eligibility category. Students with special needs receive two times the actual scholarship award.

On average, 6.5% of BOOST Scholarship recipients are identified, with documentation, as students with special needs. For the 2019-2020 school year, 202 students received a special education award adjustment equal to two times the student's actual award amount.

DLS also recommends reducing BOOST funding in line with the fiscal 2020 level, (plus the remaining balance).

MSDE Response: MSDE respectfully disagrees. MSDE fully supports the Governor's Allowance.

DLS further recommends amending the authorizing language consistent with the fiscal 2020 Budget Bill but with an earlier deadline for fiscal 2021 BOOST awards of December 15, 2020, so that the January 2021 report reflects the final status of the fiscal 2021 funding.

MSDE Response: MSDE concurs.

Operating Budget Recommended Actions

1. Add the following language to the general fund appropriation:

, provided that the \$100,000 of this appropriation made for the purpose of providing a grant to the Maryland School for the Blind (MSB) may not be expended until the Maryland Department of Education and MSB submit a report that includes, but is not limited to:

- (1) federal, State, and local sources of revenue, including formula, Enhanced Services grant, and local education agency funding;
- (2) expenditures identified in accordance with State object and subobject categories; and
- (3) a five-year capital improvement plan that includes preventative maintenance costs.

The requested revenue and expenditure data shall be provided for fiscal 2019 actuals through fiscal 2023 estimates. The report shall be submitted to the budget committees by September 1, 2020. The budget committees shall have 45 days to review and comment. Funds restricted pending receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted.

MSDE Response: The Maryland School for the Blind will address the questions and recommendations noted in the DLS analysis pertaining to MSB.

2. Amend the following language:

, provided that this appropriation shall be for the purchase of textbooks or computer hardware and software and other electronically delivered learning materials ~~as permitted under Title IID, Section 241(b)(4), (6), and (7), of the No Child Left Behind Act~~ for loan to students in eligible nonpublic schools with a maximum distribution of \$65 per eligible nonpublic school student for participating schools, except that at schools where ~~at least 20%~~ from 20% to 40% of the students are eligible for free or reduced-price lunch program there shall be a distribution of \$95 per student., and at schools where more than 40% of the students are eligible for the free or reduced-price lunch program there shall be a distribution of \$155 per student.

MSDE Response: MSDE concurs.

3. Amend the following language:

- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; ~~and~~
- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended; and
- (4) Submit its student handbook or other written policy related to student admissions to the Maryland State Department of Education for review to ensure compliance with program eligibility requirements.

MSDE Response: MSDE concurs.

4. Add the following language:

Further provided that a nonpublic school participating in the Aid to Non-Public Schools Program R00A03.04 shall certify compliance with Title 20, Subtitle 6 of the State Government Article. A nonpublic school participating in the program may not discriminate in student admissions, retention, or expulsion, or otherwise discriminate against any student on the basis of race, color, national origin, sexual orientation, or gender identity or expression. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions, retention, or expulsion or otherwise discriminate against any student on the basis of race, color, national origin, sexual orientation, or gender identity or expression. Any school found to be in violation of the requirements to not discriminate shall be required to return to the Maryland State Department of Education all textbooks or computer hardware and software and other electronically delivered learning materials acquired through the fiscal 2021 allocation. The only other legal remedy for violation of these provisions is ineligibility for participating in the Aid to Non-Public Schools Program. Any school that is found in violation of the nondiscrimination requirements in fiscal 2020 or 2021 may not participate in the program in fiscal 2021. It is the intent of the General Assembly that a

school that violates the nondiscrimination requirements is ineligible to participate in the Aid to Non-Public Schools Program, the Broadening Options and Opportunities for Students Today Program, the James E. “Ed” DeGrange Nonpublic Aging Schools Program, and the Nonpublic School Security Improvements Program in the year of the violation and the following two years.

MSDE Response: MSDE concurs.

5. Amend the following language:

- a) ~~participate~~ have participated in Program R00A03.04 Aid to Non-Public Schools Program for textbooks and computer hardware and software administered by MSDE; during the 2019-2020 school year;

MSDE Response: MSDE concurs.

6. Add the following language:

- c) ~~administer assessments to all students in accordance with federal and State law; and~~ administer national, norm-referenced standardized assessments chosen from the list of assessments published by the U.S. Department of Education to qualify nonpublic schools for the National Blue Ribbon Schools Program. The nonpublic schools must administer the assessments to all students as follows:
- i. English/language arts and mathematics assessments each year for students in grades 3 through 8, and at least once for students in grades 9 through 12; and
 - ii. a science assessment at least once for students in grades 3 through 5, at least once for students in grades 6 through 9, and at least once for students in grades 10 through 12; and
- b) 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, retention, or expulsion or otherwise discriminate against any student on the basis of race, color, national origin, or sexual orientation, or gender identity or expression. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions, retention, or expulsion or otherwise discriminate against any student based on race, color, national origin, or sexual orientation, or gender identity or expression. If a nonpublic school does not comply with these requirements, it shall reimburse MSDE all scholarship funds received under the BOOST Program for the 2020-2021 school year and may not charge the student tuition and fees instead. The only other legal remedy for violation of this provision is ineligibility for participating in the BOOST Program.

- (2) MSDE shall establish procedures for the application and award process for scholarships for students who are eligible for the free or reduced-price lunch program. The procedures shall include consideration for award adjustments if an eligible student becomes ineligible during the course of the school year.
- (3) MSDE shall compile and certify a list of applicants that ranks eligible students by family income expressed as a percent of the most recent federal poverty levels.
- (4) MSDE shall submit the ranked list of applicants to the BOOST Advisory Board.
- (5) There is a BOOST Advisory Board that shall be appointed as follows: 2 members appointed by the Governor, 2 members appointed by the President of the Senate, 2 members appointed by the Speaker of the House of Delegates, and 1 member jointly appointed by the President and the Speaker to serve as the chair. A member of the BOOST Advisory Board may not be an elected official and may not have any financial interest in an eligible nonpublic school.
- (6) The BOOST Advisory Board shall review and certify the ranked list of applicants and shall determine the scholarship award amounts. The BOOST Advisory Board shall take into account the special needs of students with disabilities when determining scholarship award amounts.
- (7) MSDE shall make scholarship awards to eligible students as determined by the BOOST Advisory Board.
- (8) ~~The~~ Unless the student has special needs due to a disability, the amount of a scholarship award may not exceed the lesser of:
 - a. the statewide average per pupil expenditure by local education agencies, as calculated by MSDE; or
 - b. the tuition of the nonpublic school.
- (9) In order to meet its BOOST Program reporting requirements to the budget committees, MSDE shall specify a date by which participating nonpublic schools must submit information to MSDE so that it may complete its required report. Any nonpublic schools that do not provide the necessary information by that specified date shall be ineligible to participate in the BOOST Program.
- (10) Students who received a BOOST Program scholarship award in the prior year who still meet eligibility criteria for a scholarship shall receive a scholarship renewal award. For students who are receiving a BOOST Program scholarship for the first time, priority shall be given to students who attended public schools in the prior school year.

Further provided that the BOOST Advisory Board shall make all scholarship awards no later than December 15, 2020, for the 2020-2019 school year to eligible individuals. Any unexpended funds not awarded to students for scholarships shall be encumbered at the end of fiscal 2021 and available for scholarships in the 2021-2022 school year.

Further provided that \$700,000 of this appropriation shall be used only to provide an additional award for each student with special needs that is at least equal in amount to the BOOST Program scholarship award that student is awarded in accordance with paragraph (6) above.

Further provided that MSDE shall submit a report to the budget committees by January 15, 2021, that includes the following:

- (1) the number of students receiving BOOST Program scholarships;
- (2) the amount of the BOOST Program scholarships received;
- (3) the number of certified and noncertified teachers in core subject areas for each nonpublic school participating in the BOOST Program;
- (4) the assessments being administered by nonpublic schools participating in the BOOST Program and the results of these assessments. MSDE shall report the assessment results reported by nonpublic schools to the budget committees in an aggregate manner that does not violate student data privacy;
- (5) in the aggregate, for each BOOST Program scholarship awarded (a) the nonpublic school and grade level attended by the student; (b) the school attended in the 2020-2021 school year by the student; and (c) if the student attended the same nonpublic school in the 2019-2020 school year, whether, what type, and how much nonpublic scholarship aid the student received in the 2019-2020 school year and will receive in the 2020-2021 school year;
- (6) the average household income of students receiving BOOST Program scholarships;
- (7) the racial breakdown of students receiving BOOST Program scholarships;
- (8) the number of students designated as English language learners receiving BOOST Program scholarships;
- (9) the number of special education students receiving BOOST Program scholarships;
- (10) the county in which students receiving BOOST Program scholarships reside;
- (11) the number of students who were offered BOOST Program scholarships but declined them as well as their reasons for declining the scholarships and the breakdown of students attending public and nonpublic schools for students who declined scholarships;
- (12) the number of students who received BOOST Program scholarships for the 2019-2020 school year who are attending public school for the 2020-2021 school year as well as their reasons for returning to public schools; and

(13) the number of students who received BOOST Program scholarships for the 2019-2020 school year who withdrew or were expelled from the nonpublic schools they were attending and the reasons for which they withdrew or were expelled; the schools they withdrew or were expelled from; and the length of time students receiving BOOST Program scholarships were enrolled at a nonpublic school before withdrawing or being expelled.

MSDE Response: MSDE concurs.

	Amount Reduction	
7. Reduce Cigarette Restitution Funding for the Broadening Options and Opportunities for Students Today Program in line with the fiscal 2020 budget.	\$ 2,449,956	SF
Total Special Fund Reductions	\$ 2,449,956	

MSDE Response: MSDE respectfully disagrees. MSDE fully supports the Governor's Allowance.