



# Frederick County Teachers Association

1 Worman's Mill Court • Suite 16 • Frederick, Maryland 21701

Telephone: (301) 662-9077

FAX: (301) 662-9205

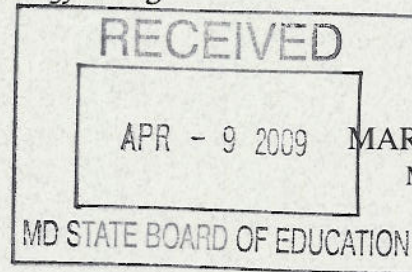
[www.myfcta.org](http://www.myfcta.org)

GARY BRENNAN

President

April 8, 2009

Maryland State Board of Education  
c/o Anthony South, Executive Director  
Maryland Department of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201



JOHN GATES

STEVE LENZO

MARSHA M. MEEKINS

MSTA UniServ Directors

RE: Request for Waiver of Maintenance of Effort Requirement  
Submitted by the Board of County Commissioners of  
Frederick County, Maryland dated March 31, 2009

Dear Maryland State Board of Education:

The Frederick County Teachers Association on behalf of the over 3,000 certificated staff we represent, as well as the students we educate, in accordance with section 13.A.02.05.04 of the Maryland Annotated Code, Education Article Section 5-202, is respectfully submitting comment in opposition to the request for a waiver from the Maintenance of Effort (MOE) requirement by the Board of County Commissioners of Frederick County (BOCC) to the State Board of Education.

The educators of Frederick County have made significant progress in the last number of years in improving student outcomes in Frederick County. These accomplishments include 98% of the class of 2009 meeting the High School Assessment requirement for graduation, improving MSA scores by an average of 16%, reducing the achievement gap by more than half for African American and low SES students and increasing AP participation rates by over 45% while keeping scores well above the state average. Frederick County Public Schools has also been very successful in reducing the numbers of schools not making AYP and avoiding state "take over" of Lincoln Elementary, one of our most troubled schools. This is data I am sure you are well acquainted with and it speaks volumes about the positive use of state and local funds by the Frederick County Board of Education. Allowing the Board of County Commissioners to make drastic and unwarranted cuts to education funding now would have a very negative impact on the progress our school system has made.

In light of the success our school system has demonstrated, as well as the extremely negative impact this waiver request will incur, the Teachers Association joins the Frederick County Board of Education in opposing this waiver. Currently the Board of

County Commissioners has recognized over \$20 million dollars in their "rainy day" fund. They state that the County Attorney has advised them that this money is untouchable during this economic crisis as it does not include a "natural disaster or homeland security threat". The Board of County Commissioners has not made any effort to see if they can get the authority to access this money and did not even consider requests to the General Assembly for more authority to use these funds. Nor have they requested an opinion from the State Attorney General on the uses of these funds. The County Commissioners at this time are also still proposing to put over \$7 million dollars into the Other Post Employment Benefits Trust account. This money is for another reserve account for use at a much later time. The Teachers Association believes that these funds should be used instead to help solve the current economic crisis.

It should also be noted that the County's percentage share of the BOE Operating Budget has been decreasing since the passage of Thornton Funding. While the Commissioners have been supportive in funding BOE Capital projects and have increased funding based on the growing number of students in our county, almost all strategic improvements in the BOE budget have been paid for by state money alone. If the County is allowed to fund the school system substantially below MOE this decline in their support of the operating budget will increase greatly and affect the BOE budget for years to come.

The Frederick County Teachers Association is willing to do its part to deal with the very real economic troubles our county finds itself in. Although negotiations have not been finalized, our approach to salary increases will be very realistic this year. We are also willing to talk about limited furlough days and other cost saving measures. What the teachers association is not willing to accept is cuts so deep that teachers will lose their jobs as class size is increased. We are also opposed to substantial pay cuts to BOE employees while the county does nothing to look for increased revenues or ways to use their "rainy day" funds. The measures that will have to be taken if this MOE waiver is granted will negatively affect the education of the students of Frederick County for years to come.

COMAR requires that the BOCC prove by a preponderance of evidence that a waiver request is necessary. This standard has not been reached by the information that has been submitted to you. Frederick County Public Schools has made remarkable progress over the last five years. Allowing the county government to abandon their responsibility to fund our education system at an adequate level will hurt the students of Frederick County.

Respectfully Yours,



GARY BRENNAN  
President, Frederick County Teachers Association