

For Immediate Release: 3/10/2011

Montgomery Council Counters Legal Challenge from County Board of Education

ROCKVILLE, Md., March 10, 2011—The Montgomery County Council will vigorously defend its authority to balance the County operating budget equitably between the public schools and other vital services, County Council President Valerie Ervin said today. The Council, in a March 10 letter to Montgomery Board of Education President Christopher Barclay, also asked to avoid potential litigation by having the County board withdraw its “Petition for Declaratory Ruling” that the County Board recently sent to the State Board of Education.

Montgomery County’s Board of Education filed a Petition for Declaratory Ruling with the Maryland State Board of Education on March 2 seeking an order that would interpret the state’s Maintenance of Effort school funding law to effectively eliminate the County Council’s ability to equitably balance the County operating budget.

The voter-approved County Charter assigns final budget and appropriation authority over all County-funded agencies, including Montgomery County Public Schools (MCPS), to the County Council. “As we have in the past, we will balance the needs of our students, other County service recipients and taxpayers in adopting an operating budget that is fair to all,” said Council President Ervin.

“This Council is united in working together with our County-funded agencies, including the school system, to address the critical fiscal challenges that we face this year,” said Council President Ervin. “This latest legal maneuver by the Board of Education is a distraction from the critical budget issues that this County confronts. It also diverts scarce tax dollars to cover MCPS’ legal fees when all our resources are needed to provide direct services to our students and residents.”

The state educational Maintenance of Effort law requirement for Fiscal Year 2012 would force the County to increase the MCPS budget by \$82 million (or 5.8 percent) above last year’s approved funding of \$1.4 billion, even though the County faces a \$300 million gap in its overall budget. This law ignores the fact that over the last decade the County has funded MCPS at a total of \$577 million above the annual Maintenance of Effort requirements.

“The County Council strongly supports the intent of the State Maintenance of Effort law to maintain local investment as a way to improve educational outcomes for our children,” said Council President Ervin. “However, it allows no flexibility during a fiscal crisis.”

This year Montgomery's operating budgets for police, fire, libraries, safety net and other core County services were reduced by levels not seen in more than 40 years, some by more than 20 percent. The coming fiscal year promises more of the same.

“We care deeply about children, not only when they are in school, but also when they are not,” said Council President Ervin. “State law does not require the County to guarantee a funding stream for health and human services, libraries, public safety or transportation. These and other essential services are also critical to our one million residents, especially our children.”

Regardless of the legal strategy being used by the Board of Education, the County Council is committed to balancing the school budget in a way that does not adversely impact classroom instruction.

"We face common fiscal challenges, and we must work together to protect our common fiscal future," said Council President Ervin. "The Council is focused on the big picture. We will continue to work with School Board members to make sure that our children receive a top-notch education and with our residents to keep our county on the course of greatness, which is why nearly a million people choose to make Montgomery County home."

###

Release ID: 11-064

Media Contact: Neil Greenberger 240-777-7939 or Sonya Healy 240-777-7970