

LWVMD Financing Education Fact Sheet: Examining “Local Control” Within a Multi-Level Educational System 2025

INTRODUCTION & CHARGE

At the 2023 state convention, the League of Women Voters of Maryland (LWVMD) voted to establish a study committee to examine whether to retain, delete, or amend one part of its position on Financing Education that supports the “*continuation of local control over the schools.*” The impetus for this study was the Blueprint for Maryland’s Future (Blueprint), passed by the General Assembly, that made significant changes to transform public education in the state. While the current position on financing education has multiple components, this study committee was charged with reviewing that one component.

The charge recommended that such a study define “local control,” identify what is mandated by the state, and indicate where flexibilities exist for local input and direction. Thus, the purpose of this fact sheet is to present information related to that one component of the current LWVMD position on Financing Education. The balance of the position is to remain unchanged at this time.

The fact sheet is organized as follows. The background section provides the current LWVMD and LWV positions on financing education, followed by a summary of the major components of the *Blueprint*, and information on how Maryland funds its schools. The fact sheet then examines the meaning of “local control,” the role of state authority over education, and identifies where flexibilities exist for local input. The fact sheet concludes with a consensus and discussion questions. The Appendix provides additional information on the structure, historical development, and evolution of the educational governance system.

BACKGROUND

Current LWVMD Financing Education Position

LWVMD’s Financing Education position was adopted in the 1970s and currently states:

“Financing Education: The primary responsibility for funding public elementary and secondary education lies with the state (1972, 1975). Support for:

- 1. A foundation program based on a weighted per pupil formula supported from general state revenues at a level high enough to eliminate inequities.*
- 2. Some local leeway to provide additional funding for education.*
- 3. Continuation of local control over the schools.*
- 4. The encouragement of increased federal funding for education.¹”*

The LWVMD Financing Education position recognizes the primacy of the state in providing funding for education: “*The primary responsibility for funding public elementary and secondary education lies with the state*” and supports “*A foundation program based on a weighted per pupil formula supported from general state revenues at a level high enough to eliminate inequities.*”² This position also asserts support for “*Some local leeway to provide additional funding for education.*” In other words, the current position on financing education recognizes that the state has primary responsibility for funding public education while supporting a role for local governments to provide additional funding above the required per pupil base amount required by the state (see page 3 for information on the Maryland funding formula).

The LWVMD Financing Education position also includes support for the “*continuation of local control over the schools.*” Because the meaning of this phrase is ambiguous, it is the part of the Financing Education position this study committee was charged with reviewing.

Current LWV Education Position

The League of Women Voters of the United States (LWV) “*recognizes that primary responsibility for public education resides with the states.*”³ In addition, the LWV position on the federal role in education states that “*the federal government shares with other levels of government the responsibility to provide an equitable, quality education for all children in Pre-K through Grade 12.*”⁴ LWV also states that “*action on school funding equity takes place predominantly at the state level, where school financing laws are made.*”⁵ In other words, the LWV position recognizes that states have primary responsibility for funding public education as well as the interdependency of the educational governance system and the shared responsibility of all levels of government in providing an equitable and quality education.

Blueprint for Maryland’s Future

The Blueprint for Maryland's Future (Blueprint) is an education reform bill passed by the General Assembly in 2021. It includes a set of policies and funding increases intended to improve the quality and equity of the Maryland educational system. Implementation is designed to be phased in over a twelve-year implementation period and, as passed, would increase state education funding by \$3.8 billion total through FY2032. It is built around five policy pillars:

- **Early Childhood Education:** Expands publicly funded full-day pre-kindergarten for all 4-year-olds and income eligible 3-year-olds and increases the number of early childhood education providers through a mixed delivery system.
- **High Quality and Diverse Teachers and Leaders:** Policies to improve the quality and diversity of teachers and leaders by elevating the status of teachers, adopting a performance-based career ladder and salaries comparable to similarly educated professionals. It increases the rigor of teacher preparation programs, and creates a leadership development system.

- **College and Career Readiness:** Policies to ensure that all Maryland public school students are college and career ready by the end of the 10th grade and can transition to postsecondary education or to the workforce after graduation. The Blueprint called for a College and Career Readiness (CCR) standard, criteria for meeting that standard, and the development of career and college pathways for students.
- **More Resources for Students to be Successful:** Increases state funding for public education through a combination of additional per-pupil funding added to the foundation formula and the adoption of the Concentration of Poverty grant program to support additional services in schools with high concentrations of poverty.
- **Governance and Accountability:** Creates the Accountability and Implementation Board (AIB) as an independent unit of the state to oversee the implementation of the Blueprint.⁶

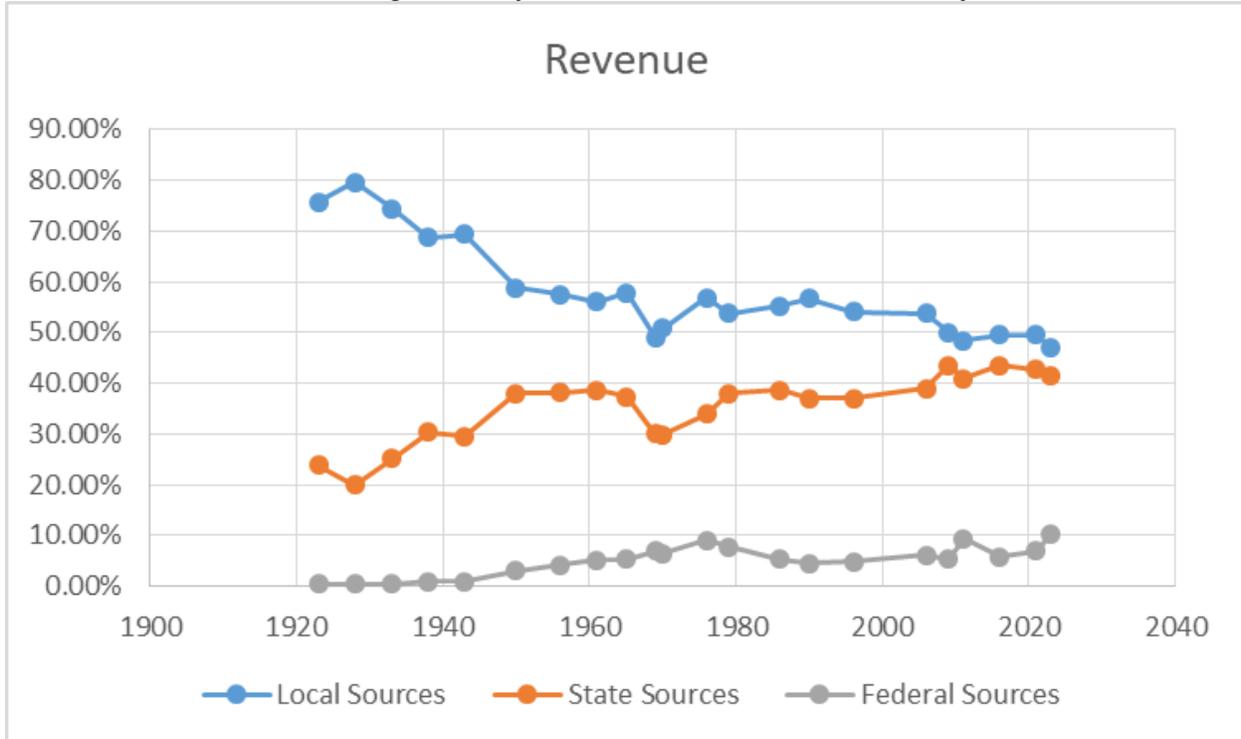
How Maryland Funds its Schools

Maryland finances its public schools through a combination of state and local funds supplemented by federal grants. The state’s funding formula links resources to student needs and accounts for differences in city/county wealth and regional and local differences in providing services. The goal is to ensure that schools are adequately funded. This funding model has three components:

1. Providing districts, through a combination of state and local funding, with a uniform per pupil base amount of funding that the state estimates to be the minimum amount required to provide general educational services.
2. Adjusting funding to districts to account for the costs associated with providing educational services to special education students, English language learners, and students eligible for free and reduced price meals.
3. Adjusting funding provided to districts to account for local or regional differences, including differences in local wealth, that impact the costs of providing educational services.⁷

Table 1 below shows the sources of funding for public schools in Maryland between 1923 and 2023. It shows a long trajectory of increasing the state share of funding for public education. The share of state funding for public schools leveled off in the 1950s and 1960s and remained fairly stable until the 2010s when the gap between state and local share narrowed further. In FY 2022-23, sources of funding for all Maryland Public Schools included 47.04% from local sources, 41.64% from state, and 10.44% from federal sources. Local share of educational funding varies widely, ranging from 16.67% in Wicomico County and 17.41% in Somerset to 65.63% in Montgomery and 62.93% in Howard County.⁸

Table 1. Sources of Funding for Maryland Public Schools, Selected years, 1923 – 2024.



Source: Years 2004-2005 to 2022-2023 located on MSDE website:

<https://marylandpublicschools.org/about/Pages/DBS/SFD/index.aspx>

The following records are located at Maryland Archives: Annual Report State Board of Education of Maryland: 1956 Table 61. 1965 Table 95. 1970 Table 136.

League of Women Voters of Maryland, Financing Education: A Continuing Dilemma, September 1977, Chart 1
 Maryland State Department of Education, Selected Financial Data: 1978-1979, 1985-1986, 1989-1990, 1995-1996

It is important to point out that federal and state funding programs come with guardrails to ensure that local governments do not replace local funding with federal or state funding. Federal programs come with a requirement that federal funds should be used to supplement, or add to existing state and local funds, rather than to replace them. The “*supplement not supplant*” requirement is intended to ensure that the funds are used for the intended beneficiaries of the program and are not used to replace general funds.

Likewise, Maryland’s Maintenance of Effort (MOE) law requires local governments to maintain or increase their per-pupil funding for public schools each year.⁹ The law was enacted in 1984 to ensure that local governments continue to invest in public schools and that state aid does not replace local funding. The required level of local per-pupil funding must be maintained year-over-year.

DEFINING LOCAL CONTROL

Local control of education has multiple possible meanings and applications. Maryland law and the Maryland Code of Regulations (COMAR) do not use the term local control.

The Maryland Constitution places the primary responsibility for public education with the state.¹⁰ As a result, authority for funding and administration of education is vested in the state, and local school districts are seen as agencies of the state educational system. The Maryland Code provides for a state board of education and state superintendent, who oversee administration of the state's elementary and secondary public schools. The Maryland Code further provides for the establishment of city/county boards of education and superintendents of schools to carry out local responsibilities, as defined in law.¹¹

The concept of “local control” is anything but clear and unchanging. For one, “local” does not refer to one single agency. Local agencies that have a role in education include the city/county council, the local board of education, and the local school district, or administrative agency. It may also include the local superintendent, the schools, and local community, depending on context. In addition, there are other definitions and uses of “local control” that do not pertain to the financing of education, the position that the committee was charged with reviewing. For example:

- Some refer to local as any agency below the federal government, essentially conflating local control with state rights and a rejection of federal intervention.¹² In practice, local school boards are subject to numerous constraints at the state and federal level.
- Local control of education can take on many meanings that fall outside the responsibilities and duties that local agencies perform. For example, some characterize vouchers, charter schools, and other kinds of decentralized, market-based educational reform as forms of local control, even though they are not.
- In other instances, local control is characterized as the administration of community-based school districts by popularly elected boards. The day-to-day decision making or process of running the schools, as well as the election of school boards, are local, not state issues in Maryland.
- “Local control” also has been used to further political and ideological agendas. Its meaning, interpretation, and use has shifted to accommodate new situations, issues, and spatial and demographic arrangements or to impose specific cultural, religious, or social values that may not be inclusive or representative of the entire student population.¹³ These efforts are more often about promoting a preferred vision of schooling rather than about the site of decision making or “local control”. Examples include:
 - Versions of local control are used in campaigns to ban books, support school choice and vouchers, limit gender identity and transgender rights, control the content and extent of sex education in schools, oppose standardized testing, influence curriculum content and historical perspectives, including how the history of slavery, colonization, and indigenous peoples is presented.

- In some districts, though not in Maryland, local control has provided a rationale for communities to secede from their school district. These succession efforts are often motivated by efforts to avoid complying with desegregation orders or withdraw a portion of their taxes from funding less wealthy school districts.¹⁴

Historically, the meaning of “local control” has varied depending on the context in which it is used.¹⁵ For example, in the 1920s, in an effort to return power to local communities, voters accused teachers and school boards of pushing controversial views on impressionable children, including issues such as socialism, race relations, the theory of evolution, or critical interpretation of American history.¹⁶ We see a similar dynamic today where versions of “local control” are used in campaigns to promote particular agendas. These campaigns, then and now, are often driven by national organizations and are less about the site of decision making or “local control” than pushing a preferred vision of schooling.

Understanding the Meaning of “Local Control” Within the Context of LWVMD’s Financing Education Position

The meaning of “local control” is context dependent. That is, the meaning of “local control” is not entirely clear without additional information about the situation or the context in which it is being applied. Depending on the context, “local control” might be interpreted differently in different situations, as noted above. **However, for this study, the context for understanding “local control” is what it means in terms of Financing Education.**

To define local control, this study used a framework that asks: **local control for whom or for what.**¹⁷ This framework is useful because it clarifies the merits of and motivations behind a particular policy issue. It forces people to move past platitudes and say what they mean.

Using this framework, within the context of *Financing Education*, “local control” would mean that the **city/county council** (*for whom*) has the **authority to allocate funds, issue debt or impose taxes to finance schools** (*for what*). At the local level, taxing authority and the ability to raise funds through taxation or bonds (debt issuance) is a city/county council responsibility. Local school districts do not have the authority to issue debt or impose taxes and thus rely on the city/county council for local funding.

“Local control” could mean something else in a different context. For example, the LWVMD position on charter schools states: “*Local boards of education determine which groups or organizations will be granted contracts (i.e., “charters”), with the right to an appeal of that decision to the State Board of Education.*”¹⁸ This position identified the local board of education (*for whom*) as the entity that should issue public charter school contracts (*for what*).

The current LWVMD position asserts support for “*Some local leeway to provide additional funding for education,*” thereby recognizing that city/county councils should have flexibility to provide additional funding for local schools above the minimum amount required by the state funding formula. In fact, Maryland law includes a provision stating that “county commissioners or county council may provide funds that are more than the amount required.”¹⁹

In other words, the current position on financing education recognizes that the state has primary responsibility for funding public education while supporting the flexibility of local city/county councils to provide additional funding above the state required minimum. By defining “local control” within the context of financing education, it recognizes that the city/county council has the authority to raise local revenues for schools.

STATE AUTHORITY OVER EDUCATION ADMINISTRATION AND FUNDING

Understanding the role of the state in education includes thinking about the relationship between federal, state, and local entities. From a constitutional perspective, the 10th Amendment of The U.S. Constitution grants to the states powers not otherwise delegated to the federal government, thus reserving to the states the power to create and govern schools.²⁰ States then delegate authority to localities. In Maryland local school districts are seen as agencies of the state educational system.

The Maryland General Assembly established the Maryland State Department of Education (MSDE) headed by a state board of education.²¹ A state superintendent of schools, appointed by the governor of Maryland, operates within the MSDE and has administrative authority over elementary and secondary education and the general supervision of public education in Maryland.²² The state superintendent of schools is granted substantial control over compulsory attendance, accreditation, curriculum, graduation requirements, and such housekeeping matters as calendar, accreditation, records, and accounting procedures.²³

By Maryland law, local public schools are administered at the city/county level by local boards of education, with the city/county superintendent acting as chief executive officer. The election or appointment, as well as the size of local school boards, is determined by the state. Some school boards are appointed by the governor (Baltimore City, Harford and Caroline Counties), while the remaining are elected by county residents.²⁴ Specific responsibilities of each are provided in Maryland Code, Titles 3 and 4.²⁵ Actions taken by local boards are subject to the bylaws, rules, and guidelines of the state board. Key aspects of the responsibility, powers, and duties of local city/county boards of education include:

- City/county school boards are tasked with maintaining a reasonably uniform system of public schools that provides a quality and equitable education.²⁶
- Local school board meetings must be conducted pursuant to public meeting statutes, equal opportunity laws, and must meet state rules for accreditation.

- Local school boards, subject to state laws and regulations, can establish the geographic school attendance boundaries, establish curriculum guides and courses of study, develop testing administration and data reporting policies,²⁷ select curriculum materials, including textbooks, instructional materials, and visual auditory aids.²⁸
- City/county school boards appoint principals, teachers, and other certified and uncertified personnel and set their salaries.²⁹
- The local share of funding, usually from local property taxes or bond issues, for local public schools is provided by the city/county government.

In sum, the state determines the laws and policies that govern education and delegates to local boards of education (*the whom*) certain duties and responsibilities in order to meet those requirements (*the what*). While the state has the final authority, state agencies work in partnership with local agencies to implement educational policies.

WHERE DO FLEXIBILITIES EXIST FOR LOCAL INPUT AND DIRECTION?

While there are areas where there is flexibility for input and direction by local boards of education, the extent of this flexibility is significantly shaped by the state and federal frameworks, funding dependencies, and accountability requirements. (See Appendix for additional information on the structure, historical development, and evolution of the educational governance system.) The multi-layered structure of the educational system—a structure where all three governmental levels (federal, state, and local) operate—constrains the actions of local boards of education and puts pressure on them to follow particular policies and adopt specific goals. In addition, the responsibilities, duties, and powers of local boards are delegated to them by the state, as noted above. Some of the ways that the multi-layered structure of the educational system constrains and interacts with local governance are outlined below.

- **Personnel decisions:** Local boards of education are responsible for hiring teachers but teachers must meet state certification requirements,³⁰ contracts are subject to union negotiated requirements, and starting salaries must meet a state minimum requirement.
- **Funding dependency:** Although local taxes contribute to school funding, a significant portion of funding comes from state and federal sources that come with requirements and restrictions on how they can be used. In Maryland, state funding also addresses funding disparities between districts.³¹
- **Budget management:** The school district budget process involves the superintendent, the local school board and city/county council and is subject to federal, state, and city/county requirements linked to funding.
 - Federal funding is targeted, meaning that it must be used for a designated purpose. (See Appendix for details on federal funding, p. 14-15)
 - State aid in Maryland includes two categories: general education aid, which provides local school districts with a minimum level of funding and targeted aid, which provides additional funds based on the enrollment of students with special educational needs.³²

- Since school districts cannot generate revenues, local funding is provided by the city/county council. A copy of the school district budget as approved by the city/county council shall be sent to the state superintendent within 30 days after approval and posted on the local school board’s public-facing website, in an easily identifiable location.³³
- **Curriculum standards:** Local school districts can select textbooks and instructional materials, but these must align with curriculum standards, learning goals, and graduation criteria set by the state.³⁴
 - Certain subjects, such as history, science, and health education, must meet state-prescribed content.
- **Accountability:** Statewide assessments used to measure student performance and school effectiveness are administered locally, but federal and state test-based accountability policies significantly shape how schools and teachers are held accountable.
- **School attendance boundaries:** Local school districts can establish the geographic school attendance boundaries but school boundary decisions are constrained by state and local land use and zoning policies.³⁵
- **Compliance:** Local school districts must comply with state and federal laws, such as special education regulations for individuals with disabilities and civil rights protection.

CONCLUSION

In its research on “local control of education,” the study committee determined that:

- “Local control of education” has multiple possible meanings and varies depending on the context within which it is used.
- When referring to “local control,” it is important to ask: **local control for whom, or for what.** Doing so clarifies the merits of and motivations behind a particular policy issue. It forces people to move past platitudes and say what they mean.
- Using this framework within the context of the LWVMD position on Financing Education, “local” refers to the **city/county council (for whom)** and “control” refers to the authority of the city/county council to **issue debt or impose taxes to finance schools (for what)**. Only the city/county council has authority locally to raise/generate revenues. Local school boards have no such authority.
- The Maryland Constitution places the primary responsibility for public education with the state and the Maryland Code of Regulations (COMAR) delegates the supervision and administration of the state’s elementary and secondary public schools to the Maryland State Board of Education and state superintendent. Local districts are seen as an agency of the state educational system.
- The responsibilities, powers, and duties of local city/county boards of education are defined in law by the Maryland General Assembly.

- The state determines the laws and policies that govern education and delegates to local boards of education (*for whom*) certain duties and responsibilities in order to meet those requirements (*for what*). While the state has the final authority, state agencies work in partnership with local agencies to implement educational policies.
- Federal, state, and local levels share responsibility for education, with each actor empowered to work with and influence the other. It does not mean that local entities have no role, but that this multi-level system constrains the actions of local actors (see Appendix). Indeed, the LWV position on education recognizes that education is a **shared responsibility** where all three levels – federal, state, and local – operate and play a role in education.

Consensus and Discussion Questions

The consensus and discussion questions are offered to determine whether the current LWVMD Financing Education position should be amended. As a reminder, the current position states:

“Financing Education: The primary responsibility for funding public elementary and secondary education lies with the state. Support for:

1. *A foundation program based on a weighted per pupil formula supported from general state revenues at a level high enough to eliminate inequities.*
2. *Some local leeway to provide additional funding for education.*
3. *Continuation of local control over the schools.*
4. *The encouragement of increased federal funding for education.”*

Consensus Question

1. In order to clarify that funding education is a state/local shared responsibility, should LWVMD remove “*continuation of local control over the schools*” (#3) from its current **Financing Education** position and amend the current position (#2) to state support for: “*Some leeway for **city/county councils** to provide additional funding for education*”?

Yes _____ No _____ Uncertain _____

Discussion Questions

1. What does it mean that “local control” is context dependent? Provide examples.
2. What does “local control” mean within the context of financing education?

3. In what ways do state laws and policies define the responsibilities, powers, and duties of local school boards?
4. What does the LWV position, “*the federal government shares with other levels of government the responsibility to provide an equitable, quality education for all children in Pre-K through Grade 12*” mean?

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APPENDIX: STRUCTURE, HISTORICAL DEVELOPMENT, AND EVOLUTION OF THE EDUCATIONAL GOVERNANCE SYSTEM

Structure of the Multi-Level Educational System

The educational system in the United States is a multi-level structure where all three governmental levels—federal, state, and local—operate (Appendix Table 1). At the federal level, Congress passes laws and the U.S. Department of Education administers and coordinates federal aid and assistance to education. At the state level, the General Assembly passes laws governing education, while the Maryland State Board of Education (MSBE) develops policy and the Maryland State Department of Education (MSDE), operating under the direction of the State Superintendent, is the administrative agency. Likewise at the local level, there are multiple actors, including the city/county council which is responsible for developing a budget that includes funding for public schools in that jurisdiction. The city/county board of education develops local educational priorities, and the local school district is the administrative agency. The local structure includes the schools, where education takes place.

Appendix Table 1. Structure of U.S. Educational System

Federal	State	Local
Congress	General Assembly	City/County Councils
U.S. Department of Education	Maryland State Board of Education	Local Board of Education
	Maryland State Department of Education	Local School District
		Local Public Schools

Historically, all three levels of government have been interdependent, and there has never been a time since the nation's history when federal and state governments were not involved in education.³⁶ Early in the development of a public education system, the federal government took a leading role. During the westward expansion in the 18th and 19th centuries, the federal Northwest Ordinances (1787) set aside land in the territories to generate revenue for local schools. As these territories became states, the federal authorities empowered state legislatures to draw district boundaries, set tax rates, and establish broad curricular standards. Following the Civil War, the federal government conditioned the readmission of the former Confederate states on drafting constitutional provisions for public education. The federal government played a critical role in incentivizing the early construction of schools while state legislatures set broad parameters for the exercise of local initiative. Since the 19th century, states have had policies requiring school attendance, vacation, and tax support for public schools. All three levels of government were interdependent, although the local institutions are often the most visible to the public.³⁷

The current structure of local school districts and the balance within them between laypeople and professional authority was shaped largely by reforms enacted in the early 20th century during the Progressive Era with its emphasis on universal education.³⁸

Reformers at the time wanted to make educational governance more efficient and professional, reflecting a trend at the time toward scientific management and a desire to respond to an industrializing economy. Administrative reforms included centralizing public school governance, consolidation of rural districts in many states, the adoption of graded classrooms, specialized and differentiated subject areas, hierarchical management and the development of an administration based on scientific principles. The emphasis was on professional expertise, centralization, and state oversight rather than a belief in primacy of “local control.”³⁹

Historical Development of the Educational System in Maryland

The state of Maryland has a long history of involvement in the development of a free, public educational system.⁴⁰ Maryland first attempted to establish free public schools during the colonial period. At that time, formal education was private and limited to the wealthy. In 1695, the General Assembly raised taxes on exported furs to establish free schools but only one school was founded, King William’s School in Annapolis, which later became St. John’s College. Beginning in 1723 additional state taxes were raised so each county could establish free public schools. However, insufficient funding caused the venture to fail and the newly established schools were either consolidated with schools in adjoining counties or absorbed by private academies. Maryland passed legislation in 1812 to raise revenue for a Free School Fund to support public education. To supplement the insufficient Free School Fund, five counties then requested the first property tax assessment to pay for the education of poor children. The Maryland General Assembly continued to debate how to improve public education throughout the pre-Civil War era. During this early period, some free schools were founded, but there was no statewide uniformity or accountability. State appropriations continued to favor private academies and the Free School Fund was insufficient to support a statewide system of free schools.

Following the Civil War, the state concentrated on efforts to establish and fund a statewide educational system. To this end, the 1864 Maryland Constitution mandated a uniform system of free public schools, created the State Board of Education, State Superintendent of Schools, and County School Commissioners and adopted a state property tax to be redistributed to the jurisdictions based on proportion of respective children between the ages of five and twenty-one. It also established a permanent State School Fund. This was a highly centralized system where the State Board and State Superintendent selected textbooks, set the curriculum, certified teachers, approved school building designs and distributed State funds. Following public opposition, in 1868 the Maryland legislature returned control of educational matters to the counties but continued to fund public education through property taxes. The 1868 law was amended in 1870 to create a State Board of Commissioners to oversee education, and in 1890, the state revived the role of the State Superintendent.

In 1914, after reports of high illiteracy rates, the Maryland legislature requested an educational survey that documented many inadequacies in the local education system, including inadequate buildings, frequent truancy, badly trained teachers, and the

distribution of funds by local school boards without accountability. The survey demonstrated a need for efficient administration and supervision of schools and public school funds. In response, the General Assembly created the State Department of Education in 1916 and established the foundation of the current Maryland Elementary and Secondary education system. The relationship between the local (city/counties) and the state of Maryland is codified in the Maryland Statutes of Education Division II Elementary and Secondary Education. The State Department of Education official compilation of administrative regulations is 13A of Code of Maryland Regulations (COMAR) which also includes the authority of the state over education, and is the basis of the local and state relationship.⁴¹

Evolution of Governance Arrangements of the Educational System

Beginning in the mid-20th century, concerns with civil liberties, funding, and accountability re-shaped the governance arrangements of the educational system. The judiciary, federal and state authorities responded to changing political demands and the failure of both state and local authorities to address educational inequities, discrimination, and segregated schools. States also took a more active role in funding education. A reliance on local property taxes to fund public schools resulted in funding disparities between school districts, with wealthier districts able to fund schools at a higher rate than less wealthy districts, creating funding disparities between districts serving more and less affluent populations. Deference to the idea of local control and a reliance on property taxes also created few incentives for local policymakers to distribute resources more equally, leading to within district funding inequities.

Promoting Educational Equity: The role of the federal government in education increased as minority (racial, religious, students with disabilities) groups turned to the courts to defend their civil rights. Using the Fourteenth Amendment's equal protection and due process clauses, court decisions imposed restrictions on state and local governments. Most notably, in *Brown v. Board of Education of Topeka Kansas* (1954), the Supreme Court ruled in a unanimous decision that separate was inherently unequal, declaring that state-sanctioned segregation of public schools was unconstitutional. This landmark and other judicial decisions continued to provide a legal framework that legitimized federal involvement in education.

During subsequent years, federal and state authorities asserted new forms of regulatory authority to protect students from discrimination, enforced civil rights, and provided compensatory funding targeted on the neediest students. The federal government passed legislation targeting resources to promote racial integration, protect the rights of minorities and students with disabilities, provide funding for compensatory education, and assist English language learners. The most important of these were the Elementary and Secondary Education Act (ESEA) first enacted in 1965⁴² and the Individuals with Disabilities Act (IDEA), passed in 1975.⁴³ These federal programs provide categorical grants to states, whereby state and local education agencies were required to use the funding for a designated purpose, with the aim of providing additional resources for students needing special services. The ESEA provides grants to school districts with a

focus on improving educational opportunity while the IDEA targets special needs populations of students.

Federal laws also prohibit various forms of discrimination. The Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin; Title IX of the 1972 Education Amendments prohibits discrimination on the bases of sex.⁴⁴ Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against qualified individuals based on their disability; and the Age Discrimination Act of 1975 prohibits exclusion, denial or limitation of services based on age for programs that receive federal assistance. The Act applies to persons of all ages.

Addressing funding inequities: Since the 1960s, states have assumed a larger role in funding education, shifting the way resources are allocated within the educational system. Recognizing that funding inequities between and within school districts arose because of a reliance on property taxes, these efforts included addressing inter-district funding capacity as well as targeting resources on economically disadvantaged students. The modern school finance system in Maryland began in 1978 when the state adopted a funding formula, now defunct, designed to equalize funding across districts and account for differences in local wealth.⁴⁵ This law established a per pupil statutory foundation level, the minimum per pupil base amount that each school district must spend annually. However, the original funding formula proved insufficient to offset wealth differences between districts and the state was challenged in court for not providing an “adequate education” for all students.⁴⁶

In 1999 in response to these court decisions, Maryland established the Commission on Education Finance, Equity, and Excellence (Thornton Commission) charged with making recommendations on how the state could ensure adequate school funding, reduce funding inequities among school districts, and ensure excellence in school systems and student performance. Based on the Thornton Commission recommendations, the General Assembly enacted the Bridge to Excellence in Public Schools Act in 2002.⁴⁷ The Bridge to Excellence Act increased the amount of money the state gives to local school systems. It collapsed 27 existing state funding programs into four programs, and gave school systems more flexibility in spending.⁴⁸ In addition to creating a new funding formula that accounted for differences in local wealth, the act also linked resources to student needs (i.e., social equities), and created a finance system structured around standards-based accountability provisions.

This funding formula was updated in 2019 when the General Assembly passed the Blueprint for Maryland’s Future.⁴⁹ The Blueprint built on the school funding formula established by the 2002 Bridge to Excellence Act and adopted a separate program to provide additional funding and program and staffing requirements for schools with high concentrations of poverty.

Enhancing Educational Accountability: Beginning in the mid-20th century, concern about a perceived decline of American education resulting from the Soviet Union launch of *Sputnik* on October 4, 1957 led to changes in federal education policy. In 1958

Congress passed the National Defense Education Act (NDEA) in response to concerns about the ability of the United States to compete with the Soviet Union in science and technology. This legislation, which coupled national educational policy with national security needs, was aimed at all levels of the educational system. In another influential event, the 1983 report, *A Nation at Risk: The Imperative for Educational Reform*, again claimed that the educational system was failing to meet a national need, this time the need for a competitive workforce.⁵⁰ Whether or not the report's findings were backed by evidence, the report nudged education policy in the direction of standards and increased accountability.

The No Child Left Behind Act (NCLB), the 2001 reauthorization of the ESEA, shifted the focus from providing aid to schools for the education of disadvantaged students to holding schools accountable for student outcomes. This shifted the federal role from policies designed to address funding inequities and systemic discrimination to policies that exerted greater control over the operation of schools. The NCLB operated on the theory that measuring performance using standardized tests, identifying schools and districts that did not meet an expected performance level and applying sanctions would induce schools, teachers, and students to work harder to improve student achievement. Performance-based accountability, at the heart of NCLB, was retained in Every Student Succeeds Act (ESSA), the 2015 and latest reauthorization of ESEA. ESSA adjusted the policy enough to pacify critics of NCLB without fundamentally altering an accountability system rooted in standards-based testing.⁵¹ Educational accountability for student outcomes remains a core component of education policy, including in the Blueprint for Maryland's Future. These accountability measures expanded federal authority over core educational functions and placed considerable reliance on state education agencies to implement the law and intervene in low-performing schools.

ENDNOTES

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- ⁴ Ibid.
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- ⁶ Accountability & Implementation Board. *Blueprint for Maryland's Future: The 5 Pillars*. Retrieved from: <https://aib.maryland.gov/Pages/5-Pillars.aspx>.
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- ⁹ Md. Code Ann., Education § 5-103, *Amount requested in annual budgets for county boards*. Retrieved from [https://govt.westlaw.com/mdc/Document/NEED0CBA0ABEF11E1A5479537C0907F94?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)](https://govt.westlaw.com/mdc/Document/NEED0CBA0ABEF11E1A5479537C0907F94?viewType=FullText&originationContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default))
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- See also, Md. Code Ann., Education, Elementary and Secondary Education. Title 7. Public Schools.
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