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A test of integrity on state education aid

Commentary | David Merkwitz

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Montgomery County residents have a well-deserved reputation for strongly supporting and generously funding their public schools. They also have a history of applying high standards to the operations of government, insisting that public officials act fairly and honestly in carrying out their duties.

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The question now is whether those same standards apply when the county stands to gain millions of dollars in school funding that it hasn't earned and doesn't deserve, at the expense of other school systems that desperately need the money. The signs aren't good.

A little history: In 2002, Maryland's Commission on Education Finance, Equity and Excellence (the Thornton Commission) called for the state to fulfill its constitutional duty to provide a "thorough and efficient system of free public schools" by significantly increasing the money it spends on public education from pre-kindergarten through 12th grade. The commission's recommendations were embodied in the Bridge to Excellence in Public Schools Act of 2002, which phases the new funding in over a six-year period and targets it heavily to school systems with the fewest resources and greatest need.

To ensure that counties do their fair share in funding their schools, the amount of state aid they receive is inversely proportional to a county's wealth, as determined by a formula that includes the county's assessable property base and its residents' net taxable income (NTI) on federal tax returns.

In drafting the legislation, though, the General Assembly made a small but significant error, specifying that NTI be calculated as of Sept. 1 each year, after what was then the Aug. 15 federal late tax filing deadline. Returns filed after that date are not included, and the net taxable income they report is not counted in a county's wealth.

In 2005, however, Congress changed the automatic income tax filing extension to Oct. 15. Consequently, many Maryland taxpayers who filed late were not included in the 2006 wealth measurement, which will be used to distribute state education aid next year.

Because upper income taxpayers are more likely than those with moderate or low incomes to utilize the tax filing extension, Montgomery County, one of the nation's wealthiest, will benefit enormously from this anachronistic provision of state law. Had these late filers been captured last year, Montgomery County's NTI would rise by 27.3 percent, more than double the statewide increase of 13.3 percent.

An attempt was made late in the 2006 legislative session to change the date for measuring NTI to Nov. 1. However, members of the Montgomery County delegation opposed the proposal. The bill was killed in the House Ways and Means Committee by its chair, Del. Sheila E. Hixson (D-

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Dist. 16) of Silver Spring, who this year announced that she would refuse to entertain any measure to change the NTI date.

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No one doubts that Montgomery County faces the challenge of educating growing numbers of disadvantaged and non-English speaking students. However, failure to change the NTI date this year will fatally undermine the integrity of Maryland's education aid formula and subvert the intent of the Thornton Commission. As a result, 19 of the state's 24 school systems will lose state dollars to which they are entitled, while three will gain money they don't deserve.

Montgomery County will grab an extra \$27.7 million; Prince George's County alone will lose more than \$23 million. NTI also is used to determine the distribution of another state grant program, adding further injury and inequity.

So it all comes down to one question: Will the General Assembly condone this abuse of power, or will it act to preserve the fairness and honesty of the state education aid formula?

David Merkowitz of Hyattsville is executive director of the Prince George's Business-Education Alliance.

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