

Schools, county gird for showdown over student spending

By: [Lisa Gartner](#) 03/09/11 9:05 PM

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The Montgomery County school system is gearing up for a showdown with the cash-strapped county over education funding.

Montgomery County Public Schools took the first step toward a lawsuit, County Council members say, when it asked the Maryland State Board of Education for a "declaratory ruling" of the state's per-pupil funding requirement -- which Montgomery officials say they cannot afford. "It certainly makes it difficult to have a conversation and any trust between the players when the first thing out of the box is a potential lawsuit," said Councilwoman Nancy Floreen, D-at large. "[The board] can do what they choose to do, but the facts are the facts, our revenues are down. This isn't helping."

Montgomery school officials threatened to sue the county government over funding last year when they sent a draft of lawsuit papers to council members, Floreen said.

Councilman Phil Andrews, D-Gaithersburg/Rockville, said this new request of the state board is "a follow-through on that threat last year."

"It's disappointing that the school system is using tax dollars to, in effect, sue taxpayers, when it could be using those tax dollars to provide direct services to students," Andrews said.

Under the state's "maintenance of effort" requirement, the county would have to pump \$82 million more into Montgomery public schools next year to accommodate 3,340 more students.

"I'm not going to do that," County Executive Ike Leggett told The Washington Examiner previously. Montgomery is facing a \$300 million shortfall next budget year, after filling a \$1 billion budget gap. It currently spends \$2.1 billion -- 57 percent of the county's budget -- on its public schools.

Last year, the dire financial situation earned Montgomery a waiver from the state, but officials say that's unlikely again. Without a waiver, Montgomery County would miss out on \$33 million in state aid -- which would save the county \$49 million compared with Superintendent Jerry Weast's \$82 million request.

Montgomery school board President Christopher Barclay would not confirm that the school system is considering a lawsuit. "I'm telling you that what we're doing is seeking clarification" of

the state funding requirement and whether county officials can forego a waiver if they choose not to meet it, Barclay said. "We have never made an indication that we want to get into the business we were in last year."

The petition, sent by school system attorney Judith Bresler, explained that the school system is concerned the county will not seek a waiver.

Andrews said the budget season is too young to decide whether to pursue a waiver.

"It's such a misguided effort on the part of MCPS," he said. "It's hard to overstate that."