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Peter Franchot
Comptroller

Len N. Foxwell
Chief of Staff

March 23, 2016

Theresa R. Alban, Ph. D.
President, PSSAM and
Superintendent, Frederick County Public Schools
191 South East Street
Frederick, MD 21701

Dear Superintendent Alban:

Please be advised that Comptroller Franchot is in receipt of your March 18 letter, addressed to Speaker Busch and Senate President Miller, which expressed concern over the process by which Maryland's public school systems appeal to the Board of Public Works for additional public school construction dollars. Given his oversight of Maryland's Public School Construction Program as a member of the Board of Public Works, and the seriousness with which he approaches his responsibilities as a steward of taxpayer dollars, the Comptroller has asked me to respond to you on his behalf.

As a point of personal privilege, I must say that this is one of the oddest letters that this Comptroller, or any member of his staff, has received over the course of his tenure in office. To quote the second sentence in your letter,

...our experience has been that the members of the BPW often do not question the construction projects but use the time as a forum to advance political agendas such as financial literacy, declining enrollment, communications to parents, post-labor day starts, charter school approvals, and other instructional or operational issues.

For the sake of brevity, I'll refrain from commenting at length on your clinical dismissiveness, as "political," of the need to ensure that our public school graduates are equipped with the tools to make responsible financial decisions as adults, the importance of timely and accurate communication with the families who, as taxpayers, pay your salary and mine, or -- as was recently demonstrated in Carroll County -- the disruption of family life that ensues when public school systems dramatically overestimate their school enrollment trends and are, therefore, forced to close schools and relocate their student population.

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Suffice, for the moment, to say that comments such as these reflect a sense of disconnected arrogance that insults the sacrifices of those who work so hard, with modest pay and inadequate public recognition, to make our public schools the finest in the nation.

Nor will I question the wisdom of insulting two members of a three-person governing body – through public correspondence and nearly two months after the meeting in question – particularly when one of them is the Governor of Maryland. Given that Comptroller Franchot has visited more than 200 schools during his term in office, and has established a hard-earned reputation for accessibility, it would have been quite easy for you, or any of your colleagues, to reach out and offer your concerns in a more professional and less political manner.

Instead, however, I'll focus on your apparent contention that the Board tends to prioritize irrelevant issues instead of those directly relative to the construction, renovation and expansion of public school facilities in the State of Maryland. To jog my memory of the IAC Appeals meeting on January 27, I downloaded the meeting transcripts, which are available online at www.bpw.maryland.gov, and referenced Frederick County's presentation. A couple of facts stand out from those documents:

- 1) **You weren't there.** According to Chief Operating Officer Ray Barnes, you were "*under the weather and couldn't make it.*" Which obviously calls into open question your ability to criticize the performance of the meeting participants so authoritatively.
- 2) **The conversation was brief and exclusively focused upon need for, and the costs of, the priority projects on Frederick County's list.**
- 3) **The conversation was highly collegial.** Comptroller Franchot offered justifiable praise of Frederick County's reputation for effective school maintenance.

I want to compliment Frederick on its maintenance program because you have schools that are just as old as schools in other parts of the State that have been superbly maintained and they are still viable...you guys get a lot of superior ratings and a lot of good ratings as far as maintenance because you take care of what you have.

As you presumably know, this Board, when evaluating public school construction requests from our local school systems, now gives considerable weight to their commitment to effective school maintenance, which leads to lower costs and extended lifespans for existing facilities – not to mention improved academic outcomes. So in this context, please rest assured that the Comptroller's supportive commentary was a good thing.

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If, by chance, there were highly politicized attacks that avoided the attention of those who prepare these transcripts, I would respectfully encourage you to share the details with us.

Indeed, a reading of the transcripts from the January 27 meeting will confirm that the brief, subject-specific and collegial nature of the Board's discussion with Frederick County was the norm and not the exception - whether it was the high praise that was directed at Superintendent Kevin Maxwell for his successful work in Prince George's County, or the detailed case that was made by Dorchester County Superintendent Henry Wagner for a replacement of North Dorchester High School.

As is always the case, there were moments when the Board members felt obligated to take an opportunity to question school officials on larger issues that impact the serviceability of our school buildings, and the health and safety of those who use them.

For example, one could argue that it would have been irresponsible for the Governor, Comptroller and Treasurer to hear Howard County's appeal for more money without addressing the mold issue that had caused serious illnesses in places such as Glenwood Middle School, and questioning school officials on if, when and how they chose to communicate with families about these problems.

Similarly, it would have been a dereliction of duty for the Board members to complete their review of Baltimore County's appeal without raising pointed questions about deplorable learning conditions in places such as Dulaney and Lansdowne High Schools, or to question if and when Baltimore City intends to provide air conditioning for students and teachers in nearly 2,000 classrooms across the city. If it is your intent to respond to this correspondence, it would be instructive to know whether you regard such topics as illustrative of the "political agendas" you referenced in your letter to the presiding officers.

In the absence of any merit, whatsoever, to your claims that the Board members used the IAC appeals meeting as a platform for inappropriate subjects, one can only conclude that your true objective, and that of your colleagues, is to solicit and receive hundreds of millions in taxpayer dollars each year without the inconvenience of actually having to explain your requests in a public forum. In place of a process in which local school systems must defend their requests for all of 10 minutes and be held accountable for their past stewardship of taxpayer dollars before three statewide constitutional officers - two of which are elected statewide - the Association has proposed a process by which the counties can submit their written appeals to an unelected and little-known body that conducts its business in virtual privacy.

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Speaking again for the Comptroller, I would respectfully suggest that, while such a comfortable arrangement would doubtlessly be more convenient for Maryland's education bureaucrats, it would represent a profound disservice to those teachers, students, parents and school employees who deserve to have their concerns given voice in a public forum. It would also eliminate a valuable source of transparency for taxpayers who pay for these new and renovated schools, and deserve to know - through public forums such as the Board of Public Works - how effectively their hard-earned dollars are being invested.

In summary, the Comptroller takes umbrage at the Association's willfully misleading characterization of the IAC appeals process, and would suggest that the procedural changes, as presented in your letter, is an unnecessary affront to the principles of transparency and accountability. Irrespective of whatever nebulous political objectives may have been achieved with this letter, it is difficult to see how it satisfies the best interests of those who you and your colleagues have actually been hired to serve.

Sincerely,



Len N. Foxwell
Chief of Staff
Office of the Comptroller