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February 6, 2020

Health and Government Operations Committee
House Office Building, Room 241
6 Bladen St.
Annapolis, MD 21401

House Bill 502 - Public Information Act –Revisions

Hearing: February 11, 2020 - Health and Government Operations Committee

Position: Support

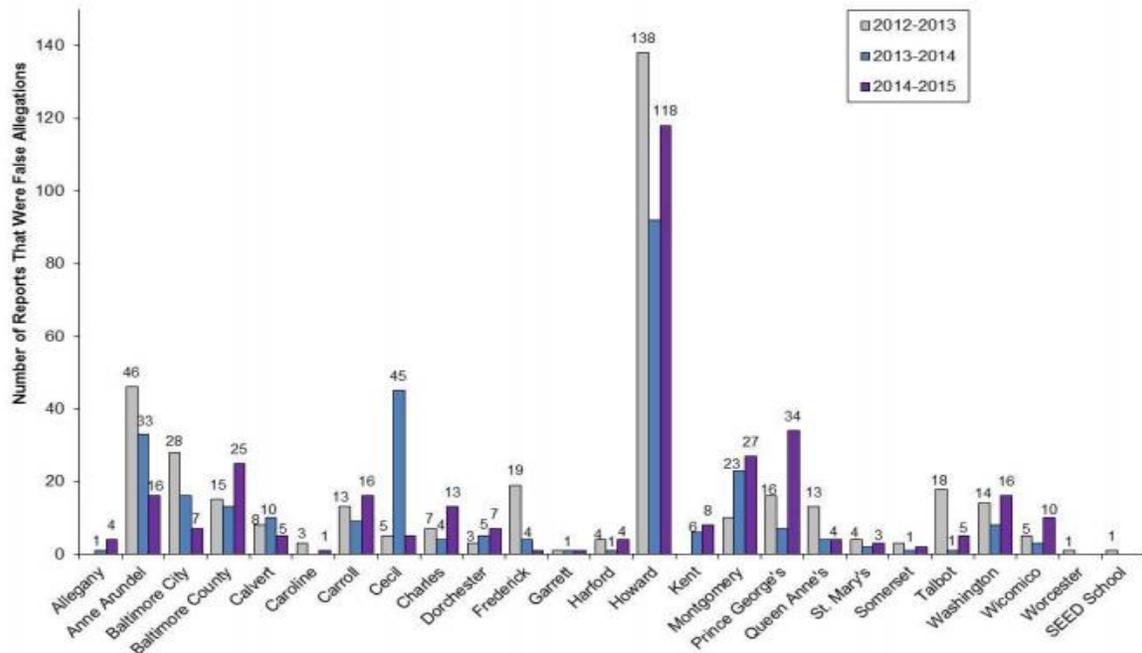
I submitted my first Maryland Public Information Act (MPIA) request in 2015. As a member of the Special Education Citizen’s Advisory Committee, I asked the Howard County Public School System (HCPSS) for the parent survey responses (i.e., what HCPSS does well and what could be improved) from their \$300,000 sole source special education audit. Their response was “the contractor owns that data” and they had “nothing responsive to my request”. Another parent requested the audit report. She was told “no such report exists”. The Howard County Delegation to the General Assembly passed a bill to have the then newly appointed Maryland Public Access Ombudsman review all MPIA requests and responses during the Superintendent’s tenure. The Ombudsman found three very egregious violations of the law¹. So, what happened as a result? Howard County paid that Superintendent \$1.6M to leave before her contract was up.

In 2016, I submitted an MPIA to the Maryland State Department of Education (MSDE) regarding the troubling bar chart (Figure 11 below) that was in the MSDE “Bullying, Harassment, or Intimidation in Maryland Public Schools” report published in March 2015. I asked for the false reports of bullying to be broken down in the Howard County data by race,

¹ “REPORT CONCERNING THEHOWARD COUNTY PUBLIC SCHOOL SYSTEM’S HANDLING OF REQUESTS UNDER THEPUBLIC INFORMATION ACT” December 30, 2016. Lisa Kershner, Maryland Public Access Ombudsman. <http://www.marylandattorneygeneral.gov/OpenGov%20Documents/PAO/Final%20HB%201105%20report.pdf>

gender, disability, and age (elementary, middle, high). The response was that the data could only be broken down by age, which MSDE provided. However, I followed up with a request for any MSDE “procedures for checking the accuracy of the false determinations made by the LSS. 138 false allegations seems statistically significant.” I never received a response, but even more troubling was the subsequent MSDE report included Figures 1 – 10 as in the 2015 report, but Figure 11 was simply removed from the 2017 report.

Figure 11: Number of False Allegations, by Local Education Agency



Source: MSDE Bullying, Harassment or Intimidation in Maryland Public Schools, A Report to the Maryland General Assembly, Incidents Reported Under the Safe School Reporting Act of 2005, March 31, 2015

These problems are not limited to Howard County. We see continual newspaper and television news reports about the lack of transparency related to open government and public records in other Maryland public schools as well.

- After the former Baltimore County Public School Superintendent, Dallas Dance, went to prison for lying on his ethics form, community members submitted MPIAs related to ethics forms of high-level Central Office employees at BCPS. Not only were these forms shredded the day that Dallas Dance went to prison, but there have been numerous

journalists investigating the MPIA responses about these forms and the legality of the shredding.

- Project Baltimore from Fox 45 had to sue in court to obtain Baltimore City Public School's report on the grade changing investigation. They recovered their legal fees from the school system under court order, but it took many months to obtain this public document for the citizens of Baltimore.
- During last year's legislative session, two parents of students receiving special education services (one in Anne Arundel and one in Carroll) both discussed their schools taking them to court and spending tens of thousands of dollars in legal fees to avoid paying for an independent educational evaluation of their children (which cost less than \$2-\$3k). A delegate asked how often that occurs in Maryland schools, but no one had the answer. I then submitted MPIAs to request this data from all 24 school systems. A few responded past the 30 days, but two simply never responded.

The lack of public trust in our public bodies – from Mayors in Baltimore to local government agencies to Maryland Delegates – demonstrates that we clearly need to add enforcement capabilities to ensure the citizens of Maryland have access to their government and assurances that closed-door deals will not be tolerated. With the influx of hundreds of millions of dollars of Kirwan funding being reviewed, it is critical for the public to have access to information related to student progress and use of funds. If a citizen is denied a public record and the compliance board proves the public body is legally required to provide it, without such enforcement, public trust will continue to erode.

I urge a favorable report on this bill.

Respectfully,

A handwritten signature in blue ink that reads "Barbara Krupiarz". The signature is written in a cursive style and is contained within a light blue rectangular box.

Barbara Krupiarz