



Comments on Working Group 1 draft

August 30, 2018

Dr. William E. Kirwan, Chairman  
Maryland Commission on Innovation and Excellence in Education  
Sent by electronic mail  
[PreK-12InnovationandExcellenceCommission@mlis.state.md.us](mailto:PreK-12InnovationandExcellenceCommission@mlis.state.md.us)

Dear Dr. Kirwan and Members of the Commission:

As the Commission finalizes its recommendations to expand high quality early education programming, the American Civil Liberties Union of Maryland (“ACLU-MD”) would like to highlight several key points to be taken into consideration in regard to implementation.

Throughout the Early Education Workgroup meetings, there mostly has been consensus around prioritizing the phasing in of low-income 3- and 4-year-old pre-k programming. Given the enormous gap in achievement between low and middle-high income students — which mostly affect Black and Brown children statewide — prioritizing this is imperative. As the Commission and its experts have acknowledged, providing full-day early education to low income 3- and 4-year-old students is advantageous in the beginning years of school and effects are also shown to last well into adulthood.

The Commission is also faced with the task of ensuring that funding is prioritized and distributed in an equitable manner. According to Maryland data in the 2016 United States Census American Community Survey, 14% of children under 5 live in poverty. Under the age of 18, 50% of children in poverty are Black and 18% are Hispanic<sup>1</sup>. It is imperative that these students are afforded the resources and educational opportunities to excel at an early age.

We are encouraged by the Commission’s efforts to prioritize full-day programming for 3- and 4-year old students from low-income families and ensuring that community based providers accept students with special needs. However, we do recommend the following be changed in the Commission’s “Implementation Decisions”:

- For full-day 3-year-old programs, phase in students below 185% FPL first, followed by students up to 300% FPL.
- Take a more aggressive approach and shorten the 10 year timeline for full phase-in of 3-year-old programs. This program might make one of the Commission’s biggest impacts on student achievement; we shouldn’t wait two decades for them all to reach middle school to find out.
- Offer full-day programming to 4- year-olds at 185% first, then phase up to 300% rather than ½ day for all first (understanding that some localities will not have mixed-income

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<sup>1</sup> [Kids Count Data Center, Child Poverty Status by Race, 2009-2016](#)

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classrooms based on their population/location). Many eligible children at 185% FPL do not get access because parents work and cannot use half-day programs.

- For 4-year-old programs, reduce the required minimum 50 percent use of community-based providers and/or provide flexibility as several school systems are already serving 100% of low-income students at 185% FPL in full-day programs.
- Ensure that funding is provided for systems that are able to phase in service delivery faster than the outlined target percentages (that is, that state payments begin immediately, if LEAs move to full-day programs in year 2 rather than year 4).

In Element 1a. Design Assumptions, we appreciate the Working Group 1's inclusion of item number 8. The ACLU-MD recommends adding several words to read:

“Participating providers accepting public funds may not discriminate in student admissions and retention on the basis of the student's or parent's/guardian's race, color, disability, national origin, or sexual orientation.”

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We are aware of the many nuances that must be considered in order to provide high quality early education to students across the state of Maryland. A network of public schools, community providers, universities, MSDE, and families must build the capacity and commitment to ensure Maryland has one of the most robust early education systems in the country. As the Commission finalizes its recommendations, we ask that a commitment to equity and distribution of resources to the families who need it the most, is prioritized above a universal system in the first few years of the phase in. With this premise guiding the work, Maryland will ensure high quality early education, for generations to come.

Thank you for the opportunity to give input.

Sincerely,

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