

## Maryland Association of Boards of Education

### CONTINUING RESOLUTIONS 2007-2008

#### STATE/LOCAL RELATIONS

##### A. Finance and Reporting

###### **Social Security, Pension, and Retirement Costs**

(Adopted 1981; amended 1984, 1985, 1988, 1991, 1992, 1993, 1994, 1997, 2000, 2002, 2004, 2007)

WHEREAS, the Maryland Association of Boards of Education (MABE) believes that the men and women who work for the public school system are the key to educating our young people; and WHEREAS, MABE believes that providing adequate retirement benefits is essential to addressing the teacher shortage and making Maryland more competitive relative to our neighboring States; and WHEREAS, for too long Maryland's pension system has failed to provide an adequate level of income and benefits to ensure a economic independence for retirees; and WHEREAS, MABE has consistently supported legislation to significantly increase the level of teachers' and school employees' pension benefits; and WHEREAS, MABE strongly supported the General Assembly's action in 2006 to phase-in significant increases to the teachers' and school employees' retirement system; and WHEREAS, MABE recognizes that funding adequate teacher and employee retirement benefits is a significant and growing financial obligation of the State budget; and WHEREAS, MABE strongly opposed the Maryland State legislature's decision in 1991 to shift the State's funding responsibility for social security costs to county governments and local school systems, and unsuccessfully sought the restoration of this funding in subsequent legislative sessions; and WHEREAS, the Governmental Accounting Standards Board (GASB) has issued Statement No. 45, "Accounting and Financial Reporting by Employers for Post Employment Benefits Other Than Pensions (OPEB)", which imposes new and costly accounting and reporting requirements for health insurance and other post-employment benefits provided to eligible school system retirees; NOW, THEREFORE, BE IT RESOLVED, that MABE urges the Governor and General Assembly to continue to fully fund pension and retirement costs and pursue legislative and budgetary action to sustain the increased level of benefits provided through the State teacher pension and retirement systems; and BE IT FURTHER RESOLVED, that MABE urges local governments to adequately fund retiree health care benefit programs in accordance with the requirements of GASB 45 and in a manner that does not supplant increase investments in educational programs and services; and BE IT FURTHER RESOLVED, that MABE opposes any shift in funding responsibility for teacher retirement costs from the State to county governments and local school systems.

###### **Maintenance of Effort**

(Adopted 1991; amended 1992, 1993, 1994, 1996, 1999, 2000, 2002; readopted 2005)

WHEREAS, increased demands are being made on public education for greater accountability; and WHEREAS, statewide, more than 50% of the funding for Maryland's public schools is provided by local governments; and WHEREAS, the General Assembly in 1996 altered the maintenance of effort requirement to allow the State Board to grant waivers of the maintenance of effort requirement to local governments; and

WHEREAS, the General Assembly in 1996 altered the maintenance of effort requirement to permit local governments to exclude nonrecurring costs from the maintenance of effort calculation; and  
WHEREAS, current maintenance of effort law, which increases local funding only to account for increased enrollment, fails to take into account such factors as inflation, increases in teacher salaries, the general increase in the costs of providing educational services, and the additional programs that must be established to enable all students to be successful; and  
WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 requires increased State education aid and enhanced local school system performance accountability without modifying the maintenance of effort law; and  
WHEREAS, the Commission on Education Finance, Equity, and Excellence that proposed the Bridge to Excellence Act concluded in its report that “meeting adequacy goals ... will require that counties continue to exceed maintenance of effort” and “if counties provide increases in education funding comparable to the increases provided from fiscal 1997 to 2000, most school systems would meet or exceed adequacy goals...”; and  
WHEREAS, Maryland’s public school students deserve the affirmative commitment of all county governments to provide annual increases in public education funding which exceed the minimum maintenance of effort funding level required by statute; and  
WHEREAS, currently, if a local government fails to meet the maintenance of effort requirement, the penalty is for the State to withhold any increases in State education funding for that jurisdiction’s school system, thus penalizing public school students for the local government’s failure to comply with State law;  
NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) urges the Maryland State legislature to retain, as a minimum requirement, the maintenance of effort provision in Section 5-202(b)(3)(ii) Education Article that mandates the county governing body to appropriate local funds to the school operating budget in an amount no less than the product of enrollment for the current fiscal year and the per pupil local appropriation for the prior fiscal year, as determined by the Maryland State Board of Education; and  
BE IT FURTHER RESOLVED, that MABE shall seek legislation to require that local education funding be no less than the previous year’s level, despite fluctuation in enrollment; and  
BE IT FURTHER RESOLVED, that MABE urges the State Board to narrowly construe the exclusion for nonrecurring costs and to grant maintenance of effort waivers only in exceptional circumstances; and  
BE IT FURTHER RESOLVED, that MABE urges the General Assembly to amend the law to require that local funding be increased from year to year consistent with the adequacy goals of the Bridge to Excellence Act and to account both for increased enrollment and increases in fixed costs; and  
BE IT FURTHER RESOLVED, that MABE urges the General Assembly to amend the law to place the penalty for failing to comply with the maintenance of effort requirement on local governments, not to be passed on to the local school systems and students.

### **Line Item Control**

(Adopted 1995; readopted 1998, 2001, 2004, 2007)

WHEREAS, the responsibility for establishing, selecting, and developing educational programs in the public schools belongs to the local boards of education; and  
WHEREAS, the local boards are knowledgeable in methods of achieving educational excellence and are accountable for both student performance and fiscal management; and  
WHEREAS, line item control of local education budgets by county government officials would grant them the ability to control the smallest detail of education programming; and  
WHEREAS, line item control by county government officials would shift the governance of the public schools from the local boards of education to county government officials; and  
WHEREAS, in funding the public schools, fiscal control over both the level of local education funding and categorical spending already resides with the county government officials;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education opposes granting to county government officials line item control of local education budgets.

### **Transportation Funding**

(Adopted 1981, 1984, 1987; amended 1990, 1992; readopted 1995, 1997; amended 2000, 2002, 2005)

WHEREAS, adequate State funding for public school transportation has been a longtime goal of this Association; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 increased State funding for student transportation to address chronic underfunding through the 1980's and 1990's; and

WHEREAS, between fiscal 1981 and 1998 total expenditures for student transportation increased by 180 percent, yet during this same period State expenditures for student transportation increased by only 35 percent; and

WHEREAS, the percentage of total student transportation costs funded by the State peaked at about 90 percent in 1984 and declined gradually in each subsequent year to a funding level of 36 percent in 1998; and

WHEREAS, for nearly twenty years, State funding for disabled student transportation was limited to \$500 times the number of disabled students requiring special transportation services who were transported by the county board in excess of the number transported during the 1980-1981 school year; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 increased the base transportation grant for 15 counties that experienced aggregate enrollment increases between 1980 and 1995, a time when the transportation formula did not include annual adjustments for enrollment increases, and increases by fiscal 2008 per pupil funding for students receiving special transportation services from \$500 to \$1000; and

WHEREAS, additional requirements for student transportation have been created through mandated programs; and

WHEREAS, rapid increases in gasoline prices present significant unanticipated expenditures from transportation budgets and potentially reduce available funding for other educational programs and services; and

WHEREAS, the federal McKinney-Vento Homeless Assistance Act, as amended by the No Child Left Behind Act of 2001, requires that homeless students must be provided with transportation to and from their school of origin at parent or guardian request; transportation services may include crossing district boundaries or providing special education bussing; and if the student transportation needs cross district boundaries, the two districts must determine how to divide the responsibility and cost;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) will cooperate with other interested groups to advocate for adequate student transportation funding; and

BE IT FURTHER RESOLVED, that MABE will urge the Governor and the Legislature to fully fund the student transportation funding increases provided by the Bridge to Excellence in Public Schools Act.

### **Adequate and Equitable State and Local Funding of Public Education**

(Adopted 1990; amended 1993, 1994, 1997, 2000, 2002, 2004, 2007)

WHEREAS, the Maryland Association of Boards of Education, the preeminent voice for public education in Maryland, has consistently supported adequate and equitable funding for Maryland public schools; and

WHEREAS, there are substantial differences in the ability of local Boards of Education to fund programs; and

WHEREAS, this has resulted in substantial inequity in the provision of educational opportunity to the children of Maryland; and

WHEREAS, the current funding provided to local boards of education from State and local sources has not funded the programs and services needed to ensure the provision of an adequate education to students; and

WHEREAS, additional State and local dollars are urgently needed to ensure the provision of an adequate education to students; and

WHEREAS, the Maryland State Constitution requires that the General Assembly “shall by law establish throughout the State a thorough and efficient system of free public schools; and shall provide by taxation or otherwise for their maintenance”; and

WHEREAS, the Commission on Education Finance, Equity, and Excellence convened by the General Assembly:

- Determined, based on the conclusions of thorough expert analysis, that current per pupil funding is significantly inadequate;
- Recommended consolidating categorical programs, increasing the base amount of per pupil funding, and enhancing supplements to this amount in order to address the increased costs arising from educating students with special needs; and
- Recommended providing local school systems maximum flexibility in allocating resources; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002, based substantially on the recommendations of the Commission:

- Eliminates twenty-seven categorical programs and phases in significant State funding increases through fiscal 2008 to enhance the adequacy, equity, and flexibility of State public school funding;
- Enhances local school system accountability for student performance by requiring that all local school systems must develop a five-year comprehensive master plan for student achievement;
- Establishes task forces to address issues including the adequacy and equity of the State public school construction program and student enrollment count methodology;
- Mandates that all local school systems provide by 2007 universal kindergarten and targeted pre-kindergarten programs for all economically disadvantaged four-year-olds; and
- Requires increased State education aid and local school system performance accountability without modifying the maintenance of effort law; and

WHEREAS, the Commission on Education Finance, Equity, and Excellence that proposed the Bridge to Excellence Act concluded in its report that “meeting adequacy goals...will require that counties continue to exceed maintenance of effort” and “if counties provide increases in education funding comparable to the increases provided from fiscal 1997 to 2000, most school systems would meet or exceed adequacy goals...”; and

WHEREAS, Maryland’s public school students deserve the affirmative commitment of all county governments to provide annual increases in public education funding which exceed the minimum maintenance of effort funding level required by statute; and

Whereas, many school systems will not reach the “adequate” per pupil funding amounts called for in the Bridge to Excellence Act, due in part to the State’s failure to fund the Geographic Cost of Education Index (GCEI), as well as other State and local funding decisions;

NOW, THEREFORE, BE IT RESOLVED, that MABE will work collaboratively and vigorously with all stakeholders to ensure broad public support for full funding of the Bridge to Excellence Act by State and local governments; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to fully fund the Bridge to Excellence Act, including increases mandated by the Act’s annual inflation factor; and

BE IT FURTHER RESOLVED, that MABE will advocate for State and local efforts to secure increased local contributions consistent with the equity and adequacy goals of the Bridge to Excellence Act; and

BE IT FURTHER RESOLVED, that MABE will vigorously oppose any effort to reduce State funding and/or shift funding responsibilities from the State to county governments; actions which would potentially result in counties reducing funding to the minimum maintenance of effort amount, reducing levels of education programs and services for students, and eroding the State’s progress toward an adequate and equitable education for all students in Maryland’s public schools.

**Adequate School Facility Funding**  
(Adopted 1999; amended 2001, 2002, 2005)

WHEREAS, the Maryland Constitution requires that the State provide a “thorough and efficient” system of public education, and providing a “thorough and efficient” system of public education requires adequate public school facilities; and

WHEREAS, all 24 school districts are in urgent need of adequate capital funding and annually request State and local funding to construct, renovate, and maintain school facilities; and

WHEREAS, adequately maintaining school facilities requires significant investments from both State and local governments; and

WHEREAS, needs and uses of public schools are dynamic, and local boards of education must be able to adequately address and finance the range of facility needs in capital projects; and

WHEREAS, current IAC regulations exclude State funding of specific costs related to facilities, such as land acquisition and architectural and engineering fees; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandates that all local school systems provide by 2007 universal full-day kindergarten and targeted pre-kindergarten programs for all economically disadvantaged four-year-olds; and

WHEREAS, the Task Force to Study Public School Facilities was created by the Bridge to Excellence in Public Schools Act of 2002; and

WHEREAS, the task force conducted a statewide facilities needs assessment and recommended revisions to the State school construction program which were included in the School Facilities Act of 2004; and

WHEREAS, the survey of school facility needs focused on 31 minimum standards deemed essential for complying with current federal and State facility requirements regarding fire safety, mechanical systems, instructional programs including full-day kindergarten, security, air conditioning and indoor air quality, and student capacity; and

WHEREAS, the survey found that statewide facility needs total \$3.85 billion, representing current failures to meet basic standards as well as the State's share of costs to construct schools to meet student capacity by 2007; and

WHEREAS, the school facilities act revised State and local cost share formulas, reduced the State rated capacity for grades 1 to 5 from 25 to 23 students per classroom, enhanced opportunities to use alternative financing methods to fund projects, and adopted the goal of providing \$3.85 billion by FY 2013; and

WHEREAS, school construction costs are escalating rapidly, resulting in project costs that dramatically exceed the task force's projected cost estimates and the anticipated State and local appropriations for pending projects; and

WHEREAS, the Maryland Association of Boards of Education has always supported adequate and equitable funding for Maryland public schools; and

WHEREAS, MABE's vision statement represents that MABE is the “primary and preeminent voice for public education in Maryland”; and

WHEREAS, MABE has the unique ability to work collaboratively with all educational stakeholders and to coordinate the governmental relations efforts of all 24 school districts;

NOW, THEREFORE, BE IT RESOLVED, that MABE commends the General Assembly and Governor for providing \$250 million for school construction and renovation in FY 2006 and urges a continued commitment in future years to provide the State's share of the more than \$4 billion needed to address the school facility needs identified in the school facilities task force report; and

BE IT FURTHER RESOLVED, that MABE supports:

- Adequate State funding for capital costs arising from mandated universal full-day kindergarten and targeted pre-kindergarten for economically disadvantaged students;
- Legislation or regulations to revise the State's definition of eligible project costs to include architectural, engineering, and site development costs;

- Improvements to IAC policies to enhance local board of education abilities to effectively and efficiently manage and execute approved projects; and
- Legislation to exempt school construction from prevailing wage requirements, or to raise the State funding threshold from 50% to 75% to limit the application of prevailing wage rates to school construction projects, in order to reduce construction costs; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and the General Assembly and local governments to increase the availability of funding to local boards of education to meet the changing range of facility needs including public safety related technologies and renovations; and

BE IT FURTHER RESOLVED, that MABE shall make every reasonable lobbying effort supporting sufficient State and local funding for school construction and renovation projects and building maintenance to ensure quality school facilities for all Maryland students; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and the General Assembly to take steps to ensure that State funding for public school facilities is allocated equitably.

## **B. Personnel**

### **Employee Relations and Negotiations**

(Adopted 2001; amended 2002, 2005)

WHEREAS, the Maryland Association of Boards of Education supports the legitimate interests of employees to be party to decisions involving their working conditions; and

WHEREAS, the existing structure and process for collective bargaining for Maryland's public education personnel have been tested over a period of 23 years since its adoption through legislation; and

WHEREAS, the State Board and the Maryland courts have defined and refined the collective bargaining process to ensure that educational policy decisions are not subject to labor negotiations; and

WHEREAS, the State Board and the Courts have recognized that, in setting policy, local boards must balance the legitimate and sometimes competing interests of parents, students, educational personnel, and the community, and seek advice from all key stakeholders in order to reach credible decisions; and

WHEREAS, the program of educational improvement in Maryland is dependent on clearly defined policies and affirmative action by the State and local boards of education that put children and high standards for learning first and foremost; and

WHEREAS, boards of education are entrusted with the responsibility to represent the community's interests in public education and to foster community engagement in policy and planning decisions; and

WHEREAS, the General Assembly and Governor enacted legislation in 2002 amending the public education collective bargaining law to:

- Maintain the requirement that "salaries, wages, hours, and working conditions" must be negotiated;
- Create a new category of "all other subjects" which may be negotiated, by certificated and noncertificated staff, if both the employee organization and local board mutually agree;
- Shift the negotiation of discipline and discharge of noncertificated employees from an illegal to permissive subject;
- Allow noncertificated employees in the nine counties on the eastern shore to establish bargaining units; and
- Prohibit certain subjects from being negotiated, including the maximum number of students in a class, school calendar, and all matters precluded by applicable statutory law;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) will forthrightly and actively oppose any legislative changes that would compromise the authority and responsibility of the State Board and local boards of education to establish

educational policy in collaboration with all key stakeholders including parents, students, educational personnel, and community leaders; and  
BE IT FURTHER RESOLVED, that MABE will work affirmatively in support only of changes to the present collective bargaining structure that preserve or enhance the authority of the State and local boards to establish educational policy in a collaborative and broadly based context that promotes the confidence and support of the public in its schools.

## **C. Buildings**

### **Closing of School Buildings**

(Amended 1981, 1984, 1987, 1990, 1993, 1996, 1999; readopted 2002, 2005)

WHEREAS, Section 4-115 of the Education Article authorizes and empowers the county boards of education with the approval of the State Superintendent of Schools to determine when grounds, school sites, or buildings are no longer needed for school purposes; and

WHEREAS, from time to time legislation has been introduced which, if enacted, would have required the board of education to obtain the approval of the local government when school buildings are determined to be no longer needed and are to be transferred to the local government; and

WHEREAS, the present law governing the acquisition and sale of school grounds, sites, and buildings is satisfactory;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) opposes any legislation that would change the current law which places the authority to determine when a school building is no longer needed for school purposes with the local superintendent of schools, the county board of education, and the State Superintendent of Schools; and

BE IT FURTHER RESOLVED, that MABE opposes any effort by the State to require local subdivisions to reimburse the State for any existing debt service before a school is permitted to be conveyed to the local government.

## **D. Children**

### **Before and After School Programs**

(Adopted 1990, 1993; amended 1996, 1999, 2002, 2005)

WHEREAS, the Maryland Association of Boards of Education believes that the parents and children in Maryland would best be served through a coordinated effort by all those charged with the care of school age children in the State; and

WHEREAS, local Boards of Education facilities are utilized for many community activities serving as focal points in the lives of school age children in Maryland; and

WHEREAS, the need for before and after school child care is a community and business need as well as a school system need; and

WHEREAS, local boards of education have the capability to identify age appropriate education resources for before and after school programs; and

WHEREAS, local Boards of Education resources are utilized to provide quality instruction for students; and

WHEREAS, before and after school programs should support the formal education of participating children; and

WHEREAS, the No Child Left Behind Act has significantly increased the role of private providers of after school supplemental education services, on and off school premises;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education recommends that boards of education work collaboratively with State and local agencies and private providers to promote high quality, affordable before and after school programs; and BE IT FURTHER RESOLVED, that any State or federal mandated program related to before and after school programs is provided with adequate funding.

### **Quality Early Childhood Programs** (Adopted 2005)

WHEREAS, the Maryland Association of Boards Of Education (MABE) serves as the voice of the public in public education and has demonstrated its commitment to the continued achievement of all students served by local boards of education; and

WHEREAS, decades of research has confirmed that quality educational components to early child care arrangements have a positive impact on children's development, well-being, and academic potential; and

WHEREAS, State school readiness research shows that children with formal child care experiences prior to entering kindergarten show higher levels of school readiness than children without formal child care; and

WHEREAS, many families throughout Maryland cannot afford formal child care arrangements and State funding for the Purchase of Care program, which is the State subsidy program to assist low-income families with child care expenses, has suffered significant budget cuts in recent years; and

WHEREAS, support of early childhood initiatives that enhance pre-school teaching skills, credentials, and professional development opportunities of child care providers and other early childhood professionals can ensure that participating children will have a meaningful opportunity to come to school ready to learn; and

WHEREAS, State investments in high quality early childhood education strengthen the opportunity for coordination between early childhood programs and public schools; and

WHEREAS, MSDE, local school systems, and early education providers are implementing the Maryland model for school readiness, which incorporates research-based instruction, age-appropriate assessment of children's learning, and effective communication among teachers, parents, and early childhood providers to enhance school readiness through common goals and program assessments; and

WHEREAS, Maryland employs the Work Sampling System (WSS) as the early childhood assessment system used in kindergarten for the purpose of assessing entering kindergartners' skills in seven areas: social and personal development, language and literacy, mathematical thinking, scientific thinking, social studies, the arts, and physical development; and

WHEREAS, legislation enacted in 2005 transfers the Child Care Administration (CCA) within the Department of Human Resources (DHR), excluding the Purchase of Care child care subsidy program, to MSDE, and requires the State Superintendent of Schools to establish an early childhood development division within MSDE; and

WHEREAS, legislation enacted in 2005 requires the Maryland State Department of Education (MSDE) develop a plan for the accreditation of all existing early learning programs and child care programs that are providing or are planning to provide full-day kindergarten classes or publicly funded prekindergarten programs for low-income four-year old children; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandates that by 2007 all local school systems provide universal full-day kindergarten and targeted pre-kindergarten programs for all economically disadvantaged four-year olds;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) urges the Maryland State legislature, the Congress of the United States, and the executive branches of both State and federal governments, to increase funding for quality early childhood programs, to include but not be limited to the Judith P. Hoyer Early Child Care and Family Education Centers; and

BE IT FURTHER RESOLVED, that MABE urges the General Assembly and Governor to provide adequate capital and operating funding to support mandated full-day kindergarten and targeted pre-kindergarten programs; and

BE IT FURTHER RESOLVED, that MABE supports statewide initiatives that provide funding for and access to affordable, high quality early childhood programs, including child care services, that are aligned with State and local school system learning standards and goals; and

BE IT FURTHER RESOLVED, that MABE supports local discretion to develop and implement early education programs in school facilities or in conjunction with private providers, and opposes State mandated agreements between school systems and private providers; and

BE IT FURTHER RESOLVED, that MABE urges the Governor and General Assembly to provide increased funding for the Purchase of Care program and other State programs providing access to affordable, high quality child care and early education programs; and

BE IT FURTHER RESOLVED, that MABE encourages local school systems to partner with their local child care community, local organizations, and local departments of health and human services, to provide culturally appropriate training to early child care and education providers on the school systems' learning standards and goals.

### **Safety in Public Schools**

(Adopted 1999; amended 2002, 2005)

WHEREAS, safety in public schools is important to local boards of education for the protection of students and staff, as well as a necessary element for a good learning environment; and

WHEREAS, threats to maintaining public school safety may be caused by a variety of factors both within and outside the school environment; and

WHEREAS, school safety issues arise in the daily operation of school facilities and services such as buses, science labs, kitchens, and boiler rooms; and

WHEREAS, school safety issues arise in the daily administration of school discipline policies and procedures, including the suspension and expulsion of students for disruptive behavior; and

WHEREAS school safety issues arise as school systems develop plans to respond to natural and man-made disasters such as tornadoes, hurricanes, floods, industrial accidents, and criminal acts including acts of terrorism; and

WHEREAS, public school safety issues and strategies vary from school system to school system; and

WHEREAS, safety in public schools requires adopting and implementing policies and procedures to educate staff and students about ways to reduce risks in the school setting and to respond to safety incidents when they arise; and

WHEREAS, prevention of disruptive student behavior is a key component for long-term, effective school safety; and

WHEREAS, maintaining safe schools sometimes requires the suspension or expulsion of disruptive students, an essential disciplinary tool that should be complimented with a continuum of school and community-based counseling and alternative education services; and

WHEREAS, the federal No Child Left Behind Act requires that states must define criteria for identifying "persistently dangerous schools" and allow students who attend a "persistently dangerous school" to transfer to another school, thereby raising public awareness and concern about the prevalence, costs, and consequences of disruptive and criminal student behavior; and

WHEREAS, safety in public schools is the joint responsibility of local boards of education, school administrators and staff, students, parents and guardians, law enforcement and other public safety agencies, human services agencies, and the community in general; and

WHEREAS, the tragic events of September 11, 2001 have resulted in federal, State, and local efforts to ensure that school systems develop coordinated emergency readiness, response, and recovery plans and procedures; and

WHEREAS, emergency management involves mitigation and prevention strategies to reduce risks to life and property; preparedness and planning strategies, including drills, for routine and worst-

case scenarios; response strategies including intergovernmental coordination; and recovery strategies to restore a positive learning environment after a crisis; and

WHEREAS, the adoption and implementation of school safety programs is sound educational and economic policy, recognizing the critical need to ensure continuity of operations in each of Maryland's public schools;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) will strive to provide programs and services that enhance school safety through identifying and educating school boards and administrators about sound school safety and risk management policies and procedures; and

BE IT FURTHER RESOLVED, that MABE urges federal, State, and local elected officials and other interested parties to work collaboratively with local boards of education to, develop and implement local public school safety programs; and

BE IT FURTHER RESOLVED, that MABE urges federal, State, and local governments to provide adequate funding for local public school safety programs, and the wide array of mental health and public safety services provided by other public and private entities, which are essential to maintaining safe schools and access to a quality education for all of Maryland's students.

## **E. Board Members**

### **School Board Member Professional Development**

(Adopted 1991, 1994; re-adopted 1997; amended 2000, 2002, 2004)

WHEREAS, assuring the highest quality of educational services by the public school system requires a continuing comprehensive program of professional development for teachers and administrators, and

WHEREAS, effective governance of public school systems also requires a continuing comprehensive program of professional development for school board members, and

WHEREAS, professional development for school board members should focus on leadership development and the key work and actions of school boards designed to promote student achievement and community engagement; and

WHEREAS, the key work of schools boards focuses on leadership for higher levels of student achievement, and the key actions of school boards include developing and supporting a vision, standards, assessment, accountability, alignment, climate, collaborative relationships, and continuous improvement; and

WHEREAS, the Maryland Association of Boards of Education and the National School Boards Association provide ongoing professional development programs for school board members focused on the key work and actions of school boards; and

WHEREAS, the professional development programs and services provided by the Maryland Association of Boards of Education include:

- Boardsmanship Academy seminars;
- Leadership and advanced leadership programs;
- The Master Board Program
- New board orientation;
- Board retreats;
- Legal Services Association (LSA) seminars;
- The Annual Summer Leadership Conference; and
- The Annual Conference; and

WHEREAS, the professional development programs and services provided by the National School Boards Association include:

- The Annual Conference;
- The Annual Leadership Conference;
- The Annual Northeast Regional Conference;
- The Annual Federal Relations Conference;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) strongly encourages local boards of education to participate in ongoing professional development through MABE and other providers designed to help school board members provide the leadership needed to ensure quality public education; and

BE IT FURTHER RESOLVED, that individual board members be strongly encouraged to develop a continuing professional development plan based on a personal needs analysis; and

BE IT FURTHER RESOLVED, that each local board of education is strongly encouraged to develop a local policy affirming the importance of ongoing professional development that is integral to individual roles and responsibilities for board members as well as for staff.

### **New School Board Member Orientation**

(Adopted 2002; readopted 2005)

WHEREAS, boards of education are committed to and accountable for establishing and maintaining excellent public schools in the districts that they serve; and

WHEREAS, the complexity as well as the import of the decisions that local boards must make have increased significantly in response to public expectations for the performance of public school students; and

WHEREAS, effective boardsmanship requires deep understanding of myriad complex issues and uncommon skill, analytical and interpersonal, to serve the public well; and

WHEREAS, boards of education are called upon to lead by example and to promote the value of continuous learning by adults as well as children; and

WHEREAS, the Maryland Association of Boards of Education provides a continuum of professional development for board members beginning with a comprehensive new board member orientation; and

WHEREAS, most new board members do enroll for new board member orientation and other professional development program opportunities;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Association do hereby affirm the responsibility of every board member to participate in a new board member orientation program.

## **F. Education Policy**

### **School Choice**

(Adopted 1992; amended 1995, 1998, 2001, 2002, 2005)

WHEREAS, public schools in Maryland are committed to serving all of the State's children, while private/ parochial schools can control the nature of the pupil population served; and

WHEREAS, provisions for public school choice currently exist intra-district; and

WHEREAS, the federal No Child Left Behind Act requires States and local school systems to provide intra-district student transfer options for students in low-performing and "persistently dangerous" schools; and

WHEREAS, the No Child Left Behind Act requires school systems to provide parents of certain students enhanced choices among private supplemental educational service providers for after-school tutoring; and

WHEREAS, provisions for interdistrict choice may exist when both systems agree; and

WHEREAS, private/parochial schools are not subject to the same legal regulations in areas such as teacher certification, student assessments and other accountability measures, and special education, thus making true competition impossible; and

WHEREAS, private/parochial school choice programs include vouchers, which are direct payments of taxpayer money by the government for private/parochial school tuition, and tuition tax credit programs, which offset expenditures for private/parochial school tuition by reducing a person's tax liability; and

WHEREAS, private/parochial school choice programs are not linked to measures that would improve failing schools, but would remove scarce public funds from the schools that have the most desperate needs; and

WHEREAS, funding for voucher and tuition tax credit programs is typically insufficient to finance the full cost of tuition at many private/parochial schools, thereby leading to increased isolation of socio-economic groups, while creating a subsidy for more affluent parents;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education supports local discretion to develop and implement policies that facilitate intradistrict public school choice, including public charter school policies, and opposes efforts to establish private/parochial school choice programs in the State.

### **Technology**

(Adopted 1994; re-adopted 1997; amended 2000, 2003, 2006)

WHEREAS, the ability to use technology is essential to student success in the 21st century; and  
WHEREAS, the State and local boards of education recognize that advances in technology, including computerization, telecommunications and other resources, have the proven potential to significantly improve student performance through access to information and enriched educational experiences; and

WHEREAS, the effective use of virtual and distance learning can be an effective adjunct to traditional classroom instruction; and

WHEREAS, access to standards-aligned resources and virtual learning opportunities are being advanced through collaboration among local school systems and the Maryland State Department of Education (MSDE), through initiatives such as the virtual learning opportunities program, and the MDK12 digital library project; and

WHEREAS, Maryland adopted its first State technology plan in 1995 to ensure that students and staff realize the optimum benefits from technology in the classroom; and

WHEREAS, the State plan contains the following primary interrelated objectives:

- Access to technology will be universal;
- All teachers will possess the knowledge and skills to effectively use and integrate technology into their classrooms;
- Technology tools and digital content that engage our students will be seamlessly integrated into all classrooms on a regular basis;
- Technology will be used effectively to improve school administrative functions, decision-making, productivity, and efficiency of operational processes; and
- Effective research, evaluation, and assessment will result in continuous improvement in the implementation and use of technology; and

WHEREAS, 95% of Maryland's classrooms have the capability to take advantage of the internet and the State continues to make progress toward the goal of having 100% of classrooms connected to this educational resource; and

WHEREAS, the Maryland voluntary State curriculum and core learning goals include expectations for how technology may be integrated into classrooms and schools to support student learning and instruction; and

WHEREAS, challenges remain in addressing the "digital divide" to provide and promote access inside and outside the school setting for all students to the educational resources available on the internet; and

WHEREAS, school systems are expanding the use of technology in making data-driven decisions to improve administrative and instructional systems to continually promote individual student achievement, implementing the State's education technology plan, and meeting the data analysis and reporting requirements of the Bridge to Excellence Act and No Child Left Behind Act;

NOW, THEREFORE, BE IT RESOLVED, that MABE supports State and local efforts to pursue the effective use of virtual and distance learning initiatives; and

BE IT FURTHER RESOLVED, that MABE supports the Maryland State Board of Education's plan for technology in education and the elimination of the digital divide; and  
BE IT FURTHER RESOLVED, that MABE will advocate for sufficient State and federal funding to ensure that the Maryland State Department of Education and local school systems can meet the State and federally mandated data analysis and reporting requirements; and  
BE IT FURTHER RESOLVED, that MABE will continue to support programs to maximize the effective use of technology in improving student instruction.

### **High School Assessments**

(Adopted 1997; amended 1999, 2000, 2002, 2004, 2007)

WHEREAS, local boards of education believe in and strive for improved academic achievement for all students; and

WHEREAS, the State Board and Maryland State Department of Education (MSDE) have historically pursued increasingly high standards for the Maryland high school diploma, including the recent development of rigorous High School Assessments (HSAs); and

WHEREAS, local school systems have raised many concerns about the implementation of this HSA program, including the impact on current local school system accountability structures, alternative assessments for students who fail the State test, the most appropriate test design, accommodations for special education and limited English proficient students, and the potential increase in the dropout rate; and

WHEREAS, the federal No Child Left Behind Act requires Maryland to adopt and implement numerous new student performance assessments which require the investment of significant State and local government resources; and

WHEREAS, in 2002 the State Board and MSDE developed and administered HSAs in four subject areas, English, Algebra/Data Analysis, Biology, and Government and in 2003 adopted proficiency standards for each HSA including cut scores; and

WHEREAS, in 2003 the State Board abolished the graduation requirement to achieve a passing score on the Maryland Functional Tests; and

WHEREAS, in 2003 the State Board adopted the State Superintendent of Schools' recommendation to develop draft regulations to make high school graduation with a Maryland State Diploma contingent on the passage of the four HSAs beginning with the graduating class of 2009; and

WHEREAS, MABE promptly requested the State Board and MSDE to conduct an inclusive stakeholder process to identify and respond to issues arising under the proposal; and

WHEREAS, MABE's concerns focused on student performance results, particularly when disaggregated by student groups, demonstrating significant achievement gaps on the HSAs for African American, Hispanic, limited English proficient, and special education students; and

WHEREAS, the State Board at its public session on June 26, 2004 granted final approval for regulations requiring that all diploma bound students complete four HSA courses, complete the four corresponding HSAs, and achieve a minimum composite score, or achieve a specific score on an MSDE-approved comparable assessment, as a graduation requirement beginning with students scheduled to graduate in the class of 2009; and

WHEREAS, students graduating in 2005 through 2008 must take the HSAs for English 2, Algebra/Data Analysis, Biology and Government; and

WHEREAS, the adopted regulations also include requirements for earning a Certificate of Program Completion, available to students completing the high school requirements of their Individualized Education Program (IEPs); and a Diploma by Examination (GED) for those not enrolled in high school; and

WHEREAS, the new HSA requirement is in addition to the minimum 21 credits, attendance, service learning, and other local school system graduation requirements; and

WHEREAS, the State Board has established a task force to meet between 2004 and 2007 to explore possible comparable assessment options that Maryland can make available for students

having difficulty with traditional assessments, including but not limited to students with disabilities; and

WHEREAS, State regulations provide that the State Board must review the use of the High School Assessments as a stand-alone graduation requirement before the end of 2008; and

WHEREAS, MABE has consistently requested that the State Board convene stakeholder meetings and public forums as appropriate and necessary components of the State's policymaking process in light of the magnitude of the implications of adopting Maryland's first truly "high stakes" graduation requirement; and

WHEREAS, in 2007, the General Assembly directed the State Board to hold regional public hearings to educate the public about the current policies and potential changes to the HSAs a graduation requirement, to report to the General Assembly on the status of the HSA program and the comments received at the public hearings, and to make recommendations on interventions to increase the HSA passage rate;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the State Board and MSDE to sustain a collaborative process determine the most appropriate role of the State high School Assessment program with respect to student performance and graduation requirements; and

BE IT FURTHER RESOLVED, that MABE will continue to advocate that the State Board and MSDE:

- Adopt and implement an HSA program that focuses on using the tests to monitor and guide local school system measurements of, and responses to, student, school, and school system performance in accordance with the requirements of the No Child Left Behind Act and Maryland's accountability program;
  - Ensure that the adoption of a rigorous, high stakes testing program is matched with the full funding required to implement intervention programs that will provide an increased opportunity for all children to meet the new standards;
  - Ensure that the HSA program includes alternate methods of ascertaining student skills and knowledge that can be accessed by students with disabilities, English language learners, and other students with special challenges;
  - Provide assurances about the quality of the HSA through the HSA technical manual in order to clearly outline all the procedures used to ensure test reliability and validity;
  - Provide sub-score information when releasing scores to the school system, so that schools and curriculum developers can target areas for improvement and conduct analyses that would identify and prioritize areas where improvement efforts should be directed because schools need specific information about individual students to provide remediation to the students; and
  - Implement a communication plan for the benefit of all stakeholders that provides, clear, appropriate and timely information about the new HSA, including its role in narrowing the gap in academic achievement among all students and groups of students and assurances that the tests as designed will not have a disparate impact on the ability of any student to excel academically;
- and

BE IT FURTHER RESOLVED, that MABE urges the State Board and MSDE to address the specific concerns raised in this resolution; and

BE IT FURTHER RESOLVED, that MABE will continue to advocate for increased State, local, and federal funding in order to successfully implement and achieve the high standards established by the adopted HSA graduation requirement.

### **Eliminating Achievement Gaps for All Students**

(Adopted 1998; amended 2001, 2004, 2007)

WHEREAS, boards of education in the State of Maryland are uncompromisingly committed to the academic success of all students; and

WHEREAS, significant numbers of students, and groups of students, demonstrate wide achievement gaps on State assessments relative to the performance of other groups of students; and

WHEREAS, in 2001 the State Board of Education adopted the goal of eliminating the achievement disparity between minority and majority students within five years; and

WHEREAS, the Bridge to Excellence in Public Schools Act of 2002 mandates five-year comprehensive master plans which must include specific strategies that will be used to accelerate the achievement of all students, including students failing to meet State and local academic content and achievement standards, and including strategies that focus on eliminating achievement gaps among legally defined groups of the student population; and

WHEREAS, the federal No Child Left Behind Act of 2001 imposes strict performance accountability measures for schools, school systems, and the State based on the achievement of Adequate Yearly Progress (AYP) toward the goal of 100% of all students demonstrating proficiency in reading and mathematics by the 2013-2014 school year; and

WHEREAS, the No Child Left Behind Act has resulted in significant changes to Maryland's student assessment program, including the administration of Maryland School Assessments (MSAs) in reading and mathematics in grades 3 through 8, and grade 10; and

WHEREAS, the No Child Left Behind Act requires disaggregated data collection and public reporting of MSA results for all students and groups of students based on race, ethnicity, gender, disability status, English proficiency, and status as economically disadvantaged; and

WHEREAS, Maryland has also adopted four High School Assessments (HSAs) in English, Algebra/Data Analysis, Biology, and Government; adopted proficiency levels and cut scores for each HSA; and required the successful completion of the four HSAs in order to obtain a Maryland diploma beginning with the graduating class of 2009; and

WHEREAS, disaggregated student assessment results on the MSAs and HSAs for African American, Hispanic, limited English proficient (LEP), and special education students reveal significant achievement gaps in reading and mathematics and high percentages of these students not achieving the adopted passing scores on the HSAs; and

WHEREAS, African American students comprise nearly 40 percent of the public school student population, and as such significantly impact school, school system, and State overall performance under the No Child Left Behind Act accountability program; and

WHEREAS, Hispanic students constitute a growing percentage of the public school student population (growing from 2.6% in 1993 to more than 8 percent in 2007); limited English proficient (LEP) students constitute a growing percentage of the public school student population; and students receiving special education services have consistently constituted approximately 12% of the public school student population; and

WHEREAS, Maryland enacted the Bridge to Excellence in Public Schools Act of 2002 to enhance State funding for public education by adopting higher per pupil funding amounts for all students, and significantly higher per pupil amounts for limited English proficient, economically disadvantaged, and special education students;

NOW, THEREFORE, BE IT RESOLVED, that a top priority for local boards of education continues to be eliminating the achievement gaps among all legally defined groups of students, with continuing emphasis on the gap between African American students and white students; and

BE IT FURTHER RESOLVED, that MABE commends all groups and individuals who have demonstrated leadership in addressing the underachievement of all students and groups of students; and

BE IT FURTHER RESOLVED, that MABE urges MSDE to continue to determine through reliability and validity statistical analyses on all norm-referenced and criterion-referenced assessments used in the State accountability program the extent to which cultural, socio-economic, or ethnic performance differences may be explained; and

BE IT FURTHER RESOLVED, that to the extent that MSDE finds evidence of bias in any norm-referenced and criterion-referenced assessment in the State accountability program, or other mitigating factors, MABE urges MSDE to take a leading and aggressive role in finding solutions to this problem; and

BE IT FURTHER RESOLVED, that MABE pledges to work with the State Board of Education, superintendents, and local boards of education to identify causes and to implement solutions to the achievement gaps indicated by HSA and MSA results.

## **Public Charter Schools**

(Adopted 1998; amended 1999; readopted 2002; amended 2003, 2005)

WHEREAS, the Maryland Association of Boards of Education has consistently contributed positively to the development of State policy and legislation regarding public charter schools, while strongly advocating that local boards of education retain sole chartering authority in order to ensure that high academic and fiscal accountability standards are maintained; and

WHEREAS, the federal government recently has appropriated significant funding to support the implementation and start-up costs for approved public charter schools in States which have adopted charter school legislation; and

WHEREAS, the General Assembly's 1998 Task Force on Public Charter Schools recommended legislation allowing only local boards to charter schools, ensuring that Maryland public charter schools would qualify and be competitive for federal assistance, and building the foundation for proposed legislation in subsequent legislative sessions; and

WHEREAS, the Public Charter School Act of 2003 creates Maryland's first public charter school program "to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students" (§9-101, Education Article); and

WHEREAS, the Act reserves primary chartering authority to local boards of education and provides the State Board of Education limited chartering authority for restructured schools and in its appeal review capacity; and

WHEREAS, the Act defines a public charter school as a new public school or conversion of an existing public school to which parents choose to send their children, and which is nonsectarian, tuition-free, open to all students, in compliance with State and federal health, safety, and civil rights laws, and operated in pursuit of a specific set of educational objectives; and

WHEREAS, the Act requires public charter schools to comply with provisions of law and regulation governing other public schools, while providing that waivers may be granted by the State Board on appeal, except regarding audit requirements, student assessments, and health, safety, and civil rights laws and regulations; and

WHEREAS, the Act defines public charter school employees as public school employees and requires that professional staff members of a public charter school hold the appropriate Maryland certification; and

WHEREAS, in accordance with the Act, each local board has adopted a public charter school policy, including guidelines and procedures regarding the evaluation of public charter schools, revocation of a charter, reporting requirements, and financial, programmatic, or compliance audits of public charter schools; and

WHEREAS, in accordance with the Act, the Maryland State Department of Education, in collaboration with MABE and local school systems, established and disseminated to each local board of education model public charter school policy language which can be used to create a public charter school policy;

WHEREAS, the State Board has issued an opinion defining the applicable standard of review regarding appeals from the evaluation and denial of a charter application by a local board of education, defining the local board's decision as prima facie correct and clarifying that the State Board may not substitute its judgment unless it finds the local board's decision to be arbitrary, unreasonable, or illegal; and

WHEREAS, the State Board has issued opinions defining "commensurate funding" to mean the average per pupil amount resulting from dividing the total annual school system budget by the annual enrollment count for the school system in the previous year, minus a two percent reduction for required central office functions; and

WHEREAS, the State Board has issued opinions providing charter school operators with the authority to choose whether they will provide special services directly to eligible students or whether those services will be provided by the school system;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education (MABE) urges the State Board to reconsider and revise the definition of "commensurate funding" and "the amount disbursed to other public schools" in a manner that allows for negotiations between the local board and charter applicant regarding the statutory requirement to "disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools"; and BE IT FURTHER RESOLVED, that MABE urges the State Board to reverse its decision that the charter school may unilaterally choose whether to provide certain special services or rely on the school system to provide them at a negotiated cost; and BE IT FURTHER RESOLVED, that MABE urges the State Board of Education and Maryland State Department of Education to collaborate with MABE and local school systems in developing public charter school policies and procedures to successfully implement the Public Charter Schools Act of 2003; and BE IT FURTHER RESOLVED, that MABE will oppose amendments to Maryland's Public Charter School Act which would diminish the local board's role as primary chartering authority or otherwise weaken the Act's academic or fiscal accountability requirements.

### **Maryland School Assessment** (Adopted 2003; amended 2004, 2007)

WHEREAS, in 2002, in response to the federal No Child Left Behind Act and other factors, the State Board and MSDE abolished the Maryland School Performance Assessment Program (MSPAP) and replaced it with the Maryland School Assessment Program; and WHEREAS, the Maryland School Assessments (MSAs) are the State adopted student performance assessments in reading, mathematics, and science developed to comply with the requirements of the No Child Left Behind Act; and WHEREAS, individual student performance on the math and reading MSAs determines school and school system performance under the State and federal accountability programs; and WHEREAS, the No Child Left Behind Act requires all public schools to demonstrate adequate yearly progress (AYP) toward the goal of 100 percent of students being proficient in reading and math, as measured by the MSAs, by the 2013-2014 school year; and WHEREAS, the No Child Left Behind Act requires MSDE to impose sanctions on schools and school systems consistently failing to make adequate yearly progress based on MSA results; and WHEREAS, the administration of these proficiency tests under the current schedule in late February and early March leaves a limited amount of time for principals and teachers to prepare students to complete the MSAs successfully; and WHEREAS, the MSA results should be delivered to school systems prior to the next school year in the timely manner required to inform instructional decisions regarding individual students; NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education urges the State Superintendent and State Board of Education, in consultation with local boards and local superintendents, to promptly develop and implement a plan to administer the MSAs at a later time in the school year in future years and to accelerate the delivery of test results.

## **FEDERAL RELATIONS**

### **The Federal Individuals with Disabilities Education Act (IDEA)** (Adopted 2002; amended 2005)

WHEREAS, the Maryland Association of Boards of Education (MABE) has consistently supported adequate and equitable funding for Maryland public schools on behalf of all students; and WHEREAS, MABE strongly supports special education programs and services for students with special needs; and

WHEREAS, the categorical nature of federal and State special education programs has led to the development of numerous administrative practices and legal requirements that impede the delivery of effective instruction to special education students; and

WHEREAS, these administrative practices require special education teachers to use significant amounts of time completing paperwork mandated by federal and State education agencies which unduly burdens teachers whose time should be devoted to classroom instruction, a conflict which impedes the recruitment and retention of highly qualified special education teachers; and

WHEREAS, the Individuals with Disabilities Education Improvement Act of 2004 reauthorized the Individuals with Disabilities Education Act (IDEA) through 2011, making significant changes to the federal law and incorporating many of the recommendations offered by the National School Boards Association; and

WHEREAS, the 2004 reauthorization of IDEA includes pilot programs for multi-year individualized educational programs (IEPs), and paperwork reduction efforts to "reduce excessive paperwork and noninstructional time burdens that do not assist in improving educational and functional results for children with disabilities"; and

WHEREAS, the law now permits a school district to use up to 15 percent of its idea funds for early intervention services; and

WHEREAS, the law now allows States to reserve up to 10 percent of their allocation of federal funds to create a risk pool to help school districts provide services to high-need children with disabilities; and

WHEREAS, the law now defines "highly qualified teacher" to align IDEA with the No Child Left Behind Act of 2001; and

WHEREAS, the law includes improved due process provisions including the requirement that parents and a school district must meet before a due process hearing can be scheduled, the ability for school districts to recover legal fees in frivolous cases, and shorter time limitations for filing due process complaints; and

WHEREAS, when IDEA became law in 1975, the federal government promised to fund 40 percent of the additional cost of educating children with disabilities; and

WHEREAS, the federal government has failed to adequately fund the mandated programs and services arising under IDEA, never providing more than 15 percent of the additional cost; and

WHEREAS, sufficient federal funding for IDEA would significantly enhance the ability of local school systems to provide an excellent education for all students; and

WHEREAS, Congress annually considers funding levels for IDEA through appropriations legislation; and

WHEREAS, the Maryland Association of Boards of Education's Federal Relations Network serves as a standing committee focused on advocating for federal legislation and appropriations in the best interests of all students in Maryland's 24 local school systems;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the President and Congress to respond to the fiscal, administrative, and legal burdens placed on local school systems under special education mandates; and

BE IT FURTHER RESOLVED, that MABE urges Maryland's Governor, General Assembly, State Board of Education, and State Superintendent of Schools to strenuously advocate for significant increases in federal special education funding and meaningful special education reforms at the federal and State levels; and

BE IT FURTHER RESOLVED, that the Federal Relations Network shall vigorously advocate for federal action addressing local school system special education funding and policy concerns.

### **The Federal No Child Left Behind Act (NCLB)**

(Adopted 2006)

WHEREAS, on January 8, 2002, President Bush signed into law the No Child Left Behind (NCLB) Act of 2001, which applies to all of Maryland's public schools and school districts; and

WHEREAS, the Maryland Association of Boards of Education (MABE) supports the goals of NCLB of raising student achievement; all students attaining proficiency; closing the achievement gaps; and ensuring that each child has highly qualified teachers; and

WHEREAS, NCLB's accountability, testing, and reporting requirements impose significant costs on State and local education agencies; and

WHEREAS, federal funding has not been consistent with the costs to implement the law's requirements, as reflected in the funding amounts authorized but not appropriated by congress; and

WHEREAS, MABE continues to support the NCLB emphasis on accountability for improving the performance of all students and schools; and

WHEREAS, Maryland's local school systems have had three full years of operational experience in implementing NCLB; and

WHEREAS, the National School Boards Association (NSBA) has developed legislation to reform NCLB in the following ways:

- Authorize alternative assessments for students who are not proficient in English and for students with certain disabilities beyond those who are classified as having a "significant cognitive disability," and provide flexibility as to the number of students whose alternative assessments may be counted for adequate yearly progress (AYP) purposes;
- Codify existing regulations to allow students who exit the limited English proficient (LEP) subgroup to be counted toward that subgroup's AYP for up to three years; and
- Add language in the law to permit States and districts to count toward AYP proficiency up to 3 percent of the test takers based on alternate assessments as determined by the IEP teams;
- Redefine the AYP structure to allow districts and schools 1) to count student progress toward meeting academic goals, and 2) to receive partial credit for meeting performance levels in addition to proficiency;
- Permit flexibility in calculating AYP for students belonging to multiple groups/subgroups;
- Specify that sanctions will apply to districts and schools only when AYP is not met by the same subgroup in the same subject or indicator for two or more consecutive years;
- Authorize States to limit the use of school and school district restructuring to instances where at least 35 percent of the entire student population is unsuccessful in scoring proficient or above and belong to subgroups failing to meet their AYP targets;
- Mandate access to school choice and supplemental educational services (SES) only for those students that belonged to a subgroup that failed to meet its AYP targets and were themselves unsuccessful in scoring proficient or above; and
- Allow school systems and schools to delay implementation of restructuring in any year that congress fails to increase federal funding for Title I by \$2.5 billion over the previous year, or fails to increase funding for idea consistent with the authorization levels in the Individuals with Disabilities Education Improvement Act of 2004;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the congress of the united States to enact the bill, the *No Child Left Behind (NCLB) Improvements Act*, developed by NSBA; and

BE IT FURTHER RESOLVED, that MABE urges the Secretary of Education to issue policies and regulations consistent with the NSBA bill; and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the President, Secretary of Education, the Maryland congressional delegation, the Governor, the Maryland General Assembly, local government officials, the State Board of Education, and the State Superintendent of Schools.