

BILL: House Bill 978
TITLE: Education - Accountability - Consolidated State Plan and Support and Improvement Plans (Protect Our Schools Act of 2017)
POSITION: SUPPORT WITH AMENDMENTS
DATE: February 28, 2017
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all twenty-four of Maryland's local boards of education, supports in significant measure the proposals contained in the House Bill 978 to ensure that local boards of education remain responsible and accountable for governing Maryland's public school systems under the recently enacted federal Every Student Succeeds Act (ESSA). At the same time, MABE requests amendments to limit the scope of the bill regarding its application to the specific measures of school quality which may be included in the State's plan to comply with ESSA.

Under ESSA, Maryland and all other States must adopt accountability plans which must be approved by the U.S. Department of Education. However, ESSA prohibits virtually any additional conditions being placed on this review and approval process by the U.S. Secretary of Education. Such conditions were standard operating procedure under the No Child Left Behind Act; and ESSA makes clear that States and local boards of education and other stakeholders should determine their State's accountability plan and system. ESSA requires that these State plans include ambitious long-term goals, academic indicators, a measure of school quality and student success, an assessment participation rate, and annual meaningful differentiation among schools.

"Academic Indicators" refers to measures of academic achievement based on the annual assessments and on State goals; a measure of student growth or other statewide academic indicator for elementary and middle schools; graduation rates for high schools based on State goals; and English language proficiency based on State goals. "Measure of School Quality and Student Success" refers to: at least one measure that may include measures of: student engagement; educator engagement; student access to and completion of advanced coursework; postsecondary readiness; school climate and safety; and any other indicator the State chooses that meets the law's requirements. "Participation Rate" refers to the requirement that States must annually measure the achievement of not less than 95% of all students and each subgroup of students on the state assessments. Importantly, ESSA requires that the four academic indicators listed above must be given "much greater weight" than any additional student success indicator.

Beyond these broad elements, States are essentially free to develop their own approaches to student and school performance accountability. Maryland is engaged in the stakeholder process of developing the ESSA accountability plan and MABE is opposed to restricting the relative weight of academic and nonacademic indicators of school quality and student performance as proposed in this bill. Therefore, MABE requests an amendment striking the proposed language on pages 4 and 5 of the bill.

However, ESSA does require that States and local school boards respond promptly with intervention plans and strategies to improve student performance in the State's lowest performing schools and for groups of students within schools. MABE agrees that House Bill 978 is needed to ensure that local boards of education and communities are able to determine how best to intervene in these situations.

ESSA clearly intends that for schools meeting the following criteria, local boards must implement comprehensive, locally-determined, evidence-based interventions for the lowest-performing 5 percent of Title I schools; and all public high schools with graduation rates at or below 67 percent.

Similarly, local boards must implement targeted interventions and supports for schools with a subgroup performing at the level of the lowest-performing 5 percent of all Title I-receiving schools, based on the state accountability system.

House Bill 978 would clarify that any comprehensive plans be developed by local boards in consultation with key stakeholders, including teachers and principals. MABE requests an amendment to section 7-203.4, to insert the role of “parents and community members” to ensure broad local participation in this planning process. Similarly, MABE is concerned by the inclusion of a bargaining representative, recognizing that the bill would already require operation within the existing bargaining agreement. In the same section of the bill, when “the school and county board” are granted approval authority, MABE requests limiting this role to the county board as the school system’s governing body and to avoid confusion as to what may constitute “school” approval.

The core provisions of House Bill 978, which MABE strongly supports, are found on page 8. The bill refers to the types of state-mandated interventions which should not be permitted, not only because they would run counter to the intent of ESSA to respect local decision-making in approving school-wide or group-specific intervention strategies, but also because they are inconsistent with strengthening public schools.

MABE agrees that the State Department and Board of Education may not adopt and impose on a local school system intervention strategies which include:

- creating a state-run school district;
- converting a public school to a charter school;
- issuing scholarships to public school students to attend nonpublic schools through direct vouchers, tax credit programs, or education savings accounts; and
- contracting with a for-profit company.

In addition, MABE requests an amendment to add to this list of prohibited interventions, the following:

- creating a local education agency in addition to those established as of January 1, 2017; and
- creating a public school without local board approval.

These reasonable limits will allow the State Board and MSDE to focus on demanding that local boards of education and school systems implement public school solutions to turning around struggling public schools. MABE opposes State mandated interventions which transfer governance authority and/or funding away from local boards and toward private schools, charter school operators, or other entities.

MABE looks forward to the passage of House Bill 978 and the continued work of local boards, MSDE and the State Board, and all other stakeholders to work within the framework provided by ESSA to provide school systems with the resources and flexibility to turn around struggling schools and to invest in the interventions and supports to enhance learning outcomes for low performing groups of students. This is the locally driven work envisioned by ESSA; work that will yield the best outcomes for all students.

For these reasons, MABE requests this committee to issue a favorable report on House Bill 978, with the amendments described above.