

MABE Responds to Governor Hogan Announcement of Major Legislative Initiatives on School System Accountability

Background

On January 8, 2018, Governor Larry Hogan held a press conference and issued a [press release](#) to announce that he will release \$2.5 million for emergency repairs in Baltimore City Schools, and also announced that he will introduce two major education reform bills. One bill would rewrite the 2017 Protect Our Schools Act to, in part, increase the role of student test results in determining school performance (from 65% to 80%). A second bill, the Education Accountability Act, would create a state-level inspector general within the Maryland State Dept. of Education to take complaints on matters ranging from school facility conditions to school finance, procurement, and ethics.

(Press Conference video on [Facebook](#) and on [Twitter](#).)

The Protect Our Students Act

The Governor announced that he will submit emergency legislation on the first day of the upcoming session – the **Protect Our Students Act of 2018** – which will require academic performance to be counted as 80 percent of a school's composite score, aligning Maryland with the national average.

The Accountability in Education Act

The Governor announced that he will introduce the Accountability in Education Act of 2018 to create an Office of the State Education Investigator General, which will be an independent unit within the Maryland State Department of Education. The Investigator General will be selected by a commission consisting of appointees by the Senate President, Speaker of the House, and the governor, and will be charged with investigating complaints of unethical, unprofessional, or illegal conduct relating to procurement, education assets, graduation requirements, grading, education facilities, and school budgets.

MABE Perspectives on Accountability

- The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, supports strong accountability for school systems regarding student achievement and success on state tests and standards; and accountability for managing taxpayer dollars in the best interests of the students.
- MABE believes the accountability systems for student performance, financial management, and school system operations are working well.
- Therefore, MABE questions the need for an “investigator general” as proposed by the Governor’s recently announced Accountability in Education Act.
- MABE supported the 2017 Protect Our Schools Act, believing it struck a balance between accountability measures consistent with federal law, and protected schools from privatization and other “top down” state actions.
- Therefore, MABE questions the need for any radical reform of this law.

MABE Positions on Academic, Financial and Operational Accountability

MABE Supports Accountability

- MABE supports strong accountability for school systems, both in terms of academic success for students and sound management of school finances and facilities.

Local Boards Are Already Held Accountable

- Local boards are fundamentally locally accountable to their communities, through public meetings, public and transparent policy and budget debates and decisions, and local elections.
- Accountability for student performance and success is the responsibility of each local board. However, this accountability is monitored, overseen, and enforced by the Maryland State Department of Education, through the actions of the State Superintendent and State Board of Education.
- School boards are held accountable for sound financial management through multiple annual audits and routine, comprehensive legislative audits. School systems not complying with state requirements can have state funding withheld by the State Superintendent.

Federal Law Requires Local Accountability

- Federal law, the Every Student Succeeds Act (ESSA), holds states and local school systems accountable for student growth and school improvement – but through locally developed strategies.
- Under ESSA, the plans to improve student learning and test scores must be crafted at the school level, then the school system level, and then at the state level. This is not a “top down” system, but a grassroots school improvement system – ensuring that parents and principals and teachers are involved. And that local boards of education are held accountable for improvements in their community’s schools.
- ESSA requires 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.

The Protect Our Schools Act Makes Sense

- The Protect Our Schools Act of 2017 set guidelines for how Maryland measures student growth and school improvement under ESSA; and how the State Board can and should respond with resources to support improvements – but cannot order a school system to convert a school to a charter school, private school or voucher program.
- The Protect Our Schools Act also requires that student performance results, called academic indicators, account for 65% of the overall accountability system. This is what ESSA intends when it requires that academic indicators are given “much greater weight” than any other measures of school performance.

School Employees Can Also Hold School Systems Accountable

- The Public School Employee Whistleblower Protection Act (HB 1145) was enacted in 2017 in order to allow school employees to freely report illegal activities within their schools or school systems without fear of retaliation on the job.
- The Whistleblower Protection Act increases school system accountability by protecting employees who report violations of law, regulation, or policy. The new law also protects any

employee who objects to or refuses to participate in any activity, policy, or practice in violation of a law, rule, or regulation.

- The new law protects any school employee who reports (1) an abuse of authority, gross mismanagement, or gross waste of money; (2) a substantial and specific danger to public health or safety; or (3) a violation of law. Finally, the employee must report the employer's acts to a supervisor or administrator in writing and provide the employer with a reasonable opportunity to correct the situation.

For further information, please contact John Woolums, Director of Governmental Relations, jwoolums@mabe.org.

2018 Legislative Committee Calendar

- Jan. 22, 2018 – Budget Highlights, Bill Status & Positions
- Jan. 23, 2018 – MABE briefing before the House Ways and Means Committee (2:00 p.m.)
- Feb. 12, 2018 – Bill Status & Positions
- Feb. 20, 2018 – MABE Legislative Day Luncheon
- Feb. 26, 2018 – Bill Status & Positions
- Mar. 12, 2018 – Bill Status & Positions
- Mar. 26, 2018 – Bill Status & Positions
- Apr. 23, 2018 – Session Summary

MABE's Legislative Committee meetings are held in the MABE office on Monday mornings, 10:00 to 12:00, unless otherwise indicated. Meeting agendas and materials are posted on the [MABE website](#).

