

**MABE Comments  
On the Draft Recommendations of the  
Kirwan Commission on Innovation and Excellence**

November 29, 2018

**Introduction**

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, appreciates this opportunity to present our positions, priorities, and concerns regarding the pending policy and funding decisions being considered by the Kirwan Commission on Innovation and Excellence in Education.

MABE is honored to be represented on the Commission by former MABE President Joy Schaefer, and greatly respects the dedication and expertise of each member of the Commission. MABE has participated fully in the Commission's work, and supports the thrust of significantly increasing the State's investment in a high performing and innovative statewide system of public schools toward the goal of improving our schools so that our students are as well prepared as students educated in the highest performing school systems in the world.

Local boards of education, through MABE, led the advocacy effort to create the Commission precisely so that an updated adequacy study and other funding and accountability issues could be debated and transformed into legislation to update and improve Maryland's school finance system. Local boards believe that Maryland can and should move forward by adopting meaningful changes to our current school finance system, a system we can all be proud of, but which now dates back to 2002.

Specifically, MABE is supporting comprehensive recommendations to enhance our school finance system by increasing the base amount of funding for all students, sustaining and increasing the additional "weighted" per pupil funding for our students learning English, and students living in poverty, and significantly increasing the weighted funding amount for students receiving special education services. In addition, MABE strongly supports adopting a per pupil funding approach to supporting current, and expanded, prekindergarten programs.

MABE is confident that through incremental implementation of funding recommendations developed by the Commission and enacted by the General Assembly, Maryland can renew its commitment to fulfilling its constitutional mandate to fully fund and support the equitable access for all students to an excellent education in all twenty-four school systems. MABE also believes that local boards must be at the helm, fulfilling the responsibility to govern school systems in the best interests of all students.

## **MABE Positions on the Kirwan Commission's 5 Major Policy Areas**

### **1. Early Childhood Education**

MABE strongly supports high quality public and private early education programs with opportunities and access for all students to such programs, regardless of geography or income. Decades of research have confirmed that quality educational components to early child care arrangements have a positive impact on children's development, well-being, and academic potential. State school readiness research shows that children with formal child care experiences prior to entering kindergarten result in higher levels of school readiness than children without formal child care. To this end, Maryland has for many years provided financial assistance with child care costs to low-income families through local departments of social services. MABE recognizes and values the role of nonpublic providers of high quality childcare and early learning programs to meet the needs of all Maryland families. Therefore, MABE supports early childhood initiatives that enhance preschool teaching skills, credentials, and professional development opportunities of child care providers and other early childhood professionals to help ensure that participating children come to school ready to learn.

In this context, MABE supports the overarching goal of the Commission's recommendations regarding early childhood education and expanding prekindergarten programming for three and four year olds. MABE also supports the recommendations to assess all children to identify those who need supports to be ready to succeed in school; and provide funding necessary to increase the numbers Judy Centers, Family Support Centers, and the Maryland Infants and Toddlers Programs for children ages 0–5 and their families.

However, MABE is troubled by the narrow focus of the Commission's proposed approach to implementing and paying for the expansion of student access to prekindergarten. The recommendations would limit program expansion to high-quality prekindergarten to four-year-olds based on a sliding scale and three-year-olds from low-income families. Specifically, the Commission is recommending expanding full-day prekindergarten at no cost for three and four year olds from families with incomes up to 300% of the federal poverty level (FPL) (approximately \$75,000 for a family of four), but for four year olds from families with incomes between 300% and 600% FPL (approximately \$75,000 to \$150,000 for a family of four) using a sliding payment scale. To the best of MABE's knowledge, there has never been a public school program offered on a sliding scale basis. Local school systems are deeply concerned with the ramifications of this proposal on issues ranging from school budgeting to community perceptions of universal access to a free public education.

To avoid the need for income-adjusted tuition for publicly provided prekindergarten, MABE supports a phase-in of state and local per pupil funding to support the expansion of voluntary universal prekindergarten for all four year olds and low-income three year olds. MABE also opposes limiting state funding for the expansion of voluntary prekindergarten to slots for low-income three and four year olds.

Specifically, MABE supports a per pupil funding allocation for students attending prekindergarten, including a 0.5 FTE for half-day students and 1.0 FTE for full-day students, without any off-setting reduction in compensatory education funding, so that all school systems receive additional state aid and a per pupil local share of funding for their high quality prekindergarten programs.

Again, MABE supports statewide initiatives that provide funding for and access to affordable, high quality public and private early childhood programs, including child care services, which are aligned with state and local school system learning standards and goals. Therefore, MABE supports increased funding for the Child Care Subsidy Program and other state programs providing access to affordable, high quality child care and early education programs.

MABE is concerned with the implementation challenges of attempting to restrict the ability of a local school system to expend access to public programs contingent on the expansion of private options in the jurisdiction. Therefore, MABE supports local discretion to develop and implement early education programs in school facilities or in conjunction with private providers, and for this reason opposes state mandated agreements between school systems and private providers. MABE believes that the Commission recommendations recognize that a significant degree of local autonomy should be provided to determine the public school systems role in providing high quality early education programs within counties and Baltimore City.

## **2. High Quality Teachers and Leaders**

MABE greatly appreciates the Commission's attention to the critically important issues surrounding student access to high quality teachers and leaders in every school and classroom. Specifically, the Commission is recommending comprehensive reforms to make teacher preparation much more rigorous, raise standards for licensing new teachers in Maryland to levels comparable to the standards for teachers in the top performing states and nations, reduce the amount of time teachers would spend in the classroom, and provide significant pay raises to all teachers and teachers and administrators according to a new, statewide career ladder.

MABE supports teacher preparation programs becoming more rigorous, and induction programs being integrated with teacher preparation more systematically. However, MABE is concerned with the timing and implementation of raising standards for licensing new teachers in Maryland to levels comparable to the standards for teachers in the top performing states and nations. Maryland currently imports 60% of our new teachers from out of state. Therefore, MABE supports placing a high priority on ensuring an adequate supply of qualified teachers, in order to avoid worsening the teacher shortage, during the implementation of raising teacher education program admission and performance standards.

Regarding the bold proposals for increasing the numbers of teachers, and the compensation for all teachers, MABE supports local decision-making on the adoption of career ladders for educators, and the levels of compensation associated with tenure and performance. These two major recommendations result in separate cost estimates of \$1.3 billion, totaling \$2.6 billion. MABE is concerned that the Commission is recommending to raise teacher pay to make it equitable with other highly trained professionals with the same amount of education, while at the same recommending that teacher wages and salaries will continue to be negotiated collectively at the local level including for cost of living increases and increases beyond the state career ladder framework.

Specifically, the Commission is considering adopting a recommendation for a minimum salary of \$60,000 for all teachers by year five of implementation of the recommendations, with 10%

salary increase in years 1 through 3 plus any COLAs will also be used to raise the minimum salary to \$60,000. Local school systems must be able to negotiate in good faith with educator and non-educator bargaining units with the available combination of annually budgeted state and local funding. In this light, MABE believes more work is needed to clarify the role of local funding in equitably achieving the objectives identified by the Commission.

To be clear, MABE strongly supports significantly increased state and local funding to support significant increases in staffing levels and salaries for teachers, principals, para-educators, non-instructional support staff, and the array of other professionals including counselors, social workers, nurses, psychologists, and speech and occupational therapists. This wide array of highly educated and well-compensated professionals is essential to meeting the needs of students which extend beyond traditional teaching and learning needs.

School systems are increasingly being called on to provide or coordinate wraparound services to meet the social/emotional, behavioral and mental health, and social service needs of students and families. Therefore, MABE endorses the Commission recommendation to encourage higher education institutions to take advantage of national foundation efforts to develop highly qualified teachers and leaders from diverse backgrounds. MABE also supports teacher education and professional development programs that include instruction on diversity and inclusion, implicit bias, and cultural competency to ensure equity in the teaching and learning of all students.

### **3. College and Career Readiness Pathways**

MABE endorses the Commission's overarching goal to develop a world class instructional system that will enable Maryland high school graduates to match students in the highest achieving countries in the world in academic attainments, equip them with the complex skills they will need to be successful in a technologically sophisticated economy, contribute to their communities, and play their roles as informed and thoughtful citizens in the world's oldest democracy. MABE firmly believes that much progress can and should be made in this area through state and local investments in high quality programs consistent with budget-aligned strategies and plans.

MABE strongly supports increased investments of state and local funding in expanding student access to college and career ready pathways. MABE agrees with the Commission that such pathways should include: 1) at least one of the following: an AP Diploma program (consisting of Advanced Placement courses specified by the College Board), the International Baccalaureate Diploma program, or the Cambridge International Diploma Program; and 2) a program that enables students to earn an Associate's Degree to be awarded along with or subsequent to graduation from high school, or to commence work towards a baccalaureate degree with the possibility of transfer to a Maryland four-year college.

However, MABE strongly supports the governance role of local boards and professional judgment of educators in developing and adopting policies, programs and educational strategies, in accordance with state standards, and reflecting local priorities, decisions, and allocations of available state, local and federal funding. In this context, MABE objects to the proposal to establish state-level inspection teams, particularly in any punitive or enforcement/compliance mode of operation. MABE appreciates the language added to the recommendations to align the identification and support of low-performing schools with the

intent and language of the Every Student Succeeds Act (ESSA). However, the one-sided approach described as an “inspection team” who will “recommend courses of action for addressing the problems revealed by the inspections...” should be further amended to align with the intent and spirit of the federal law, which requires this process be one of collaboration between the State, as the oversight body, and local education agencies and local schools.

The Commission is also poised to recommend a new fully aligned statewide instructional system, including curriculum frameworks, course syllabi and assessments, together with clear examples of standard-setting work and formative assessments to ensure that elementary and secondary students stay on track toward achieving a high standard of college and career readiness by the conclusion of 10th grade. MABE appreciates the Commission’s clarification of that the curriculum will be developed as a model only, but reiterates our opposition to implementing these materials as state mandates.

MABE is concerned in light of the flexibility provided by ESSA, and the corresponding state law to guide our state accountability system, that the Commission is considering recommendations to place substantial weight on a student’s performance on state assessments to determine each student’s access to college and career readiness instruction in 11<sup>th</sup> and 12<sup>th</sup> grade. MABE has identified several concerns regarding these proposals.

First, MABE believes in a much broader definition of student success than test results on a single statewide assessment. This belief is further evidenced by the Every Student Succeeds Act’s emphasis on student access to a well-rounded curriculum, and multi-faceted accountability system defined by Maryland’s state law. MABE opposes rigidly linking student access to programs based on a single assessment, whether it is access to high quality college readiness programs such as the International Baccalaureate (IB) program, or career and technology programs (CTE) such as training in a trade leading to professional certification. Such limitations arbitrarily constrain the professional judgment of educators to provide such opportunities to students based on myriad other factors. MABE supports introducing students to career and academic options early, including during middle school to give students the opportunity to take introductory CTE coursework before meeting the CCR standard in order to engage their interest and retain them in high school.

Second, there has been little consistency in the form or content of state assessments in recent years, and major changes will be made next year. A brand new state assessment program will be administered for the first time in the 2019-2020 school year, with the PARCC assessments being replaced with as yet undetermined tests in math and English/language arts in all grade levels. MABE is deeply concerned that students not be treated punitively by an assessment program in flux.

Commission members and consultants have often cited Maryland’s lackluster performance on the National Assessment of Educational Progress (NAEP) and Program for International Student Assessment (PISA). MABE takes this opportunity to emphasize that neither assessment has ever been universally or even widely administered to Maryland students, neither our state standards nor curriculum frameworks have been aligned with these tests, and these tests have certainly never been promoted or adopted as a standard measure of school or student performance in Maryland. By contrast, Maryland student outcomes on the SAT and AP assessments, and the diversity of students succeeding in this work, has garnered Maryland national recognition and accolades for many years.

## **Career and Technology Education (CTE)**

Today, school systems are struggling and typically unable to meet the high demand from students and families for CTE programs. Therefore, MABE supports significantly increasing state funding to support high quality college and career readiness programs, including costs of assessments and professional certifications, professional development, student transportation, and CTE facilities and programs. MABE also supports expanding and strengthening the system of comprehensive high schools with specialized CTE programs, and specialized CTE high schools, in accordance with local school system priorities and local board governance.

MABE also recognizes the need for strong partnerships between state agencies and the private sector, and a role for the business community in establishing CTE program standards. However, MABE opposes granting unlimited governing and regulatory authority to a CTE Subcabinet and CTE Skills Standards Board in a manner that would conflict with State Board and local board governing authority.

MABE is alarmed by the radical, and we believe unwarranted, proposal to remove governance and decision-making control from local school systems and program oversight from MSDE's CTE program. The Commission has acknowledged that the quality and range of Maryland's CTE program offerings compare quite well among other states. And yet the Commission is recommending that a newly appointed body be placed in control of program and funding decisions to support CTE programs. Most troubling is the absence of any clear proposal to dramatically increase state funding to support the proposed expansion of CTE programs.

MABE urges the Commission to focus on the funding needed to sustain and expand local CTE programs, including the capital funding called for to renovate and newly construct high schools oriented toward CTE instruction.

## **4. More Resources for At-risk Students**

MABE strongly, and perhaps most enthusiastically, supports the Commission's recommendations to provide a system that ensures all students are successful, regardless of income, language acquisition skills, or accommodations related to special education or physical disability. In addition, the Commission is calling for reforms to ensure that academic supports and case management supports are provided for these students and their families as soon as they arrive at school to address social, physical, mental, and family needs to enable success at school.

Consistent with these principles, and MABE longstanding advocacy for increased federal funding, MABE strongly supports significantly increasing the funding formula weight for students receiving special education services in accordance with an Individualized education program (IEP). MABE also supports maintaining a substantial funding formula weight for students with limited English proficiency (English Learners, as defined in the federal Every Student Succeeds Act (ESSA)). Similarly, MABE supports significant state funding to support local school system adopted evidence-based interventions and supports for struggling learners.

In recent years, Maryland has seen the increase in the enrollment of students who are economically disadvantaged based on family income; an increase from 35% to 45% of all students in the past 10 years. At the same time, Maryland is a wealthy state that has wide gaps in income among communities, and high concentrations of poverty in many areas. Therefore, MABE supports the Commission's recommendation to add a concentrated poverty weight to the funding formula to support intensive services for students and their families to enable them to succeed in school, that are coordinated and able to meet the additional needs of students in schools located in distressed communities.

MABE also supports the alignment of increased state and local funding for the groups of students described above with the requirements under ESSA for comprehensive school supports and interventions for our lowest-performing schools and targeted supports and interventions for low-performing student groups in all schools.

## **5. Governance and Accountability**

MABE strongly opposes the Commission's adoption of a recommendation for a new governance and compliance body to oversee the implementation of the Commission's recommendations and subsequent legislation. MABE firmly believes in reciprocal accountability based on shared commitments to significantly improve student outcomes. The Kirwan Commission's bold set of innovative recommendations should garner the shared commitments of the Governor, General Assembly, State Board, local governments, and local school systems. State and local officials should commit to providing constitutionally adequate and equitable funding to support the world class education for all students envisioned by the Commission. Then, commensurate with statewide, wealth equalized, per pupil funding increases, and capital funding to support world class school facilities, local boards and school systems should commit to implementing the educational reforms envisioned by the Commission.

A key facet of accountability is the provision of adequate and equitably available state and local funding to make the education reform recommendations a reality. MABE does not believe that an independent oversight body is necessary or appropriate to coordinate, monitor, and evaluate implementation of the Commission's recommendations, as these functions are already within the purview of MSDE and the State Board. Most concerning is the proposed recommendation to grant this independent body the authority to withhold funding. MABE recognizes the role of the State Board and MSDE to require other State agencies and local school systems to respond to requests for information, and require changes to policies and implementation plans in accordance with the law implementing the Commission's recommendations.

MABE urges the Commission to not adopt the recommendation relating to withholding funding, and instead focus efforts on developing a rigorous system of local school system accountability for student performance including comprehensive local school system master plans with budgetary alignment to demonstrate that the Commission's innovative plan elements are implemented in accordance with state law and available state and local funding.

Given the wealth equalized role of state funding in local school system annual budgets, and the proposal to incrementally increase state funding for Commission initiatives, MABE strongly opposes proposals to reduce or eliminate the governance and decision-making

authority of local boards and school systems as a condition for receiving increased state funding. To the extent that the Commission limits such conditions on increased funding to competitive grants for additional funding, MABE is greatly concerned with the potential negative impacts on equitable access of all school systems to additional funding, and equitable access of all students to innovative and enriched learning opportunities.

Similarly, MABE believes that the proposal to require school systems to demonstrate that no less than 75% of per pupil funding “follows the student” is fraught with implementation challenges and unintended consequences. Such proposals are typically associated with initiatives to privatize public education, through voucher programs, or to facilitate the expansion of public charter schools. By contrast, if the Commission intends to recommend school based budgeting on a statewide basis, the magnitude of this shift in public policy and school system budgeting and accounting practices has not been considered by the Commission thus far. MABE recognizes that neither of these outcomes may be intended by the Commission, as neither have been discussed, and therefore MABE urges that this terminology be removed from the Commission’s recommendations.

## **Conclusion**

MABE and each local board, on behalf of Maryland’s nearly 900,000 public school students in grades prekindergarten through 12, greatly appreciates the opportunities presented by the breadth and scope of the Commission’s landmark work, and the risks inherent in failing to grasp the opportunity to achieve consensus on key elements of the Commission’s vision. Therefore, MABE pledges to support the Commission’s final recommendations to the maximum extent possible within the bounds of advocating vigorously for the quintessentially American system of locally governed school systems accountable to local communities for the teaching and learning of each community’s most valuable and cherished asset, our children and their futures.

Again, MABE appreciates this opportunity to present our perspectives and positions on the issues being considered by this Commission.

Respectfully,

A handwritten signature in black ink, appearing to read "C. Tolbert Rowe". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

C. Tolbert Rowe, MABE President