



LARRY HOGAN  
GOVERNOR

STATE OF MARYLAND  
OFFICE OF THE GOVERNOR

March 14, 2019

The Honorable Thomas V. Mike Miller, Jr.  
President of the Maryland Senate  
H-107 State House  
Annapolis, MD 21401

The Honorable Michael E. Busch  
Speaker of the Maryland House of Delegates  
H-101 State House  
Annapolis, MD 21401

Dear President Miller and Speaker Busch:

As we approach the final weeks of the 2019 legislative session, I have increasing concern that the legislature is preparing to mandate billions of dollars in new education spending without putting in place any real education accountability measures.

As you are aware, education has been and always will be my top priority. Since I have been Governor, we have worked together to provide record funding for five years in a row, totaling \$32 billion, and funding for education has increased by nearly 14%. During my time in office, I have committed nearly \$140 million more for K-12 education funding than required under the legislatively mandated education formulas. Additionally, I have pushed for and enacted an education lockbox to ensure that an additional \$4.4 billion in casino revenues goes towards K-12 education.

Last session, I signed *House Bill 1415 - Education - Commission on Innovation and Excellence in Education*, which implemented preliminary recommendations of the Commission on Innovation and Excellence in Education. In addition, I provided nearly \$12 million to fund a series of education initiatives proposed in the legislation. I also supported and signed legislation in 2017 that provided additional funding to districts that your legislative formulas would have resulted in less funding.

My concern is that the recommendations of the Commission will lead to massive increases in expenditures without any assurance that our kids will receive a better education. Without strong accountability, we'll be doomed to experience the same failures of the Thornton initiative - dozens of highly funded but still failing schools across the state and no mechanism or will to change the situation.

The central question is: are Maryland schools better today than they were in 2002? We have invested billions more, but have outcomes improved in Baltimore City and across the state? I think many parents would say "no." In comparison to Virginia, Maryland spends a total of \$3,000 more per pupil, yet since 2003, the average fourth and eighth grade math and reading scores have increased in both states by the same amount, by 5.5 points. Additionally, during this same time frame, on average, the percentage of students who performed at or above a proficient rate on fourth and eighth grade math and reading scores have increased by 8 percentage points in Virginia, and 7.25 percentage points in Maryland.

The Thornton Commission plan increased state funding by over 121% from \$3.1 billion to \$6.9 billion annually between FY 2003 and FY 2020. Despite this massive increase in funding, the eighth grade math proficiency rate has increased by an underwhelming 3 percentage points (from 30% to 33%) over that same period. Proficiency gaps between White students and African American peers have worsened over the last 10 years. And despite an average of \$14,500 in total per-pupil expenditures, only 33% of eighth graders are at or above a proficient rate in math.

These are not just numbers. These statistics represent real children and real families who have been failed by their schools, their school systems and their leaders. Marylanders are crying out for better outcomes, and without serious education accountability measures, the legislature runs the risk of failing them again.

On November 27, 2018, I made it clear that we could not consider massive new education mandates without real accountability. I urged you to put in place a strong system of accountability to ensure that the Commission's recommendations could have a truly transformative impact on our local school systems. I emphasized, "Increased funding and strong accountability are not mutually exclusive; in fact, they must be aligned to ensure that Marylanders are receiving a world class education and good value for the state tax dollars invested."

The Commission's recommendations in House Bill 1413 and Senate Bill 1030 are estimated to cost nearly \$4 billion more each year once fully phased in. The Commission's interim report published in January includes a recommended spending increase of \$31.4 billion over the next decade. For any funding increase to be accepted by the public, I feel that it is imperative that a robust system of accountability be attached at the forefront -- not as an afterthought. As your Commission report says on their section about accountability: "How funds for education are spent is at least as important as how much is spent in determining student achievement and funding equity." (p. 122)

As I have repeatedly said, we cannot repeat the same mistakes that were made during the implementation of the Thornton Commission proposals, which resulted in a massive funding increase but failed to deliver any substantial results because accountability was willfully ignored. Dr. Marc Tucker, consultant to the Kirwan Commission and president of the National Center on Education and Economy, stated to the Commission at the October 10th meeting, "I think Thornton failed to deliver the improvement in student performance that its authors envisioned because no one was held accountable." Ominously, Dr. Tucker went on in his testimony before your Commission to say, "I conclude Kirwan will fail if the same mistakes are made again."

Unfortunately, our warnings of repeating the same mistakes of the Thornton Commission appear to have been ignored. Virtually no accountability measures have been included in your bills. The authorizing statute creating the Commission on Innovation and Excellence in Education in 2016 (House Bill 999/Senate Bill 905) specifically tasked the Commission with reviewing and assessing accountability measures as one of the most important components of the Commission's work. When I met with Dr. Kirwan, I made it clear that my administration supported the laudable goals of the Commission, but robust accountability would be an absolute requirement to increased investment. This was a sentiment Dr. Kirwan wholeheartedly agreed with.

Despite an entire chapter in the Kirwan report devoted to accountability -- where is it in the bills before the legislature? Beyond a perfunctory mention of accountability in the bill's findings, I find a mere passing mention of performance evaluations conducted by a small team of legislative staffers who you propose will

be monitoring the entirety of the executive branch's efforts on education and overseeing the expenditure of tens of billions of dollars.

Conversely, our Administration has been leading the fight for more accountability in our local school systems, pushing to raise academic standards and to root out corruption and mismanagement. Amid a number of ethical lapses in multiple local school systems -- including criminal convictions, grade-fixing scandals, and procurement improprieties -- I introduced legislation last session and this session to create an independent education Inspector General. This new position would be a bi-partisan appointment; would increase accountability in our schools by allowing Maryland citizens to report potential cases of wrongdoing, abuse, and unethical conduct; and would create a fair and transparent system to evaluate these cases.

Notwithstanding our past disagreements on educational accountability and your decision to circumvent the signature Every Student Succeeds Act (ESSA) accountability program from the Obama administration, we have continued our efforts to make bi-partisan progress on a robust accountability system that would benefit first and foremost our children. I continue to advocate for increased educational accountability and introduced legislation that would improve upon Maryland's current status of having the second lowest academic accountability ranking in the nation.

Maryland students should not be stuck in schools that have persistently failed to give them the education they deserve. Unfortunately, House Bill 1413 and Senate Bill 1030 fail to address accountability for our schools. The Commission's purported aim was to adopt strategies that have been proven in a top-performing state, such as Massachusetts. Yet, the Commission failed to include any of the strong accountability strategies used in that state to achieve that success. I would note that your Commission spent a great deal of time researching other states' accountability measures that protect children from failing schools, yet your bill includes none of these successful measures.

As the legislative session come to a close, the citizens of Maryland are waiting impatiently for you to finally act on these important issues. The Commission on Innovation and Excellence in Education has not delivered its most important work, which was statutorily required of them: the actual funding formulas and honest recommendations on how to pay for any of this legislation. Meanwhile, the legislature has completely ignored that and the accountability measures that I have demanded and its own Commission has called for.

There is clearly much work to be done on these issues, and time is running out. Let's address the fundamental shortcomings in our schools without repeating the same mistakes that have been made in the past that failed the families and children of our state.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Larry Hogan', with a long horizontal line extending to the right.

Larry Hogan  
Governor