

BILL: House Bill 1421
TITLE: Education - Advanced Courses - Automatic Enrollment
POSITION: OPPOSE
DATE: March 4, 2020
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes House Bill 1421, in favor of maintaining the current State law governing the identification of gifted and talented students and providing for local control within certain guidelines. MABE also opposes a mandate to automatically enroll students in certain classes based on standardized assessment scores.

Section 8-201 of the Education Article states:

In this subtitle, “gifted and talented student” means an elementary or secondary student who is identified by professionally qualified individuals as: (1) Having outstanding talent and performing, or showing the potential for performing, at remarkably high levels of accomplishment when compared with other students of a similar age, experience, or environment; (2) Exhibiting high performance capability in intellectual, creative, or artistic areas; (3) Possessing an unusual leadership capacity; or (4) Excelling in specific academic fields.

MABE believes that the current statute intends that these professionally qualified individuals are to be local school system employees, and to be identifying students based on locally developed, not state imposed, standards and protocols. In 2019, the State Board considered and adopted revised State regulations governing gifted and talented programs. MABE opposed the regulations as introduced because they did not reflect a balance of State direction and local discretion. The regulations finally adopted continue to include extremely prescriptive language governing these programs.

As this committee knows, MABE opposes efforts by the General Assembly to legislate curriculum or assessments, including in this instance the methodology for identifying gifted and talented students. MABE believes that this role belongs to local boards of education in conjunction with the State Board. In creating the State Board and local boards of education, the General Assembly has delegated to them the responsibility for developing curriculum and administering assessments. The State Board establishes State standards and statewide graduation requirements; the local boards implement locally-developed curriculum to ensure that standards are met and students are prepared to meet graduation requirements.

Therefore, in the context of the recognizing the essential role of the state legislature in enacting laws which establish the framework for key elements of the State’s approach to public education, MABE continues to support local decision-making authority in developing curriculum.

For the reasons outlined above, MABE requests an unfavorable report on House Bill 1421.