

HOUSE BILL 978

F1

7lr2553
CF SB 871

By: ~~Delegate Luedtke~~ Delegates Luedtke, Tarlau, Mosby, M. Washington, A. Washington, C. Howard, Turner, Kaiser, Ebersole, Patterson, D. Barnes, and Ali

Introduced and read first time: February 6, 2017
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 8, 2017

CHAPTER _____

1 AN ACT concerning

2 **Education – Accountability – Consolidated State Plan and Support and**
3 **Improvement Plans**
4 **(Protect Our Schools Act of 2017)**

5 FOR the purpose of requiring a certain educational accountability program to include at
6 least a certain number of school quality indicators; authorizing certain school quality
7 indicators to include certain factors; prohibiting certain school quality indicators
8 from being based on student testing; requiring ~~that certain indicators be given equal~~
9 ~~weight under certain circumstances~~ the State Board of Education to consider
10 stakeholder input in determining the weights of certain indicators; prohibiting a
11 certain total of certain indicators from exceeding a certain percentage of a certain
12 score; requiring the State Department of Education, on or before a certain date, to
13 establish a certain program for data collection and reporting on student growth;
14 requiring a county board of education to develop and implement a Comprehensive
15 Support and Improvement Plan for certain schools under certain circumstances;
16 providing for the content and requirements of a Comprehensive Support and
17 Improvement Plan; requiring a school to develop and implement a Targeted Support
18 and Improvement Plan for certain schools under certain circumstances; providing
19 for the content and requirements of a Targeted Support and Improvement Plan;
20 requiring certain entities to approve, monitor, and annually review a certain plan;
21 requiring a plan to be implemented in compliance with certain collective bargaining
22 agreements; requiring the State Department of Education to distribute federal funds
23 for the implementation of a certain plan in a certain manner; requiring a county

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 board, after a certain time period, to consult with a school to develop certain
 2 strategies under certain circumstances; requiring the Department, after a certain
 3 time period, to collaborate with a certain county board in determining the
 4 appropriate intervention strategy under certain circumstances, subject to certain
 5 limitations; providing for the construction of certain provisions of this Act; and
 6 generally relating to education accountability plans.

7 BY repealing and reenacting, with amendments,
 8 Article – Education
 9 Section 7–203
 10 Annotated Code of Maryland
 11 (2014 Replacement Volume and 2016 Supplement)

12 BY adding to
 13 Article – Education
 14 Section 7–203.4
 15 Annotated Code of Maryland
 16 (2014 Replacement Volume and 2016 Supplement)

17 Preamble

18 WHEREAS, All students in the State should have a fair, equal, and significant
 19 opportunity to obtain a high–quality education and reach, at a minimum, proficiency on
 20 challenging State academic achievement standards and State academic assessments; and

21 WHEREAS, The State should focus on closing the achievement gaps between
 22 high– and low–performing students and minority and nonminority students; and

23 WHEREAS, Parents and students should hold schools, county boards of education,
 24 and the State accountable for improving the academic achievement of all students, and
 25 identifying and improving low–performing schools to provide a high–quality education;
 26 now, therefore,

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 28 That the Laws of Maryland read as follows:

29 **Article – Education**

30 7–203.

31 (a) **(1)** The State Board, the State Superintendent, each county board, and
 32 each public school shall implement a program of education accountability for the operation
 33 and management of the public schools.

34 **(2) A CONSOLIDATED STATE PLAN TO IMPROVE STUDENT OUTCOMES**
 35 **SUBMITTED BY THE DEPARTMENT TO THE UNITED STATES DEPARTMENT OF**

1 **EDUCATION UNDER THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT**
2 **SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.**

3 (b) (1) In this subsection, “grade band assessment” means one assessment of
4 a middle school student’s knowledge in a core academic subject area during grades 6
5 through 8.

6 (2) The education accountability program shall include the following:

7 (i) The State Board and the State Superintendent shall assist each
8 county board to establish educational goals and objectives that conform with statewide
9 educational objectives for subject areas including reading, writing, mathematics, science,
10 and social studies;

11 (ii) With the assistance of its county board, each public school shall
12 survey current student achievement in reading, language, mathematics, science, social
13 studies, and other areas to assess its needs;

14 (iii) 1. The State Board and the State Superintendent shall
15 implement assessment programs in reading, language, mathematics, science, and social
16 studies that include written responses;

17 2. The assessment program required in this subsection shall:

18 A. Provide information needed to improve public schools by
19 enhancing the learning gains of students and academic mastery of the skills and knowledge
20 set forth in the State’s adopted curricula or common core curricula;

21 B. Inform the public annually of the educational progress
22 made at the school, local school system, and State levels; and

23 C. Provide timely feedback to schools and teachers for the
24 purposes of adapting the instructional program and making placement decisions for
25 students; and

26 3. Beginning in the 2014–2015 school year, the following
27 assessments shall be implemented and administered annually:

28 A. At the middle school level, a statewide, comprehensive,
29 grade band assessment program that measures the learning gains of each public school
30 student towards achieving mastery of the standards set forth in the common core curricula
31 or the State’s adopted curricula for the core content areas of reading, language,
32 mathematics, science, and social studies; and

33 B. At the high school level, a statewide, standardized,
34 end-of-course assessment that is aligned with and that measures each public school

1 student's skills and knowledge of the State's adopted curricula for the core content areas of
2 reading, language, mathematics, science, and social studies;

3 (iv) Each public school shall establish as the basis for its assessment
4 of its needs, project goals and objectives that are in keeping with the goals and objectives
5 established by its county board and the State Board;

6 (v) With the assistance of its county board, the State Board, and the
7 State Superintendent, each public school shall develop programs to meet its needs on the
8 basis of the priorities it sets;

9 (vi) Evaluation programs shall be developed at the same time to
10 determine if the goals and objectives are being met; and

11 (vii) A reevaluation of programs, goals, and objectives shall be
12 undertaken regularly.

13 (3) (i) After the 2014–2015 school year, the State Board shall determine
14 whether the assessments at the middle school and high school levels required under
15 paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth
16 in the State's adopted curricula for the core content areas of reading, language,
17 mathematics, science, and social studies.

18 (ii) If the State Board makes a determination under subparagraph
19 (i) of this paragraph that an assessment does not adequately measure the skills and
20 knowledge set forth in the State's adopted curricula for a core content area, the Department
21 shall develop a State-specific assessment in that core content area to be implemented in
22 the 2018–2019 school year.

23 (c) (1) National standardized testing may not be the only measure for
24 evaluating educational accountability.

25 (2) (I) AN EDUCATIONAL ACCOUNTABILITY PROGRAM SHALL
26 INCLUDE AT LEAST THREE SCHOOL QUALITY INDICATORS THAT MEASURE THE
27 COMPARATIVE OPPORTUNITIES PROVIDED TO STUDENTS IN PUBLIC SCHOOLS.

28 (II) SCHOOL QUALITY INDICATORS MAY INCLUDE, BUT ARE NOT
29 LIMITED TO:

30 ~~1. FOR SECONDARY SCHOOLS:~~

31 ~~A.~~ 1. CLASS SIZE;

32 ~~B.~~ 2. CASE LOAD;

33 ~~C.~~ 3. SCHOOL CLIMATE SURVEYS;

~~D. 4. OPPORTUNITIES TO ENROLL IN ADVANCED PLACEMENT COURSES AND INTERNATIONAL BACCALAUREATE PROGRAMS;~~

~~E. OPPORTUNITIES FOR DUAL ENROLLMENT;~~

~~F. OPPORTUNITIES TO ENROLL IN CAREER AND TECHNOLOGY EDUCATION PROGRAMS; AND~~

~~G. OPPORTUNITIES FOR INDUSTRY CERTIFICATION; AND~~

~~2. FOR ELEMENTARY AND MIDDLE SCHOOLS:~~

~~A. CLASS SIZE;~~

~~B. CASE LOAD;~~

~~C. CHRONIC ABSENTEEISM; AND~~

~~D. SCHOOL CLIMATE SURVEYS. FOR:~~

A. ADVANCED PLACEMENT COURSES AND INTERNATIONAL BACCALAUREATE PROGRAMS;

B. CAREER AND TECHNOLOGY EDUCATION PROGRAMS;

C. DUAL ENROLLMENT; AND

D. INDUSTRY CERTIFICATION;

5. CHRONIC ABSENTEEISM;

6. DATA ON DISCIPLINE AND RESTORATIVE PRACTICES;

AND

7. ACCESS TO TEACHERS WHO HOLD AN ADVANCED PROFESSIONAL CERTIFICATE OR HAVE OBTAINED NATIONAL BOARD CERTIFICATION.

(III) THE SCHOOL QUALITY INDICATORS USED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE BASED ON STUDENT TESTING.

(IV) 1. ~~BOTH ACADEMIC INDICATORS AND SCHOOL QUALITY INDICATORS SHALL BE GIVEN EQUAL WEIGHT IN REPORTING INTERIM PROGRESS~~

~~TOWARD THE STATE BOARD'S GOALS AND OBJECTIVES IN DETERMINING THE WEIGHTS OF THE ACADEMIC INDICATORS AND SCHOOL QUALITY INDICATORS, THE STATE BOARD SHALL CONSIDER STAKEHOLDER INPUT.~~

2. THE COMBINED TOTAL OF THE ACADEMIC INDICATORS MAY NOT EXCEED ~~51%~~ 55% OF THE COMPOSITE SCORE.

3. ON OR BEFORE JULY 1, 2018, THE DEPARTMENT SHALL ESTABLISH A STATEWIDE WEB-BASED PROGRAM FOR DATA COLLECTION, REPORTING, AND DATA SHARING AMONG THE COUNTY BOARDS ON ACADEMIC INDICATORS THAT ALLOW FOR MEANINGFUL DIFFERENTIATION IN SCHOOL PERFORMANCE.

(d) The Department shall assist each county board to establish an education accountability program by providing:

(1) Guidelines for development and implementation of the program by the county boards; and

(2) Assistance and coordination where it is needed and requested by the county boards.

(e) (1) The Department shall survey a statewide, representative sample of public schools and public school teachers annually to measure:

(i) The amount of instructional time spent on social studies and science instruction in elementary schools;

(ii) The availability and use of appropriate instructional resources and teaching technology in social studies and science classrooms;

(iii) The availability and use of appropriate professional development for social studies and science teachers; and

(iv) The number of secondary school social studies and science classes that are taught by teachers who are:

1. Certified in the subject being taught; and

2. Not certified in the subject being taught.

(2) The Department shall:

(i) Compile the results of the survey conducted under paragraph (1) of this subsection; and

1 (ii) Publish the results on the Department's Web site.

2 (f) The State Superintendent shall send the Governor and, subject to § 2-1246 of
3 the State Government Article, the General Assembly a report each January that includes:

4 (1) Documentation of the progress of the Department, the county boards,
5 and each public school in this State towards their respective goals and objectives; and

6 (2) Recommendations for legislation that the State Board and the State
7 Superintendent consider necessary to improve the quality of education in this State.

8 (g) On the recommendation of the State Superintendent, the State Board shall
9 include in its annual budget request the funds it considers necessary to carry out the
10 provisions of this section.

11 **7-203.4.**

12 (A) (1) **FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT**
13 **FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT, THE COUNTY BOARD SHALL**
14 **DEVELOP AND IMPLEMENT A COMPREHENSIVE SUPPORT AND IMPROVEMENT PLAN**
15 **TO IMPROVE STUDENT OUTCOMES AT THE SCHOOL.**

16 (2) **THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**
17 **SUBSECTION SHALL:**

18 (I) **BE DEVELOPED IN CONSULTATION WITH PRINCIPALS,**
19 **PARENTS, COMMUNITY MEMBERS, TEACHERS, SCHOOL STAFF, AND THE EXCLUSIVE**
20 **BARGAINING REPRESENTATIVE;**

21 (II) **INCLUDE THE SCHOOL QUALITY INDICATORS DESCRIBED**
22 **UNDER § 7-203(C) OF THIS SUBTITLE;**

23 (III) **INCLUDE EVIDENCE-BASED INTERVENTIONS;**

24 (IV) **BE BASED ON SCHOOL-LEVEL NEEDS ASSESSMENTS; AND**

25 (V) **IDENTIFY RESOURCE INEQUITIES AND BUDGETARY NEEDS.**

26 (3) **THE SCHOOL ~~AND THE~~, COUNTY BOARD, AND THE DEPARTMENT**
27 **SHALL APPROVE THE PLAN.**

28 (4) **THE DEPARTMENT SHALL MONITOR AND ANNUALLY REVIEW THE**
29 **PLAN.**

1 **(B) (1) FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT**
2 **FOR TARGETED SUPPORT AND IMPROVEMENT, THE SCHOOL SHALL DEVELOP AND**
3 **IMPLEMENT A TARGETED SUPPORT AND IMPROVEMENT PLAN TO IMPROVE**
4 **STUDENT OUTCOMES AT THE SCHOOL.**

5 **(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**
6 **SUBSECTION SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2) AND (3) OF**
7 **THIS SECTION.**

8 **(3) THE COUNTY BOARD SHALL MONITOR AND ANNUALLY REVIEW**
9 **THE PLAN.**

10 **(C) PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS**
11 **SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH EXISTING COLLECTIVE**
12 **BARGAINING AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE**
13 **BARGAINING REPRESENTATIVE.**

14 **(D) THE DEPARTMENT SHALL DISTRIBUTE FEDERAL FUNDS FOR THE**
15 **IMPLEMENTATION OF PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF**
16 **THIS SECTION BASED ON A FORMULA AND DRIVEN BY THE IDENTIFIED NEEDS OF**
17 **EACH SCHOOL IDENTIFIED BY THE DEPARTMENT.**

18 **(E) (1) AFTER A 2-YEAR PERIOD FROM THE DATE OF A PLAN'S**
19 **IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF A**
20 **COUNTY BOARD DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A**
21 **PUBLIC SCHOOL, THE COUNTY BOARD SHALL CONSULT WITH THE SCHOOL TO**
22 **DEVELOP ADDITIONAL STRATEGIES AND INTERVENTIONS INCLUDING FUNDING,**
23 **COMMUNITY SUPPORTS, AND GRANTS PROVIDED IN THE PUBLIC SCHOOL**
24 **OPPORTUNITIES ENHANCEMENT PROGRAM.**

25 **(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO**
26 **AUTHORIZE THE DEPARTMENT TO REQUIRE A COUNTY BOARD TO IMPLEMENT A**
27 **SPECIFIC INTERVENTION STRATEGY.**

28 **(F) (1) AFTER A 3-YEAR PERIOD FROM THE DATE OF A PLAN'S**
29 **IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF THE**
30 **DEPARTMENT DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A**
31 **PUBLIC SCHOOL AND INTERVENTION IS NECESSARY, THE DEPARTMENT SHALL**
32 **COLLABORATE WITH THE COUNTY BOARD IN DETERMINING THE APPROPRIATE**
33 **INTERVENTION STRATEGY, SUBJECT TO EXISTING COLLECTIVE BARGAINING**
34 **AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING**
35 **REPRESENTATIVE.**

1 **(2) AN INTERVENTION STRATEGY DETERMINED UNDER PARAGRAPH**
2 **(1) OF THIS SUBSECTION MAY NOT INCLUDE:**

3 **(I) CREATING A STATE-RUN SCHOOL DISTRICT;**

4 **(II) CREATING A LOCAL SCHOOL SYSTEM IN ADDITION TO THE**
5 **24 SCHOOL SYSTEMS ESTABLISHED IN THIS ARTICLE;**

6 **(III) CONVERTING OR CREATING A NEW PUBLIC SCHOOL**
7 **WITHOUT LOCAL BOARD APPROVAL;**

8 ~~**(IV)**~~ **(IV) CONVERTING A PUBLIC SCHOOL TO A CHARTER**
9 **SCHOOL;**

10 ~~**(V)**~~ **(V) ISSUING SCHOLARSHIPS TO PUBLIC SCHOOL**
11 **STUDENTS TO ATTEND NONPUBLIC SCHOOLS THROUGH DIRECT VOUCHERS, TAX**
12 **CREDIT PROGRAMS, OR EDUCATION SAVINGS ACCOUNTS; AND**

13 ~~**(VI)**~~ **(VI) CONTRACTING WITH A FOR-PROFIT COMPANY.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.