SENATE BILL 871

By: Senator Zucker
Introduced and read first time: February 3, 2017
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning
Education – Accountability – Consolidated State Plan and Support and
Improvement Plans
(Protect Our Schools Act of 2017)

FOR the purpose of requiring a certain educational accountability program to include at
least a certain number of school quality indicators; authorizing certain school quality
indicators to include certain factors; prohibiting certain school quality indicators
from being based on student testing; requiring that certain indicators be given equal
weight under certain circumstances; prohibiting a certain total of certain indicators
from exceeding a certain percentage of a certain score; requiring a county board of
education to develop and implement a Comprehensive Support and Improvement
Plan for certain schools under certain circumstances; providing for the content and
requirements of a Comprehensive Support and Improvement Plan; requiring a
school to develop and implement a Targeted Support and Improvement Plan for
certain schools under certain circumstances; providing for the content and
requirements of a Targeted Support and Improvement Plan; requiring certain
entities to approve, monitor, and annually review a certain plan; requiring a plan to
be implemented in compliance with certain collective bargaining agreements;
requiring the State Department of Education to distribute federal funds for the
implementation of a certain plan in a certain manner; requiring a county board, after
a certain time period, to consult with a school to develop certain strategies under
certain circumstances; requiring the Department, after a certain time period, to
collaborate with a certain county board in determining the appropriate intervention
strategy under certain circumstances, subject to certain limitations; providing for
the construction of certain provisions of this Act; and generally relating to education
accountability plans.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203
Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
Preamble

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

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

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

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

Article – Education

7–203.

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

(2) A CONSOLIDATED STATE PLAN TO IMPROVE STUDENT OUTCOMES SUBMITTED BY THE DEPARTMENT TO THE UNITED STATES DEPARTMENT OF EDUCATION UNDER THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT SHALL COMPLY WITH THE REQUIREMENTS OF THIS SUBTITLE.

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

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

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

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

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

2. The assessment program required in this subsection shall:

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

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

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

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

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

B. At the high school level, a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student’s skills and knowledge of the State’s adopted curricula for the core content areas of reading, language, mathematics, science, and social studies;

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

(v) With the assistance of its county board, the State Board, and the State Superintendent, each public school shall develop programs to meet its needs on the basis of the priorities it sets;
(vi) Evaluation programs shall be developed at the same time to
determine if the goals and objectives are being met; and

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

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

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

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

(2) (i) An educational accountability program shall
include at least three school quality indicators that measure the
comparative opportunities provided to students in public schools.

(ii) School quality indicators may include:

1. For secondary schools:

   A. Class size;

   B. Case load;

   C. School climate surveys;

   D. 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;
2. **FOR ELEMENTARY AND MIDDLE SCHOOLS:**

A. **CLASS SIZE;**

B. **CASE LOAD;**

C. **CHRONIC ABSENTEEISM; AND**

D. **SCHOOL CLIMATE SURVEYS.**

(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.**

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

(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:
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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
(ii) Publish the results on the Department’s Web site.

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

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and
(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

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

7–203.4.

(A) (1) For each public school identified by the Department for comprehensive support and improvement, the county board shall develop and implement a comprehensive support and improvement plan to improve student outcomes at the school.

(2) The plan developed under paragraph (1) of this subsection shall:

(i) Be developed in consultation with principals, teachers, school staff, and the exclusive bargaining representative;
(ii) Include the school quality indicators described under § 7–203(c) of this subtitle;
(iii) Include evidence-based interventions;
(iv) Be based on school-level needs assessments; and
(v) Identify resource inequities and budgetary needs.
The school and the county board shall approve the plan.

The department shall monitor and annually review the plan.

(B) (1) For each public school identified by the department for targeted support and improvement, the school shall develop and implement a targeted support and improvement plan to improve student outcomes at the school.

(2) The plan developed under paragraph (1) of this subsection shall meet the requirements of subsection (a)(2) and (3) of this section.

(3) The county board shall monitor and annually review the plan.

(C) Plans developed under subsections (a)(1) and (b)(1) of this section shall be implemented in compliance with existing collective bargaining agreements between the county board and the exclusive bargaining representative.

(D) The department shall distribute federal funds for the implementation of plans developed under subsections (a)(1) and (b)(1) of this section based on a formula and driven by the identified needs of each school identified by the department.

(E) (1) After a 2–year period from the date of a plan’s implementation under subsections (a)(1) and (b)(1) of this section, if a county board determines that student outcomes have not improved at a public school, the county board shall consult with the school to develop additional strategies and interventions including funding, community supports, and grants provided in the Public School Opportunities Enhancement Program.

(2) Nothing in this subsection shall be construed to authorize the department to require a county board to implement a specific intervention strategy.

(F) (1) After a 3–year period from the date of a plan’s implementation under subsections (a)(1) and (b)(1) of this section, if the
DEPARTMENT DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A PUBLIC SCHOOL AND INTERVENTION IS NECESSARY, THE DEPARTMENT SHALL COLLABORATE WITH THE COUNTY BOARD IN DETERMINING THE APPROPRIATE INTERVENTION STRATEGY, SUBJECT TO EXISTING COLLECTIVE BARGAINING AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING REPRESENTATIVE.

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

(I) CREATING A STATE–RUN SCHOOL DISTRICT;

(II) CONVERTING A PUBLIC SCHOOL TO A CHARTER SCHOOL;

(III) ISSUING SCHOLARSHIPS TO PUBLIC SCHOOL STUDENTS TO ATTEND NONPUBLIC SCHOOLS THROUGH DIRECT VOUCHERS, TAX CREDIT PROGRAMS, OR EDUCATION SAVINGS ACCOUNTS; AND

(IV) CONTRACTING WITH A FOR–PROFIT COMPANY.

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