

April 5, 2017

The Honorable Michael E. Busch  
Speaker of the House  
State House  
Annapolis, Maryland 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 978 – *Education – Accountability – Consolidated State Plan and Support and Improvement Plans*.

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the federal education law that reflects this country’s longstanding commitment to equal opportunity for all students. ESSA was a response to the growing concern over the prescriptive nature of the student achievement goals required by the former No Child Left Behind (NCLB) Act. Unlike NCLB, ESSA provides flexibility to states to choose their own goals and create their own accountability systems, so long as they are designed to close achievement gaps and promote strong student performance.

Maryland has been a leader on school accountability for more than two decades. Unfortunately, if House Bill 978 is enacted, Maryland would be forced by the legislature to adopt the weakest accountability system in the country under ESSA. Instead of being recognized as a national leader in education, Maryland would become a national leader in deprioritizing student learning. Because this legislation lacks accountability and includes provisions aimed at maintaining the status quo in failing schools, Maryland State Department of Education has expressed strong opposition to this bill, and the Maryland State Board of Education voted unanimously against this legislation.

House Bill 978 would weight academic performance indicators at 65 percent, while non-academic indicators such as “school climate surveys” are weighted at 35 percent. Very simply, the prioritization of these non-academic factors is designed to hide what is really happening in failing schools and is not correlated to student achievement in any way. Of the states that have posted their proposed plans to comply with ESSA, all have proposed academic performance indicators weighted at or above 75 percent.

ESSA specifies that student performance must be given “much greater weight” in the accountability system. 65 percent for academic indicators and 35 percent for non-academic indicators is not “much greater weight.”

This legislation also prohibits most well-known and nationally accepted interventions in persistently failing schools. The bill’s sponsor alleges this language is necessary to “prevent the state from enacting heavy-handed, radical solutions” when a school has been failing to meet the educational needs of its children, year after year. It is important to note the State Board of Education is powerless to adopt these interventions without the legislature’s approval. This part of the bill is nothing more than bald, and frankly, bad politics.

To make matters much worse, the bill and its sponsor have identified no other evidence-based intervention strategies that are working in other states. In essence, the true purpose of this bill is to fight for and protect the status quo, which sadly has become the unofficial mantra of the political operatives who run the state teachers union. In response to the months of lobbying and political pressure applied by these operatives, the legislature has voted in favor of a bill that puts the priorities and needs of adults over what is best for our children and students. This bill invents a nonexistent “crisis” and then presents no alternative solutions. The entire episode is beneath the standards of the Maryland General Assembly and our state as a whole.

Most outrageously, this dangerous bill would potentially put hundreds of millions of dollars of federal funding at risk. In fact, according to the Department of Legislative Services, this bill threatens to cost the state \$246.8 million annually in federal education funding, including more than \$50 million annually in Baltimore City alone. At a time when school districts around the state are fighting for additional funding in response to declining enrollment, the cavalier manner in which the legislature is potentially jeopardizing federal funding is as astounding as it is disturbing. Just this week, our administration was proud to join with leaders from the General Assembly, Baltimore City, and jurisdictions around the state to provide nearly \$30 million in additional education funding. This potential funding loss due to the enactment of this bill would completely wipe out this new investment.

While other states are working to add to the toolbox of their boards of education and state departments of education to help students assigned to persistently failing schools, this outrageous legislation has an opposite and deleterious effect. House Bill 978 would dramatically limit the ability of the State Board of Education, an independent body charged with providing an exceptional education for all Maryland’s children regardless of where a child happens to live, to meet its constitutional and moral obligations.

Ultimately, it is difficult to describe the disastrous effects of this misguided legislation any better than the following blog post excerpt from The Education Trust,

a national non-profit education advocacy organization, headed by former U.S. Secretary of Education under President Obama, John B. King, Jr.:

*In recent years, Maryland has taken important steps to increase the honesty and rigor in its education system. The state has raised its standards. It has included more students — especially students with disabilities — in the National Assessment of Educational Progress. This new bill could dramatically reverse this progress, leaving Maryland — often considered a leader in education — in the unfamiliar position of trailing behind other states. The Maryland State Board of Education and Gov. Larry Hogan are right to oppose this legislation and keep sights set higher for Maryland's students. (Natasha Ushomirsky, "Maryland Takes A Big Step In The Wrong Direction," The Education Trust, 4/4/17)*

For these reasons, I have vetoed House Bill 978.

Sincerely,

Lawrence J. Hogan, Jr.  
Governor