

Chapter 29

(House Bill 978)

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; requiring one of the school quality indicators to be a certain school climate survey; authorizing certain school quality indicators to include certain factors; prohibiting certain school quality indicators from being based on student testing, subject to a certain exception; ~~requiring that certain indicators be given equal weight under certain circumstances the State Board of Education to consider stakeholder input in determining the weights of certain indicators~~; ~~prohibiting a certain total of certain indicators from exceeding a certain percentage of a certain score~~; ~~requiring the State Department of Education, on or before a certain date, to establish a certain program for data collection and reporting on student growth~~ requiring the State Board of Education to establish a certain composite score that provides for certain differentiation; requiring a certain composite score to include certain indicators and incorporate a certain methodology; prohibiting a certain total of academic indicators from exceeding a certain percentage of a composite score; requiring a certain composite score to be calculated in a certain manner; prohibiting a certain composite score from being reported in a certain format; prohibiting certain indicators from being weighted in a certain manner; specifying that the final weights of certain indicators, subject to certain provisions of law, are determined by the State Board, with certain stakeholder input; requiring a certain academic indicator to be a certain measure; 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; authorizing a certain plan to include a lengthening of the school year, notwithstanding certain laws, regulations, or executive orders; 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; specifying that a certain decision of the Department is final; 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
 (2014 Replacement Volume and 2016 Supplement)

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

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 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 OR THE LEVEL OF STUDENT SUCCESS IN PUBLIC SCHOOLS.

(II) 1. ONE OF THE SCHOOL QUALITY INDICATORS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE SCHOOL CLIMATE SURVEYS.

2. THE SCHOOL CLIMATE SURVEYS SHALL INCLUDE AT LEAST ONE QUESTION TO EDUCATORS REGARDING THE RECEIPT OF CRITICAL INSTRUCTIONAL FEEDBACK.

~~(H) (III) SCHOOL OTHER SCHOOL QUALITY INDICATORS MAY INCLUDE, BUT ARE NOT LIMITED TO:~~

~~1. FOR SECONDARY SCHOOLS:~~

~~A. 1. CLASS SIZE;~~

~~B. 2. CASE LOAD;~~

~~C. 3. SCHOOL CLIMATE SURVEYS ACCESS TO OR CREDIT FOR COMPLETION OF A WELL-ROUNDED CURRICULUM BY THE END OF NINTH GRADE, INCLUDING MATHEMATICS, ENGLISH LANGUAGE ARTS, SCIENCE, SOCIAL STUDIES, AND RELATED ARTS;~~

~~D. 4. 3. 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;~~
AND

~~C. DUAL ENROLLMENT; AND~~

~~D. INDUSTRY CERTIFICATION;~~

~~5. 4. CHRONIC ABSENTEEISM;~~

~~6.~~ 5. DATA ON DISCIPLINE AND RESTORATIVE PRACTICES;

AND

~~7.~~ 6. ACCESS TO TEACHERS WHO HOLD AN ADVANCED PROFESSIONAL CERTIFICATE OR HAVE OBTAINED NATIONAL BOARD CERTIFICATION.

~~(III) (IV) THE EXCEPT AS PROVIDED IN ITEM (III) 3 OF THIS PARAGRAPH, THE~~ THE SCHOOL QUALITY INDICATORS USED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE BASED ON STUDENT TESTING.

~~(IV) (V) 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.~~

1. THE STATE BOARD SHALL ESTABLISH A COMPOSITE SCORE THAT PROVIDES FOR MEANINGFUL DIFFERENTIATION OF SCHOOLS UNDER THE SCHOOL ACCOUNTABILITY SYSTEM.

2. THE COMPOSITE SCORE ESTABLISHED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL:

A. INCLUDE BOTH ACADEMIC AND SCHOOL QUALITY INDICATORS; AND

B. INCORPORATE A METHODOLOGY THAT COMPARES SCHOOLS THAT SHARE SIMILAR DEMOGRAPHIC CHARACTERISTICS, INCLUDING THE PROPORTION OF ECONOMICALLY DISADVANTAGED STUDENTS, AS DEFINED BY THE STATE IN ACCORDANCE WITH FEDERAL LAW; AND

C. BE REPORTED IN A MANNER THAT STATES FOR EACH SCORE THE INDIVIDUAL INDICATOR SCORE THAT IS USED TO CALCULATE THE COMPOSITE SCORE FOR EACH SCHOOL.

3. THE COMBINED TOTAL OF THE ACADEMIC INDICATORS MAY NOT EXCEED ~~55%~~ 65% OF THE COMPOSITE SCORE.

4. THE COMPOSITE SCORE:

A. SHALL BE CALCULATED NUMERICALLY IN A PERCENTILE FORM; AND

B. MAY NOT BE REPORTED USING A LETTER GRADE MODEL.

5. NO ACADEMIC INDICATOR MAY BE WEIGHTED AS LESS THAN 10% OF THE TOTAL AMOUNT OF THE COMPOSITE SCORE.

6. NO SCHOOL QUALITY INDICATOR DESCRIBED UNDER SUBSECTION (C)(2) OF THIS SECTION MAY BE WEIGHTED AS LESS THAN 10% OF THE TOTAL AMOUNT OF THE COMPOSITE SCORE.

7. SUBJECT TO THIS SUBPARAGRAPH, THE FINAL WEIGHTS OF THE ACADEMIC AND SCHOOL QUALITY INDICATORS SHALL BE DETERMINED BY THE STATE BOARD, WITH STAKEHOLDER INPUT.

(VI) OF THE ACADEMIC INDICATORS ESTABLISHED BY THE STATE BOARD UNDER SUBPARAGRAPH (V) OF THIS PARAGRAPH, ONE SHALL BE ACCESS TO OR CREDIT FOR COMPLETION OF A WELL-ROUNDED CURRICULUM THAT IS INDICATIVE OF ON-TRACK PROGRESS AT KEY TRANSITION POINTS WITHIN ELEMENTARY AND SECONDARY EDUCATION.

(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

(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, PARENTS, LOCAL COMMUNITY MEMBERS LEADERS, LOCAL EMPLOYER LEADERS, LOCAL GOVERNMENT LEADERS, 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.

(3) THE SCHOOL AND THE COUNTY BOARD, AND THE DEPARTMENT SHALL APPROVE THE PLAN.

(4) 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) NOTWITHSTANDING ANY LAW, REGULATION, OR EXECUTIVE ORDER, A PLAN UNDER THIS SECTION MAY INCLUDE A LENGTHENING OF THE SCHOOL YEAR BEYOND 180 DAYS OR ANY OTHER LIMITATION.

~~(2)~~ (3) 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) CREATING A LOCAL SCHOOL SYSTEM IN ADDITION TO THE 24 SCHOOL SYSTEMS ESTABLISHED IN THIS ARTICLE;

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

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

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

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

(3) A DECISION OF THE DEPARTMENT UNDER THIS SUBSECTION IS FINAL.

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

Gubernatorial Veto Override, April 6, 2017.