
**Testimony in Opposition to House Bill 347
Education—Community and Local Accountability for Struggling Schools
(CLASS) Act of 2020—Innovation Schools**

**House Ways and Means Committee
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1:00 PM**

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The Maryland State Education Association opposes House Bill 347, which would require county boards of education to designate struggling schools as innovation schools placed under the control of an Innovation Plan Committee.

MSEA represents 75,000 educators and school employees who work in Maryland’s public schools, teaching and preparing our 896,837 students for careers and jobs of the future. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3 million-member National Education Association (NEA).

Our state’s education system is undergoing an unprecedented period of transition and change, thanks to a series of landmark federal and state bills—including the federal Every Student Succeeds Act (ESSA) in 2015, the state’s Protect Our Schools Act (POSA) in 2017, and the Blueprint for Maryland’s Future—that will create a new era of school funding, accountability, and transparency. This legislation, unfortunately, seems deeply out of step with the current education policy landscape and the needs of students, educators, and schools. At best, this legislation is duplicative to what already exists or to what is included in the Blueprint. This legislation presents unnecessarily disruption and confusion to the substantial reforms and innovations that have been either enacted or agreed to over the last few years.

The CLASS Act is not only redundant to state law and policy, it is also less inclusive of local stakeholders in schools. Under ESSA, POSA, and the state’s ESSA plan, 1-star schools as well as the lowest performing schools and those with large achievement gaps are already identified as either Comprehensive Support and Improvement (CSI) schools or Targeted Support and Improvement (TSI) schools. The first round of CSI schools (based on 2017-2018 data) was identified by MSDE in 2018. This information, which has been made publicly available, already identified the schools that underwent a root cause analysis (performed in Summer 2019) and have been working to develop federally-required and state-approved and monitored school improvement plans—a collaborative effort between educators, school leaders, parents, community leaders, and the exclusive bargaining representative. Using state data, 1-star schools are working to improve at the same time new star ratings are due to be released. These steps go above and beyond those called for in the CLASS Act. Furthermore, they more inclusively involve the stakeholders who are immediately connected to and accountable for the struggling school, unlike the CLASS Act’s Innovation Committee, which is less inclusive and less accountable.



Next, at a time when policymakers are developing a rigorous, integrated accountability system through the Blueprint, this legislation would create a parallel system of accountability for struggling schools. This new system would be completely disjointed from that which currently exists under ESSA, POSA, the State Plan, and the Blueprint. The governor recently introduced a bill on a separate topic with the goal of ending, in his words, a purported “mass confusion” in school calendar policy. Whether or not that exists is debatable, but this legislation would quickly create mass confusion in school accountability policy. Schools that are struggling need to turn a laser-like focus to the job of crafting and implementing improvement plans aimed at improving outcomes for their students. They do not need to be unnecessarily distracted by a completely unrelated and unaccountable group seeking to require their own separate plan. The CLASS Act would ultimately take us backward at a time when our state is looking forward at ways to improve educational outcomes for all of our students.

Furthermore, the logistics spelled out in this legislation do not fully align with the current responsibilities of MSDE (under ESSA, POSA, and the state ESSA plan) nor its current capacity. This legislation requires Innovation Plan Committees to craft Innovation Plans based on student outcome data (to the extent applicable). Currently, MSDE is in the process of rolling out a brand new state assessment regime by converting from the use of the PARCC assessment to the MCAP assessment. During this conversion, MSDE has stated that the student outcome data from this year’s testing results will delay the release of report card results from fall 2020 to possibly February 2021 —some six to eight months after the assessments were taken. This delay in reporting is already causing harm to schools and districts under our current accountability system as it will make it nearly impossible for schools and districts to intervene and provide support to students and schools that are struggling, plan for the upcoming school year, or to begin work on the CSI/TSI root cause analysis and improvement plans required under current federal and state law. While this delay in reporting is no doubt because of the current transition, it points to ongoing concerns around MSDE’s capacity to provide the information and supports schools and districts need in a timely fashion in order to undertake the planning and implementation required under current law. This impacts our schools right now. Adding one more responsibility will surely only make matters worse.

Finally, this bill would stand in direct contradiction of our state’s collective bargaining laws as well as provisions within both ESSA and POSA. Under ESSA’s Rule of Collective Bargaining, “Nothing in this subsection shall be construed to alter or otherwise affect the rights, remedies, and procedures afforded to school or local educational agency employees under Federal, State, or local laws (including applicable regulations or court orders) or under the terms of collective bargaining agreements, memoranda of understanding, or other agreements between such employers and their employees.” POSA states, “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.” Yet, this legislation requires schools to create side agreements to the collective bargaining agreement just with a group of teachers who may or may not be at that school for the following year. While side agreements are very much a part of Maryland’s charter school law, it is done with the exclusive bargaining representative and not with a group of teachers. The bill would seek to render



meaningless the role of exclusive bargaining representatives in negotiating CBAs with the LEAs resulting in LEAs being required to administer and implement multiple CBAs throughout the district. As such, this legislation would prove not only to be detrimental to our struggling schools, but to the educators who serve them.

Much has been done to improve educational outcomes for the students in our state. There is still much work to be done. This legislation, however, does nothing to contribute to these efforts and, instead, serves as an unneeded, incongruous distraction that would only serve to be harmful and disruptive. The systems put in place by ESSA, POSA, and the State Plan in addition to those sought by the Blueprint for Maryland's Future work together to address the needs of our students, schools, and communities.

We ask the committee to issue an Unfavorable Report on House Bill 347.