

# SENATE BILL 776

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By: **Senator Ferguson**

Introduced and read first time: February 4, 2011

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Parent Empowerment Act of 2011**

3 FOR the purpose of authorizing certain parents and legal guardians of students  
4 attending public schools that are subject to corrective action and are not making  
5 adequate yearly progress to petition county boards of education to implement  
6 certain interventions based on accomplishing certain improvements; requiring  
7 county boards to notify the State Superintendent of Schools and the State Board  
8 of Education on receipt and of final disposition of certain petitions; requiring  
9 county boards to make certain determinations in a certain manner in a certain  
10 time frame; requiring county boards to designate interventions other than the  
11 options requested by certain petitions under certain circumstances; requiring  
12 county boards to notify the State Superintendent and the State Board that  
13 certain interventions have substantial promise of enabling certain schools to  
14 make adequate yearly progress; establishing a limit on the percentage or  
15 number of schools in a county that may be subject to a certain petition during a  
16 certain time period; requiring the State Board to adopt certain regulations by a  
17 certain date; defining certain terms; declaring a certain intent of the General  
18 Assembly; and generally relating to authorizing parents of students attending  
19 public schools that are subject to corrective action to petition county boards of  
20 education for an intervention.

21 BY adding to

22 Article – Education

23 Section 9A–101 through 9A–107 to be under the new title “Title 9A. Parent  
24 Empowerment”

25 Annotated Code of Maryland

26 (2008 Replacement Volume and 2010 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

## TITLE 9A. PARENT EMPOWERMENT.

## 9A-101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ALTERNATIVE GOVERNANCE ARRANGEMENT” MEANS AN ARRANGEMENT IN WHICH A COUNTY BOARD:

(1) REOPENS A SCHOOL AS A PUBLIC CHARTER SCHOOL AS DEFINED IN § 9-102 OF THIS ARTICLE;

(2) REPLACES ALL OR MOST OF THE SCHOOL STAFF, WHICH MAY INCLUDE THE PRINCIPAL, WHO ARE RELEVANT TO THE FAILURE TO MAKE ADEQUATE YEARLY PROGRESS;

(3) ENTERS INTO A CONTRACT WITH A NONPROFIT ENTITY WITH A DEMONSTRATED RECORD OF EFFECTIVENESS, TO OPERATE THE PUBLIC SCHOOL; OR

(4) IMPLEMENTS ANY OTHER MAJOR RESTRUCTURING OF THE SCHOOL’S GOVERNANCE ARRANGEMENT THAT MAKES FUNDAMENTAL REFORMS, INCLUDING SIGNIFICANT CHANGES IN THE SCHOOL’S STAFFING AND GOVERNANCE, TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT IN THE SCHOOL AND THAT HAS SUBSTANTIAL PROMISE OF ENABLING THE SCHOOL TO MAKE ADEQUATE YEARLY PROGRESS.

(C) “CHARTER MANAGEMENT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT OPERATES OR MANAGES CHARTER SCHOOLS BY CENTRALIZING OR SHARING SPECIFIED FUNCTIONS AND RESOURCES AMONG SCHOOLS.

(D) “EDUCATION MANAGEMENT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT PROVIDES COMPREHENSIVE SCHOOL OPERATION SERVICES TO A COUNTY BOARD.

(E) “INTERVENTION” MEANS AN ALTERNATIVE GOVERNANCE ARRANGEMENT THAT MAY INCLUDE:

(1) REPLACING THE PRINCIPAL WHO LED THE SCHOOL;

1                   **(2) USING RIGOROUS, TRANSPARENT, AND EQUITABLE**  
2 **EVALUATION SYSTEMS FOR TEACHERS AND PRINCIPALS:**

3                   **(I) THAT INCLUDE DATA ON STUDENT GROWTH, MULTIPLE**  
4 **OBSERVATION-BASED ASSESSMENTS OF PERFORMANCE, AND ONGOING**  
5 **COLLECTIONS OF PROFESSIONAL PRACTICE REFLECTIVE OF STUDENT**  
6 **ACHIEVEMENT AND INCREASED HIGH SCHOOL GRADUATION RATES; AND**

7                   **(II) THAT ARE DESIGNED AND DEVELOPED WITH TEACHER**  
8 **AND PRINCIPAL INVOLVEMENT;**

9                   **(3) IDENTIFYING AND REWARDING SCHOOL LEADERS, TEACHERS,**  
10 **AND OTHER STAFF WHO HAVE INCREASED STUDENT ACHIEVEMENT AND HIGH**  
11 **SCHOOL GRADUATION RATES;**

12                   **(4) IDENTIFYING AND REMOVING THOSE WHO, AFTER AMPLE**  
13 **OPPORTUNITIES HAVE BEEN PROVIDED FOR THEM TO IMPROVE THEIR**  
14 **PROFESSIONAL PRACTICE, HAVE NOT DONE SO;**

15                   **(5) PROVIDING STAFF WITH ONGOING, HIGH QUALITY,**  
16 **JOB-EMBEDDED PROFESSIONAL DEVELOPMENT, INCLUDING**  
17 **SUBJECT-SPECIFIC PEDAGOGY, INSTRUCTION THAT REFLECTS A DEEPER**  
18 **UNDERSTANDING OF THE COMMUNITY SERVED BY THE SCHOOL, OR**  
19 **DIFFERENTIATED INSTRUCTION, WHICH IS ALIGNED WITH THE SCHOOL'S**  
20 **COMPREHENSIVE INSTRUCTIONAL PROGRAM AND DESIGNED WITH SCHOOL**  
21 **STAFF TO ENSURE THEY ARE EQUIPPED TO FACILITATE EFFECTIVE TEACHING**  
22 **AND LEARNING AND HAVE THE CAPACITY TO SUCCESSFULLY IMPLEMENT**  
23 **SCHOOL REFORM STRATEGIES;**

24                   **(6) IMPLEMENTING STRATEGIES, INCLUDING FINANCIAL**  
25 **INCENTIVES, INCREASED OPPORTUNITIES FOR PROMOTION AND CAREER**  
26 **GROWTH, AND MORE FLEXIBLE WORK CONDITIONS THAT ARE DESIGNED TO**  
27 **RECRUIT, PLACE, AND RETAIN STAFF WITH THE SKILLS NECESSARY TO MEET**  
28 **THE NEEDS OF THE STUDENTS;**

29                   **(7) PROVIDING ADDITIONAL COMPENSATION TO ATTRACT AND**  
30 **RETAIN STAFF WITH THE NECESSARY SKILLS TO MEET THE NEEDS OF THE**  
31 **STUDENTS;**

32                   **(8) INSTITUTING A SYSTEM FOR MEASURING CHANGES IN**  
33 **INSTRUCTIONAL PRACTICES RESULTING FROM PROFESSIONAL DEVELOPMENT;**

1           **(9) USING LOCALLY ADOPTED COMPETENCIES TO MEASURE THE**  
2 **EFFECTIVENESS OF STAFF WHO CAN WORK WITHIN THE ALTERNATIVE**  
3 **GOVERNANCE ARRANGEMENT TO MEET THE NEEDS OF STUDENTS BY:**

4                   **(I) SCREENING ALL EXISTING STAFF AND REHIRING NO**  
5 **MORE THAN 50%; AND**

6                   **(II) SELECTING NEW STAFF;**

7           **(10) PROVIDING STAFF WITH ONGOING, HIGH QUALITY,**  
8 **JOB-EMBEDDED PROFESSIONAL DEVELOPMENT THAT IS ALIGNED WITH THE**  
9 **SCHOOL'S COMPREHENSIVE INSTRUCTIONAL PROGRAM AND DESIGNED WITH**  
10 **SCHOOL STAFF TO ENSURE THAT THEY ARE EQUIPPED TO FACILITATE**  
11 **EFFECTIVE TEACHING AND LEARNING AND HAVE THE CAPACITY TO**  
12 **SUCCESSFULLY IMPLEMENT SCHOOL REFORM STRATEGIES;**

13           **(11) USING DATA TO IDENTIFY AND IMPLEMENT AN**  
14 **INSTRUCTIONAL PROGRAM THAT IS RESEARCH-BASED AND VERTICALLY**  
15 **ALIGNED FROM ONE GRADE TO THE NEXT AS WELL AS ALIGNED WITH STATE**  
16 **ACADEMIC STANDARDS;**

17           **(12) PROMOTING THE CONTINUOUS USE OF STUDENT DATA,**  
18 **INCLUDING FORMATIVE, INTERIM, AND SUMMATIVE ASSESSMENTS, TO INFORM**  
19 **AND DIFFERENTIATE INSTRUCTION IN ORDER TO MEET THE ACADEMIC NEEDS**  
20 **OF INDIVIDUAL STUDENTS;**

21           **(13) ESTABLISHING SCHEDULES AND IMPLEMENTING STRATEGIES**  
22 **THAT PROVIDE INCREASED LEARNING TIME;**

23           **(14) PROVIDING APPROPRIATE SOCIAL-EMOTIONAL AND**  
24 **COMMUNITY-ORIENTED SERVICES AND SUPPORTS FOR STUDENTS; AND**

25           **(15) IMPLEMENTING A THEMED MODEL OR A DUAL LANGUAGE**  
26 **ACADEMY.**

27 **9A-102.**

28           **(A) THIS SECTION APPLIES TO ANY PUBLIC SCHOOL THAT, AFTER ONE**  
29 **FULL SCHOOL YEAR, IS SUBJECT TO CORRECTIVE ACTION IN ACCORDANCE WITH**  
30 **§ 1116(B) OF THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT**  
31 **AND CONTINUES TO FAIL TO MAKE ADEQUATE YEARLY PROGRESS.**

32           **(B) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, IF AT LEAST**  
33 **51% OF THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ATTENDING A**

1 PUBLIC SCHOOL SIGN A PETITION REQUESTING THE COUNTY BOARD TO  
2 IMPLEMENT AN INTERVENTION, THE COUNTY BOARD SHALL IMPLEMENT THE  
3 INTERVENTION REQUESTED BY THE PARENTS OR LEGAL GUARDIANS.

4 (2) (I) A PETITION SUBMITTED TO THE COUNTY BOARD UNDER  
5 PARAGRAPH (1) OF THIS SUBSECTION SHALL BE:

6 1. SUBMITTED BY JANUARY 15 IN THE YEAR  
7 PRECEDING THE SCHOOL YEAR OF IMPLEMENTATION; AND

8 2. BASED ON IMPROVING ACADEMIC ACHIEVEMENT  
9 OR STUDENT SAFETY.

10 (II) A COUNTY BOARD MAY NOT BE REQUIRED TO  
11 IMPLEMENT THE INTERVENTION REQUESTED BY A PETITION IF THE REQUEST IS  
12 BASED ON REASONS OTHER THAN IMPROVING ACADEMIC ACHIEVEMENT OR  
13 STUDENT SAFETY.

14 (3) IF A COUNTY BOARD IMPLEMENTS AN INTERVENTION UNDER  
15 THIS TITLE, THE INTERVENTION SHALL BE CONSIDERED AN ALTERNATIVE  
16 GOVERNANCE ARRANGEMENT THAT SATISFIES THE REQUIREMENTS OF  
17 FEDERAL LAW.

18 **9A-103.**

19 A COUNTY BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE  
20 STATE BOARD:

21 (1) ON RECEIPT OF A PETITION RECEIVED UNDER § 9A-102 OF  
22 THIS TITLE; AND

23 (2) OF ITS FINAL DISPOSITION REGARDING THE PETITION.

24 **9A-104.**

25 (A) WITHIN 90 DAYS AFTER RECEIPT OF A PETITION UNDER § 9A-102  
26 OF THIS TITLE, THE COUNTY BOARD SHALL MAKE A DETERMINATION, IN  
27 WRITING, REGARDING DISPOSITION OF THE PETITION.

28 (B) IF THE COUNTY BOARD DETERMINES THAT IT CANNOT IMPLEMENT  
29 THE INTERVENTION REQUESTED BY A PETITION, FOLLOWING A PUBLIC  
30 HEARING CONDUCTED AS PART OF A REGULARLY SCHEDULED MEETING OF THE  
31 COUNTY BOARD REGARDING THE PETITION, IN WRITING, THE COUNTY BOARD  
32 SHALL:

1           **(1) MAKE A FINDING STATING THE REASON THE COUNTY BOARD**  
2 **CANNOT IMPLEMENT THE INTERVENTION REQUESTED BY THE PETITION; AND**

3           **(2) DESIGNATE ANOTHER INTERVENTION THE COUNTY BOARD**  
4 **SHALL IMPLEMENT IN THE SUBSEQUENT SCHOOL YEAR CONSISTENT WITH THE**  
5 **REQUIREMENTS SPECIFIED IN:**

6                   **(I) FEDERAL REGULATIONS AND GUIDELINES FOR**  
7 **SCHOOLS SUBJECT TO RESTRUCTURING UNDER § 1116(B)(8) OF THE FEDERAL**  
8 **ELEMENTARY AND SECONDARY EDUCATION ACT; AND**

9                   **(II) REGULATIONS ADOPTED BY THE STATE BOARD UNDER**  
10 **§ 9A-107 OF THIS TITLE.**

11 **9A-105.**

12           **IF THE COUNTY BOARD INDICATES THAT IT SHALL IMPLEMENT A**  
13 **DIFFERENT INTERVENTION FROM THE INTERVENTION REQUESTED BY THE**  
14 **PETITION IN ACCORDANCE WITH § 9A-104(B) OF THIS TITLE, THE COUNTY**  
15 **BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE STATE BOARD**  
16 **THAT THE INTERVENTION SELECTED HAS BEEN DETERMINED BY THE COUNTY**  
17 **BOARD TO HAVE SUBSTANTIAL PROMISE OF ENABLING THE SCHOOL TO MAKE**  
18 **ADEQUATE YEARLY PROGRESS AS DEFINED IN THE FEDERALLY MANDATED**  
19 **STATE PLAN UNDER § 1111(B)(2) OF THE FEDERAL ELEMENTARY AND**  
20 **SECONDARY EDUCATION ACT.**

21 **9A-106.**

22           **(A) NO MORE THAN 5% OF THE SCHOOLS IN A COUNTY OR 5 SCHOOLS IN**  
23 **A COUNTY, WHICHEVER IS FEWER, AT ONE TIME, MAY BE SUBJECT TO A**  
24 **PETITION AUTHORIZED UNDER § 9A-102 OF THIS TITLE.**

25           **(B) A PETITION SHALL BE COUNTED TOWARD THE LIMIT ESTABLISHED**  
26 **UNDER SUBSECTION (A) OF THIS SECTION ON THE STATE SUPERINTENDENT**  
27 **AND THE STATE BOARD RECEIVING NOTICE FROM THE COUNTY BOARD OF THE**  
28 **BOARD'S FINAL DISPOSITION OF THE PETITION UNDER § 9A-103.**

29 **9A-107.**

30           **(A) ON OR BEFORE JANUARY 1, 2012, THE STATE BOARD SHALL ADOPT**  
31 **REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS TITLE.**

1           **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS**  
2 **SECTION SHALL ESTABLISH PROCEDURES FOR A COUNTY BOARD TO CERTIFY**  
3 **THAT A PETITION HAS SATISFIED ALL REQUIREMENTS ESTABLISHED BY LAW**  
4 **AND REGULATION RELATING TO THE PETITION, INCLUDING WHETHER THE**  
5 **SIGNATURES CONTAINED IN THE PETITION ARE SUFFICIENT TO SATISFY THE**  
6 **REQUIREMENTS OF § 9A-102(B) OF THIS TITLE.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
8 General Assembly that the interventions and alternative governance arrangements  
9 described under Section 1 of this Act be implemented in part or in whole with funds  
10 available under the State's Race to the Top grant or designated for the State  
11 Department of Education's Breakthrough Center.

12           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 July 1, 2011.