

Department of Legislative Services  
Maryland General Assembly  
2013 Session

FISCAL AND POLICY NOTE

House Bill 875  
Ways and Means

(Delegate Bates, *et al.*)

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Education - Public Schools - Parent Empowerment

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This bill authorizes parents or legal guardians of students attending a public school, or that would matriculate into the public school, to petition the local board of education to implement an intervention if the school after one full year fails to meet State accountability goals. If more than 50% of the parents or legal guardians sign the petition, the local board of education must implement the requested intervention or, under specified conditions, implement another form of intervention in the subsequent school year.

The intervention may be a restart model or a school closure model. The State Board of Education must adopt regulations to implement the bill.

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Fiscal Summary

**State Effect:** The State Board of Education can adopt required regulations and receive notifications from local boards of education using existing resources.

**Local Effect:** If parents and guardians choose to petition a local school system for an intervention, local school system administrative expenditures may increase to certify that a petition has satisfied all requirements established by law and regulation and to oversee the implementation of the requested intervention, or an alternative intervention that is approved by the local board. Student transportation costs may increase. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

### **Bill Summary:**

#### *Petition and Intervention Requirements*

A local board of education must notify the State Superintendent of Schools and the State Board of Education on receipt of a petition and of its final disposition regarding the petition. Within 60 days after receipt of a petition, the local board must make a determination, in writing, regarding disposition of the petition. Within 180 days after the determination of the disposition of the petition, the local board must implement the requested intervention. However, if the local board finds that it cannot implement the intervention requested by a petition, it must state in writing the reason it cannot do so and designate another intervention it will implement in the subsequent school year. The written finding must be made following a public hearing regarding the petition, which is conducted as part of a regularly scheduled local board meeting.

The alternative intervention must be consistent with federal regulations and guidelines for alternative governance strategies for schools subject to restructuring under the federal Elementary and Secondary Education Act (ESEA) and consistent with regulations adopted by the State board. If the local board indicates that it must implement a different intervention from the intervention request by the petition, the local board must notify the State Superintendent and the State board that the intervention selected has been determined by the local board to have substantial promise of enabling the school to meet State accountability goals.

#### *Interventions Allowed under the Bill*

The bill authorizes only two types (or models) of interventions, under specified conditions. The “restart model” is defined as a model in which a local board converts a school or closes and reopens a school under a charter school operator, a charter management organization, or an education management organization that has been selected through a rigorous review process. Any former student who wishes to attend the school may enroll.

The “school closure model” is defined as a model in which a local board closes a school and enrolls the students who attended the school in other schools in the system that are higher achieving and are within reasonable proximity to the closed school, including charter schools or new schools for which achievement data is not yet available.

## *Regulations*

The regulations adopted by the State board must establish procedures for a local board to certify that a petition has satisfied all requirements established by law and regulation relating to the petition, including whether the signatures contained in the petition are sufficient to require implementation of an intervention.

**Current Law:** State law does not require local school systems to implement interventions petitioned by parents and guardians.

## **Background:**

### *School Governance Intervention Strategies*

The restart model and the school closure model are two of the four intervention strategies that a local school system may use to address its lowest achieving schools under the federal Race to the Top grant and for School Improvement Grants. The restart model and the school closure models are defined as they are in the bill. The other two intervention models are the “turnaround model” and the “transformation model.” In the “turnaround model,” the local school system replaces the principal and rehires no more than 50% of the staff, gives the principal greater autonomy, and implements other recommended strategies. The “transformation model” requires that the local school system replace the principal, implement a rigorous staff evaluation and development system, institute a comprehensive instructional reform, increase learning time, apply community-oriented school strategies, and provide greater operational flexibility and support for the school.

### *ESEA Flexibility Waiver and Maryland Accountability Goals*

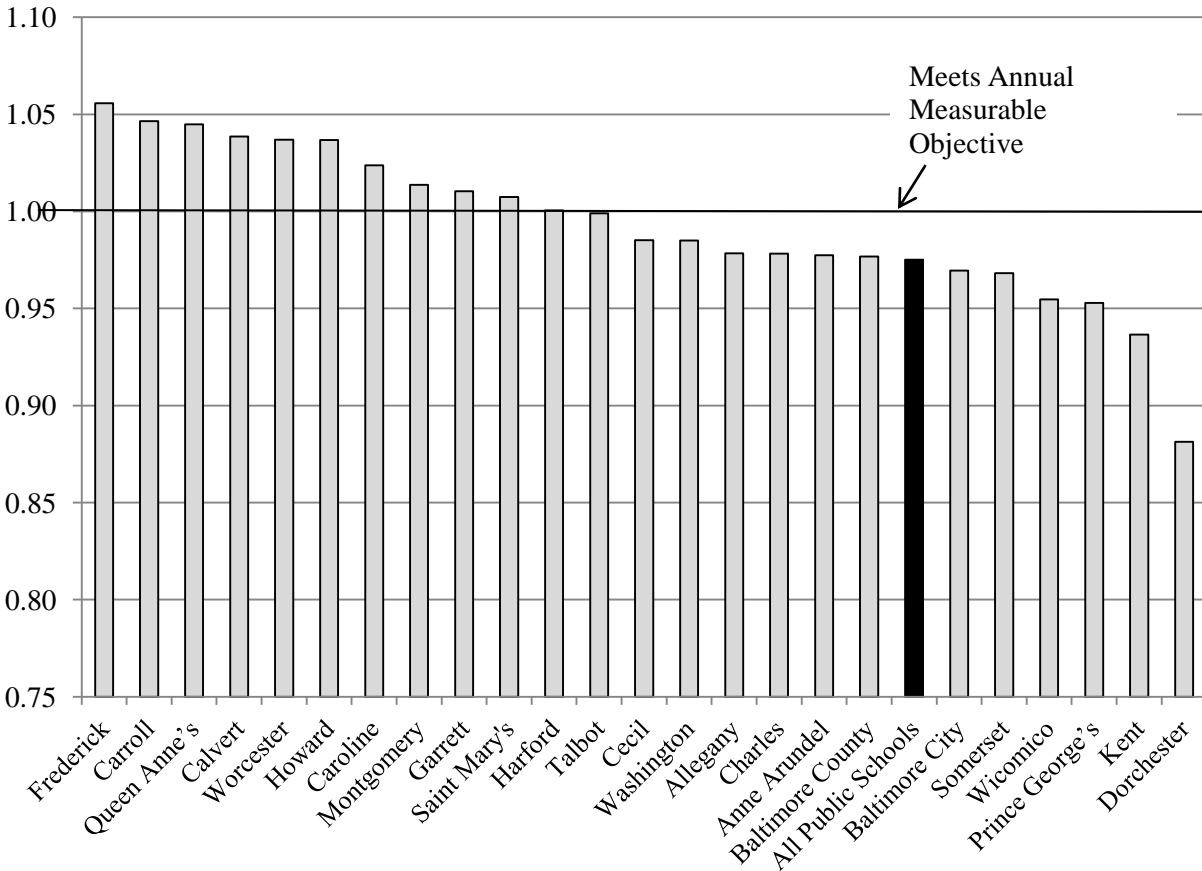
The federal No Child Left Behind Act (NCLB) requires states to develop an accountability framework in which every child is tested in reading and math in grades three through eight and again in math, English, and science in high school. NCLB establishes a goal of having 100% of students reach proficiency in reading and mathematics by the 2013-2014 school year. Each state determines its own proficiency standards and what represents a passing score on assessment exams. The Maryland School Assessments (MSA) are used to measure the performance of students in grades three through eight, and the High School Assessments (HSA) are used for high school students. Combining scores on the MSAs with attendance rates and scores on the HSAs with high school graduation rates determined whether each school, school system, and the State as a whole made adequate yearly progress (AYP) toward 100% proficiency. Performance data must be disaggregated into ten specified subgroups of students.

In the absence of congressional reauthorization of ESEA (which was amended and reauthorized by NCLB), the U.S. Department of Education offered an opportunity for states to apply for ESEA flexibility. To receive a waiver, states had to submit a request addressing four principles to increase the quality of instruction for students and improve student academic achievement. Upon approval, the state would receive a waiver of 10 ESEA requirements, most notably, the removal of the AYP and the 2013-2014 timeline for achieving 100% proficiency; removal of school and district improvement requirements including supplemental education services, choice, corrective action, and restructuring; and removal of improvement plan requirements and Title I and Title II fund restrictions for districts that miss Highly Qualified Teacher requirements.

MSDE was granted an ESEA flexibility waiver in May 2012. As a result, NCLB sanctions known as the school improvement process and the AYP are no longer part of Maryland's accountability system. Maryland re-designed its accountability system to focus on the progress that schools are making toward improving student achievement, closing achievement gaps, and enabling students to move toward readiness for college and career. New performance targets have been set for each school to cut in half, over the next six years, the percentage of students who fail to reach proficiency on State tests.

Targets, also known as Annual Measurable Objectives, have been set so that by 2017, each school reduces its percent of nonproficient students in each subgroup and for all students by 50%. Progress on these indicators, as compared to a school's 2011 baseline performance, are combined to generate a School Progress Index (SPI). The SPI is an estimate of the extent to which the school has met its targets. A school on target to progress as expected will achieve an SPI score of 1.0 or better. **Exhibit 1** shows each local education agency's (LEA) School Progress Index for the 2011-2012 school year. Frederick had the highest SPI, reaching 1.06, indicating that the LEA is progressing in improving student achievement as expected. Dorchester had the lowest SPI (0.88) indicating that the LEA, and 12 other LEAs with an SPI below 1.0, did not adequately make progress toward its goals. Of the State's 24 LEAs, 11 attained an SPI of 1.0 or better.

**Exhibit 1**  
**LEA School Progress Index**  
**School Year 2011-2012**



LEA: local education agency

Source: *The Maryland Report Card*, Maryland State Department of Education

*Parent Trigger Laws*

Policies known as “parent trigger” laws generally allow parents to intervene in their child’s school if it is performing poorly. With enough signatures from parents, any number of actions can be taken against the low-performing school. These can include converting it to a charter school, replacing some of the school’s administration and faculty, and closing the school altogether. Some have also proposed offering affected students private school vouchers.

According to the National Conference of State Legislatures (NCSL), California passed the nation's first parent trigger law in 2010, and as of June 2012, over 20 states have considered parent trigger legislation. NCSL reports that at least seven states (California, Connecticut, Indiana, Louisiana, Mississippi, Ohio, and Texas) have enacted some version of the law. Most of the states include a process by which parents of children attending a low-performing school can sign a petition that initiates an intervention in the operation of the school. Each state law also lists what intervention options are available to parents. Most of the states describe the role of the state education agency in determining what happens to the school, and some states include an appeal process for the school district overseeing the targeted school.

**Local Fiscal Effect:** If parents and guardians choose to petition a local school system for an intervention, local school system administrative expenditures may increase to certify that a petition has satisfied all requirements established by law and regulation and to oversee the implementation of the requested intervention. The magnitude of the impact will depend on the number of schools affected; the intervention model implemented at each school; whether any new (*i.e.*, alternative location) school building will need to be opened; and (in the case of the school closure model) the capacity for increased enrollment at existing, higher achieving public schools. Under the school closure model, transportation expenditures may increase, depending on the degree of proximity of chosen higher achieving schools (and upon any definition of "reasonable proximity" specified in regulations and/or used by a local board).

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### Additional Information

**Prior Introductions:** HB 831 of 2012 was withdrawn prior to receiving a hearing in the House Ways and Means Committee. HB 1081 of 2011, a similar bill, received a hearing in the House Ways and Means Committee, but no further action was taken.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Maryland Association of Boards of Education, National Conference of State Legislatures, Department of Legislative Services

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