

# SENATE BILL 871

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CF 7lr2553

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By: **Senator Zucker**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Accountability – Consolidated State Plan and Support and**  
3 **Improvement Plans**  
4 **(Protect Our Schools Act of 2017)**

5 FOR the purpose of requiring a certain educational accountability program to include at  
6 least a certain number of school quality indicators; authorizing certain school quality  
7 indicators to include certain factors; prohibiting certain school quality indicators  
8 from being based on student testing; requiring that certain indicators be given equal  
9 weight under certain circumstances; prohibiting a certain total of certain indicators  
10 from exceeding a certain percentage of a certain score; requiring a county board of  
11 education to develop and implement a Comprehensive Support and Improvement  
12 Plan for certain schools under certain circumstances; providing for the content and  
13 requirements of a Comprehensive Support and Improvement Plan; requiring a  
14 school to develop and implement a Targeted Support and Improvement Plan for  
15 certain schools under certain circumstances; providing for the content and  
16 requirements of a Targeted Support and Improvement Plan; requiring certain  
17 entities to approve, monitor, and annually review a certain plan; requiring a plan to  
18 be implemented in compliance with certain collective bargaining agreements;  
19 requiring the State Department of Education to distribute federal funds for the  
20 implementation of a certain plan in a certain manner; requiring a county board, after  
21 a certain time period, to consult with a school to develop certain strategies under  
22 certain circumstances; requiring the Department, after a certain time period, to  
23 collaborate with a certain county board in determining the appropriate intervention  
24 strategy under certain circumstances, subject to certain limitations; providing for  
25 the construction of certain provisions of this Act; and generally relating to education  
26 accountability plans.

27 BY repealing and reenacting, with amendments,  
28 Article – Education  
29 Section 7–203  
30 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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

1 educational objectives for subject areas including reading, writing, mathematics, science,  
2 and social studies;

3 (ii) With the assistance of its county board, each public school shall  
4 survey current student achievement in reading, language, mathematics, science, social  
5 studies, and other areas to assess its needs;

6 (iii) 1. The State Board and the State Superintendent shall  
7 implement assessment programs in reading, language, mathematics, science, and social  
8 studies that include written responses;

9 2. The assessment program required in this subsection shall:

10 A. Provide information needed to improve public schools by  
11 enhancing the learning gains of students and academic mastery of the skills and knowledge  
12 set forth in the State's adopted curricula or common core curricula;

13 B. Inform the public annually of the educational progress  
14 made at the school, local school system, and State levels; and

15 C. Provide timely feedback to schools and teachers for the  
16 purposes of adapting the instructional program and making placement decisions for  
17 students; and

18 3. Beginning in the 2014–2015 school year, the following  
19 assessments shall be implemented and administered annually:

20 A. At the middle school level, a statewide, comprehensive,  
21 grade band assessment program that measures the learning gains of each public school  
22 student towards achieving mastery of the standards set forth in the common core curricula  
23 or the State's adopted curricula for the core content areas of reading, language,  
24 mathematics, science, and social studies; and

25 B. At the high school level, a statewide, standardized,  
26 end-of-course assessment that is aligned with and that measures each public school  
27 student's skills and knowledge of the State's adopted curricula for the core content areas of  
28 reading, language, mathematics, science, and social studies;

29 (iv) Each public school shall establish as the basis for its assessment  
30 of its needs, project goals and objectives that are in keeping with the goals and objectives  
31 established by its county board and the State Board;

32 (v) With the assistance of its county board, the State Board, and the  
33 State Superintendent, each public school shall develop programs to meet its needs on the  
34 basis of the priorities it sets;

1 (vi) Evaluation programs shall be developed at the same time to  
2 determine if the goals and objectives are being met; and

3 (vii) A reevaluation of programs, goals, and objectives shall be  
4 undertaken regularly.

5 (3) (i) After the 2014–2015 school year, the State Board shall determine  
6 whether the assessments at the middle school and high school levels required under  
7 paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth  
8 in the State’s adopted curricula for the core content areas of reading, language,  
9 mathematics, science, and social studies.

10 (ii) If the State Board makes a determination under subparagraph  
11 (i) of this paragraph that an assessment does not adequately measure the skills and  
12 knowledge set forth in the State’s adopted curricula for a core content area, the Department  
13 shall develop a State–specific assessment in that core content area to be implemented in  
14 the 2018–2019 school year.

15 (c) (1) National standardized testing may not be the only measure for  
16 evaluating educational accountability.

17 (2) (I) AN EDUCATIONAL ACCOUNTABILITY PROGRAM SHALL  
18 INCLUDE AT LEAST THREE SCHOOL QUALITY INDICATORS THAT MEASURE THE  
19 COMPARATIVE OPPORTUNITIES PROVIDED TO STUDENTS IN PUBLIC SCHOOLS.

20 (II) SCHOOL QUALITY INDICATORS MAY INCLUDE:

21 1. FOR SECONDARY SCHOOLS:

22 A. CLASS SIZE;

23 B. CASE LOAD;

24 C. SCHOOL CLIMATE SURVEYS;

25 D. OPPORTUNITIES TO ENROLL IN ADVANCED  
26 PLACEMENT COURSES AND INTERNATIONAL BACCALAUREATE PROGRAMS;

27 E. OPPORTUNITIES FOR DUAL ENROLLMENT;

28 F. OPPORTUNITIES TO ENROLL IN CAREER AND  
29 TECHNOLOGY EDUCATION PROGRAMS; AND

30 G. OPPORTUNITIES FOR INDUSTRY CERTIFICATION;

31 AND

1                                   **2. FOR ELEMENTARY AND MIDDLE SCHOOLS:**

2                                   **A. CLASS SIZE;**

3                                   **B. CASE LOAD;**

4                                   **C. CHRONIC ABSENTEEISM; AND**

5                                   **D. SCHOOL CLIMATE SURVEYS.**

6                                   **(III) THE SCHOOL QUALITY INDICATORS USED IN**  
7 **SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE BASED ON STUDENT TESTING.**

8                                   **(IV) 1. BOTH ACADEMIC INDICATORS AND SCHOOL QUALITY**  
9 **INDICATORS SHALL BE GIVEN EQUAL WEIGHT IN REPORTING INTERIM PROGRESS**  
10 **TOWARD THE STATE BOARD'S GOALS AND OBJECTIVES.**

11                                   **2. THE COMBINED TOTAL OF THE ACADEMIC**  
12 **INDICATORS MAY NOT EXCEED 51% OF THE COMPOSITE SCORE.**

13                   (d) The Department shall assist each county board to establish an education  
14 accountability program by providing:

15                           (1) Guidelines for development and implementation of the program by the  
16 county boards; and

17                           (2) Assistance and coordination where it is needed and requested by the  
18 county boards.

19                   (e) (1) The Department shall survey a statewide, representative sample of  
20 public schools and public school teachers annually to measure:

21                                   (i) The amount of instructional time spent on social studies and  
22 science instruction in elementary schools;

23                                   (ii) The availability and use of appropriate instructional resources  
24 and teaching technology in social studies and science classrooms;

25                                   (iii) The availability and use of appropriate professional development  
26 for social studies and science teachers; and

27                                   (iv) The number of secondary school social studies and science classes  
28 that are taught by teachers who are:

- 1 1. Certified in the subject being taught; and
- 2 2. Not certified in the subject being taught.

3 (2) The Department shall:

4 (i) Compile the results of the survey conducted under paragraph (1)  
5 of this subsection; and

6 (ii) Publish the results on the Department's Web site.

7 (f) The State Superintendent shall send the Governor and, subject to § 2-1246 of  
8 the State Government Article, the General Assembly a report each January that includes:

9 (1) Documentation of the progress of the Department, the county boards,  
10 and each public school in this State towards their respective goals and objectives; and

11 (2) Recommendations for legislation that the State Board and the State  
12 Superintendent consider necessary to improve the quality of education in this State.

13 (g) On the recommendation of the State Superintendent, the State Board shall  
14 include in its annual budget request the funds it considers necessary to carry out the  
15 provisions of this section.

16 **7-203.4.**

17 (A) (1) **FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT**  
18 **FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT, THE COUNTY BOARD SHALL**  
19 **DEVELOP AND IMPLEMENT A COMPREHENSIVE SUPPORT AND IMPROVEMENT PLAN**  
20 **TO IMPROVE STUDENT OUTCOMES AT THE SCHOOL.**

21 (2) **THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**  
22 **SUBSECTION SHALL:**

23 (I) **BE DEVELOPED IN CONSULTATION WITH PRINCIPALS,**  
24 **TEACHERS, SCHOOL STAFF, AND THE EXCLUSIVE BARGAINING REPRESENTATIVE;**

25 (II) **INCLUDE THE SCHOOL QUALITY INDICATORS DESCRIBED**  
26 **UNDER § 7-203(C) OF THIS SUBTITLE;**

27 (III) **INCLUDE EVIDENCE-BASED INTERVENTIONS;**

28 (IV) **BE BASED ON SCHOOL-LEVEL NEEDS ASSESSMENTS; AND**

29 (V) **IDENTIFY RESOURCE INEQUITIES AND BUDGETARY NEEDS.**

1           **(3) THE SCHOOL AND THE COUNTY BOARD SHALL APPROVE THE**  
2 **PLAN.**

3           **(4) THE DEPARTMENT SHALL MONITOR AND ANNUALLY REVIEW THE**  
4 **PLAN.**

5           **(B) (1) FOR EACH PUBLIC SCHOOL IDENTIFIED BY THE DEPARTMENT**  
6 **FOR TARGETED SUPPORT AND IMPROVEMENT, THE SCHOOL SHALL DEVELOP AND**  
7 **IMPLEMENT A TARGETED SUPPORT AND IMPROVEMENT PLAN TO IMPROVE**  
8 **STUDENT OUTCOMES AT THE SCHOOL.**

9           **(2) THE PLAN DEVELOPED UNDER PARAGRAPH (1) OF THIS**  
10 **SUBSECTION SHALL MEET THE REQUIREMENTS OF SUBSECTION (A)(2) AND (3) OF**  
11 **THIS SECTION.**

12           **(3) THE COUNTY BOARD SHALL MONITOR AND ANNUALLY REVIEW**  
13 **THE PLAN.**

14           **(C) PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS**  
15 **SECTION SHALL BE IMPLEMENTED IN COMPLIANCE WITH EXISTING COLLECTIVE**  
16 **BARGAINING AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE**  
17 **BARGAINING REPRESENTATIVE.**

18           **(D) THE DEPARTMENT SHALL DISTRIBUTE FEDERAL FUNDS FOR THE**  
19 **IMPLEMENTATION OF PLANS DEVELOPED UNDER SUBSECTIONS (A)(1) AND (B)(1) OF**  
20 **THIS SECTION BASED ON A FORMULA AND DRIVEN BY THE IDENTIFIED NEEDS OF**  
21 **EACH SCHOOL IDENTIFIED BY THE DEPARTMENT.**

22           **(E) (1) AFTER A 2-YEAR PERIOD FROM THE DATE OF A PLAN'S**  
23 **IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF A**  
24 **COUNTY BOARD DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A**  
25 **PUBLIC SCHOOL, THE COUNTY BOARD SHALL CONSULT WITH THE SCHOOL TO**  
26 **DEVELOP ADDITIONAL STRATEGIES AND INTERVENTIONS INCLUDING FUNDING,**  
27 **COMMUNITY SUPPORTS, AND GRANTS PROVIDED IN THE PUBLIC SCHOOL**  
28 **OPPORTUNITIES ENHANCEMENT PROGRAM.**

29           **(2) NOTHING IN THIS SUBSECTION SHALL BE CONSTRUED TO**  
30 **AUTHORIZE THE DEPARTMENT TO REQUIRE A COUNTY BOARD TO IMPLEMENT A**  
31 **SPECIFIC INTERVENTION STRATEGY.**

32           **(F) (1) AFTER A 3-YEAR PERIOD FROM THE DATE OF A PLAN'S**  
33 **IMPLEMENTATION UNDER SUBSECTIONS (A)(1) AND (B)(1) OF THIS SECTION, IF THE**

1 DEPARTMENT DETERMINES THAT STUDENT OUTCOMES HAVE NOT IMPROVED AT A  
2 PUBLIC SCHOOL AND INTERVENTION IS NECESSARY, THE DEPARTMENT SHALL  
3 COLLABORATE WITH THE COUNTY BOARD IN DETERMINING THE APPROPRIATE  
4 INTERVENTION STRATEGY, SUBJECT TO EXISTING COLLECTIVE BARGAINING  
5 AGREEMENTS BETWEEN THE COUNTY BOARD AND THE EXCLUSIVE BARGAINING  
6 REPRESENTATIVE.

7 (2) AN INTERVENTION STRATEGY DETERMINED UNDER PARAGRAPH  
8 (1) OF THIS SUBSECTION MAY NOT INCLUDE:

9 (I) CREATING A STATE-RUN SCHOOL DISTRICT;

10 (II) CONVERTING A PUBLIC SCHOOL TO A CHARTER SCHOOL;

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

14 (IV) CONTRACTING WITH A FOR-PROFIT COMPANY.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
16 1, 2017.