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FISCAL AND POLICY NOTE
First Reader

House Bill 1268
Ways and Means

(Delegate A. Washington)

Education - Student Achievement Gap Standard - Establishment (Maryland
Student Achievement Act)

This bill requires the Maryland State Department of Education (MSDE), by July 1, 2018, to establish a standard to measure and quantify the student achievement gap, identify the student achievement gaps that exist between specified student groups, and issue best practices and annual benchmarks to close the student achievement gap between the groups over a five-year period. The achievement gap standards must include the following criteria: (1) reading and mathematics scores of the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment; (2) high school graduation rates; and (3) ninth grade dropout rates. By July 1, 2019, each local school system must document the student achievement gap within the district for the previous 20 years using the standard established by MSDE and develop a five-year strategic plan for school years 2020 through 2025 to close the student achievement gap in the district.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: MSDE can meet the requirements of the bill using existing resources; however, depending on Maryland's consolidated state plan and accountability plan required under the federal Every Student Succeeds Act (ESSA), significant additional data collection and analysis in addition to the state accountability plan may be required.

Local Effect: Local school systems can collect the required data and develop the strategic plans using existing resources; however, implementing the strategic plan may require potentially significant expenditures. As explained below, changes in data collection standards limits the analysis that can be done with the previous 20 years of data.

Small Business Effect: None.

Analysis

Bill Summary: Specifically, MSDE must identify the student achievement gaps that exist between: racial groups; ethnic groups; socioeconomic groups; genders; and English language learners and students whose primary language is English.

The five-year strategic plan must include per pupil costs to implement the recommendations in the strategic plan. In developing the five-year strategic plan, the local school system must conduct three public meetings in the district.

Current Law/Background: ESSA is the most recent reauthorization of the federal Elementary and Secondary Education Act (ESEA), which provides federal funds for elementary and secondary education. Maryland is in the process of transitioning to a new student accountability plan which requires significantly more data collection and publishing. MSDE must submit its consolidated state plan with the new accountability measures to the U.S. Department of Education (ED) by September 18, 2017, for implementation beginning in the 2017-2018 school year.

During the transition to the accountability indicators required under ESSA, Maryland will continue to publish information about PARCC assessments, as well as Maryland School Assessment Science and High School Assessment highlights on the [2016 Maryland Report Card website](#). Graduation, demographic, enrollment, and attendance data, and other supporting facts are also available.

The specific requirements of the new accountability program required under ESSA are detailed below.

Every Student Succeeds Act

ESSA significantly modified the accountability requirements of ESEA. Under the previous authorization of ESEA, known as No Child Left Behind (NCLB), each State educational agency was required to hold schools accountable based solely on results on statewide assessments and one other academic indicator. Under ESSA, each state educational agency (SEA) is required to have an accountability system that is state-determined and based on multiple indicators, including, but not limited to, at least one indicator of school quality or student success and, at a state's discretion, an indicator of student growth. Maryland's SEA is MSDE.

ESSA also significantly modified the requirements for differentiating among schools and the basis on which schools must be identified for further comprehensive or targeted support and improvement. Additionally, ESSA no longer requires a particular sequence of escalating interventions in Title I schools that are identified and continue to fail to make adequate yearly progress. Instead, it gives SEAs and local educational agencies (LEAs) discretion to determine the evidence-based interventions that are appropriate to address the needs of identified schools.

In addition to modifying ESEA requirements for state accountability systems, ESSA also modified and expanded upon the ESEA requirements for state and LEA report cards. ESSA continues to require that report cards be concise, presented in an understandable and uniform format, and, to the extent practicable, in a language that parents can understand, but now also requires that they be developed in consultation with parents and that they be widely accessible to the public. ESSA also requires that report cards include additional information that was not required to be included on report cards under ESEA, as amended by NCLB, such as information regarding per pupil expenditures of federal, state, and local funds; the number and percentage of students enrolled in preschool programs; where available, the rate at which high school graduates enroll in postsecondary education programs; information regarding the number and percentage of English learners achieving English language proficiency; and certain data collected through the [Civil Rights Data Collection](#).

Additionally, ESSA requires that report cards include certain information for subgroups of students for which information was not previously required to be reported, including homeless students, students in foster care, and students with a parent who is a member of the U.S. Armed Forces.

State Accountability Plans Under the Every Student Succeeds Act

Further, ESSA authorizes an SEA to submit, if it so chooses, a consolidated state plan or consolidated state application for covered programs (instead of separate plans or applications for each program), and authorizes the U.S. Secretary of Education to establish, for each covered program, the descriptions, information, assurances, and other material required to be included in a consolidated state plan or consolidated state application.

Specifically, ESSA requires state accountability plans to include the following five indicators:

- proficiency on assessments, which may include growth in proficiency in high school;
- growth in proficiency in grades below high school or another academic indicator;
- high school graduation rates;

- progress of English language learners toward proficiency; and
- a nonacademic indicator, which is known as indicator of school quality or student success (SQSS).

All accountability system indicators, including the measure of SQSS, must be:

- measured annually for all students and for each subgroup;
- able to provide meaningful differentiation between schools;
- where appropriate, based on the long-term goals in the state plan; and
- included in state and district report card.

In the aggregate, the four required academic indicators must be given “much greater weight” than the measure of SQSS.

Based on the accountability system, beginning with the 2017-2018 school year and at least once every three school years thereafter, the State must use the accountability system to identify, for comprehensive support and improvement, (1) the 5% lowest performing schools and (2) schools with a high school graduation rate of less than 67%. MSDE, as the SEA, must notify each local school system in the State of any school served by the local school system that is identified for comprehensive support and improvement. Upon receiving such information from MSDE, the local school system must, for each school identified by the State and in partnership with stakeholders (including principals and other school leaders, teachers, and parents), locally develop and implement a comprehensive support and improvement plan for the school to improve student outcomes. The comprehensive support and improvement plan must be informed by all indicators in the accountability program, including student performance against State-determined long-term goals, and other specified measures.

The comprehensive support and improvement plan must be approved by the school, local school system, and MSDE; and, upon approval and implementation, be monitored and periodically reviewed by MSDE.

Likewise, MSDE must use the accountability system to identify any school in which any subgroup of students is consistently underperforming. Upon receiving such information from MSDE, the school, in partnership with stakeholders (including principals and other school leaders, teachers, and parents), must develop and implement a school level, targeted support and improvement plan to improve student outcomes based on the accountability system and other specified measures.

Maryland Consolidated State Plan

MSDE has been working with its [ESSA stakeholder committee](#) to participate in the review of the law and to develop Maryland's consolidated state plan. As required by ESSA, MSDE has taken multiple measures to ensure extensive consultation with stakeholders including an ESSA external committee with multiple stakeholders representing the identified groups, more than 65 stakeholder meetings, seven ESSA subcommittees which include MSDE, LEA and equity stakeholders, monthly discussions with the State Board of Education, and two ESSA surveys. A draft of Maryland's [consolidated state plan](#) is available for review and can be found on MSDE's website. MSDE advises that there are two more drafts planned and additional meetings with stakeholders scheduled.

MSDE advises that a final draft of the plan will be presented to the State Board of Education in June, after which the draft will be submitted to the Legislative Policy Committee for review and comment as well as posted on MSDE's website for further review and comment. MSDE will consider comments received and present a final consolidated state plan to the State board in August 2017 for approval, in order to submit the plan to ED by the September 18, 2017 deadline.

Although the accountability plan has not yet been finalized, MSDE advises that the system as a whole will focus on low performing groups. As shown in **Exhibit 1**, in the draft plan, MSDE proposes two measures for inclusion in the achievement and gap narrowing indicator. The first is the performance, or proficiency, of students meeting the long-term and interim goals. The second is the performance on a performance composite. Specifically, MSDE is planning to assign points to each student participating in a State assessment, with partial credit available for moderate or partial performance below proficient. Performance above the proficiency level would be awarded a higher point total. Separate group scores will be generated for each measurement (English language arts, math, and science) as well as at the State, LEA, school, and student group levels. MSDE is also planning on using a performance composite that is explained in greater detail in the draft plan. For all of these measures, MSDE is proposing a 16-year time period, which was chosen to provide students a full 12 years of implementation of the Maryland College- and Career-Ready Standards.

In addition, MSDE proposes to use two methodologies to measure growth as measures within this indicator. The first measurement is a value matrix where students are measured on their own performance from one year to the next. The second method is to use student growth percentiles to measure students against their academic peers.

MSDE is proposing to include college and career readiness measures for high schools that include both college readiness and career readiness. A student can demonstrate college readiness through Advanced Placement or International Baccalaureate exams, dual

enrollment, or enrollment in postsecondary education within 12 months. A student demonstrating success in any one of the college or career readiness measures is considered a single student success factor. A student is only counted once in the numerator, even if they demonstrate multiple measures.

Exhibit 1
Draft Maryland Accountability Program

Indicator	Measure	
Academic Achievement	Proficiency For ELA, Math, Science, Government	
	Performance Level Composite for ELA, Math, Science, Government	
	Participation for ELA, Math, Science, Government	
Academic Progress	Growth (Value Matrix) for ELA, Math	
	Growth (student growth percentiles) for ELA, Math	
	Growth K-3	
Graduation Rate	4-year Adjusted Cohort Graduation Rate	
	5-year Adjusted Cohort Graduation Rate	
	6-year Adjusted Cohort Graduation Rate	
English Language Proficiency	Progress Toward English Language Proficiency (K-12)	
School Quality School Success	Academic (HS)	College and Career Preparation
		AP, IB, SAT, ACT
		Dual Enrollment
		CTE Concentrator
		On-track in grade 9
		Postsecondary Enrollment
	Opportunity	Access to Effective Teachers
		Well Rounded Curriculum
		Additional factors to be determined
	Climate	Removals (Suspension, Expulsion, Disproportionality)
		Chronic Absenteeism (K-12)
		Social-emotional Learning (K-12)
		Survey

AP: Advanced Placement
 CTE: Career Technology Education
 ELA: English language arts
 HS: high school
 IB: International Baccalaureate

Source: Maryland State Department of Education

State Fiscal Effect: MSDE can meet the requirements of the bill using existing resources; however, depending on Maryland's consolidated state plan required under ESSA, significant additional data collection and analysis in addition to the state accountability plan may be required. Although the additional data collection and analysis can be completed using existing resources, it may direct resources from other projects and activities.

MSDE further advises that its accountability system required under ESSA will establish long-term and interim goals over *16 years* for 10 subgroups of students, including those listed in the bill, for PARCC assessments in English and mathematics. The accountability plan will also set long-term and interim goals for high school graduation rates, again, over 16 years. Under the plan the goals must be set so that achievement gaps will close if the goals are met. MSDE advises that, if the bill requires the setting of additional achievement gaps, standards, and benchmarks over *5 years*, it has the potential of creating confusion in the reporting of information.

Local Expenditures: Local school systems can collect the required data and develop the strategic plan using existing resources; however, implementing the strategic plan may require potentially significant expenditures. Until the local school systems develop their strategic plans, as required by the bill, estimating the cost to implement the plans is not possible.

However, as noted above, under the accountability systems required by ESSA, local school systems will be required to close the achievement gaps identified by the accountability system by setting goals that will close the achievement gaps. As also discussed above, MSDE is using a 16-year time period for ESSA reporting compared to a 5-year time period under the bill.

Changes in data collection standards limits the analysis that can be done on the previous 20 years of data. MSDE advises that student-level longitudinal data is only available beginning with the 2007-2008 school year. In addition, racial categories were changed in 2010; thus, trend data for new racial categories was reset at that time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; U.S. Department of Education; Education Commission of the States; Department of Legislative Services

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