

Department of Legislative Services  
Maryland General Assembly  
2022 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 938  
Ways and Means

(Delegate Kittleman, *et al.*)

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Education - School Accountability - Parent Empowerment and Choice

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This bill authorizes the parents of students who attend a public school that, after one full school year, continues to fail to meet State accountability goals, to petition the local board of education to implement one of two types of intervention strategies. Specified intervention strategies include a restart model involving third-party management of the school or a school closure model involving reassignment of students to higher performing schools. The local board must implement the intervention strategy requested by the petition or designate another intervention strategy that the board will implement in the next school year. **The bill takes effect July 1, 2022.**

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Fiscal Summary

**State Effect:** State finances are not directly affected.

**Local Effect:** A local board of education may be required to initiate school reforms, closures, and consolidations to the extent that parents successfully petition for an intervention strategy, regardless of whether the local board finds such an intervention practicable. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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Analysis

**Bill Summary:** A petition to a local board must be signed by either (1) more than 50% of the parents or guardians of students enrolled in a school or (2) a combination of more than 50% of the parents or guardians of students enrolled in the school and its feeder schools sign such a petition.

Petitioners may request either a restart model or a school closure model. Restart model means a school reform model in which a local board (1) converts a school or closes and reopens a school under a charter school operator, a charter management organization, or an education management organization, as defined by the bill, that has been selected through a rigorous review process and (2) enrolls former students who wish to attend the school. A school closure model means a school reform model in which a local board closes a school and enrolls the students who attended the school in other schools in the local school system that are (1) higher achieving than the closed school and (2) within reasonable proximity to the closed school.

Within 60 days of receiving a petition, a local board must make a determination in writing regarding the petitioned request. If it approves the petition, the board must implement the intervention strategy within 180 days. If the board does not approve the petitioned intervention, it must state the reason and designate another intervention that it will implement the following year that is consistent with State and federal regulations. If a local board indicates that it will implement a different intervention strategy from that requested under the petition, the local board must notify the State Superintendent and State Board of Education that the selected strategy has substantial promise of allowing the school to meet State accountability goals. The State Board must adopt regulations, as specified, to implement the bill's provisions.

**Current Law:** Subject to approval by the State Superintendent, and in accordance with the applicable bylaws, rules, and regulations of the State Board of Education, a local board of education may establish a public school if, in its judgment, it is advisable. On approval by the State Superintendent, any school established under this section becomes a part of the State program of public education. With the advice of the local superintendent, the local board must determine the geographical attendance area for each school established under this section. Except in Prince George's County, if a local board considers it practicable, it must consolidate schools and arrange for the transportation of students to and from consolidated schools. In Prince George's County, the Chief Executive Officer has the authority to consolidate schools if practicable and to arrange for transportation of students to and from consolidated schools.

In 2017, as required by the federal Every Student Succeeds Act, the most recent reauthorization of the federal Elementary and Secondary Education Act, and the parameters set by the Protect Our Schools Act of 2017 (Chapter 29), the State board developed a Maryland school accountability system. Schools are rated on a variety of weighted measures and then awarded between one and five stars based on their scores. This system was first implemented during the 2017-2018 school year.

**Local Fiscal Effect:** Recent data indicates that the number of schools with a two-star or lower rating under the Maryland school accountability system is 58 in Baltimore City, 16 in

Baltimore County, and 12 in Prince George’s County. Anne Arundel, Dorchester, Harford, and Montgomery counties have either 1 or 2 such schools; no such schools are identified in other counties.

A local board of education may be required to initiate school reforms, closures, and consolidations to the extent that parents successfully petition for an intervention strategy, regardless of whether the local board finds such an intervention practicable. It is assumed that such interventions are most likely for Baltimore City and in counties named above. Potentially, a restart model or school closure model, or another model devised by the local board, will involve permanent or temporary additional expenditures for staff and for student transportation. State and local revenues for public schools are not altered under the bill.

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### **Additional Information**

**Prior Introductions:** None.

**Designated Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2022  
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