

Accountability and Governance in the Age of the Kirwan Commission
“Change the Odds”
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There are two reasons to have a meaningful system of accountability and governance. The first is that a powerful, thoughtful and nuanced system of accountability and governance will play a significant role in the success of the new system of programs and funding being proposed. For example, if the assessment system measures what we value and is carefully designed and implemented, we can reduce the amount of testing substantially and eliminate the incentives that result in weeks of often mindless “practice by students”. Such an assessment system will improve the quality of teaching and will provide better information to teachers, students, parents, employers and the wider community.

The second reason is that the recommendations of the Commission on Innovation and Excellence will cost a substantial sum over an extended period of implementation. Some funding can be repurposed from current expenditures to strategies that are more effective. Other funds will be generated from traditional sources such as taxes and fees. There also could be new and creative sources such as impact financing that includes the private and philanthropic sectors.

Nevertheless, there is a natural resistance to pay more or for educators and parents to endure the challenges of dramatic change in education practice UNLESS there is a high level of confidence that additional funds and changes in practice will result in significantly better results.

These facts make accountability and governance of the new system a critical element that must be carefully designed. Only a system that is as meaningful as your proposed changes in practice and funding will provide the required high level of confidence.

The following observations about accountability and governance arise from ten principles that are highlighted. I have also offered some quite specific suggestions regarding how the principles could be implemented. I do so in the spirit that “the devil is in the detail”. It has been my experience that some of the principles can be reduced to irrelevant platitudes if the design of details permits it. I do not suggest that the suggestions I make are the only possible details related to a principle. But it is my intent to convey the operational nature of what I have in mind.

Goals of a new accountability and governance system.

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- **High Expectation Achievement** by virtually all of Maryland’s children.
- **Fairness** to all children, teachers and other school system staff and taxpayers.
- **Transparency** that provides understandable information to all stakeholders in a timely way.
- **Effectiveness** that ensures that it positively contributes to achieving the results we want from our education system with a minimum of unintended consequences.

A HIGH STANDARDS, FAIR, TRANSPARENT and EFFECTIVE accountability system will be created based on the following principles:

The **First Principle** of the system is that virtually all of Maryland’s children, including explicitly children of color, non-native English speakers, children from low-wealth families and children with disabilities, will learn to a high standard that equips them by high school graduation:

- To be successful in post-secondary education without the need for remediation and/or,
- To attain a level of knowledge and skill that leads to a job/career that is personally satisfying and pays enough to support a family and,
- To demonstrate the attributes of effective citizenship.

The operational (more than philosophical) question that must be asked with respect to each impending decision at the state, local and school level is, “does it contribute to or detract from attaining this First Principle.”

The Second Principle is that multiple parties assume mutual responsibility and accountability for the success of the new system. As a result, each party must perform its function satisfactorily as a precondition to each other party being accountable for performing its function. Teachers and students must *not* be held accountable for the outcomes expected at the school level unless/until districts and the state meet their responsibilities in a timely and substantive manner. For example, the Commission could recommend that the state commit to specific “Opportunities to Learn” (your recommendations) and the funding levels required to support them. The state would certify that, if implemented faithfully, those Opportunities to Learn and their full funding would result in the outcomes we seek. Since those “Opportunities to Learn” and the funding may need to be tweaked based on interim results, there should be an automatic early, mid-course and periodic review to discern whether the certification by the state was correct. Based on student outcomes, appropriate adjustments would be made to bring program implementation and funding into alignment with unfolding student outcomes.

There are four parties to a high expectation, fair, transparent and effective accountability system. Responsibility generally flows down a system, but a highly effective system will not be linear but interactive. The following identifies primary responsibilities for each party, the benefits that will flow from the party meeting its

responsibilities and consequences that will result from not meeting its responsibilities.

One party is **The State of Maryland. The Third Principle** is that, on behalf of Maryland's residents, the General Assembly and the Governor must define who we want to be as a state in ways that link directly to the quality and outcomes of our education system. The defined outcomes should be achievable based on evidence-based or highly promising benchmarked practices. The Kirwan Commission's emerging recommendations offer a blueprint. The state definition should arise from questions such as the following:

- How robust an economy do we want? How many job candidates will be required for the type of jobs we want? What inequality in income are we prepared to tolerate? What level of education results are required to produce the defined level of economic benefit?
- What physical and mental health outcomes related to education success do we wish to achieve: At birth? When children enter kindergarten? At the end of elementary school? After the first half of adolescence? At high school graduation?
- What school and community safety standards linked to education do we want to achieve? The average reading level of a Maryland prison inmate is at the elementary level. Education success will reduce crime and result in greater safety in schools and in the streets. What level of crime will we tolerate?
- What quality of life do we want for all Maryland residents defined, not just in terms of income, but also, in terms of day to day living: intact families; common sense standards of happiness that are tied to adequate food, housing and job satisfaction; security in school, in one's home and community?
- How important to us is achieving comparable student results regardless of race, income, language, or disability?

Flowing from the definition, **The Fourth Principle** is that it is necessary to identify specifically what Opportunities to Learn are required, at least as a starting point, for all Maryland students:

- To be successful in post-secondary education without the need for remediation and/or,
- To attain a level of knowledge and skill that leads to a job/career that is personally satisfying and pays enough to support a family and,
- To demonstrate the attributes of effective citizenship.

The Fifth Principle is that the General Assembly and the Governor on behalf of Maryland residents must then define an adequate level of funding necessary to provide the Opportunities to Learn required to meet the goals of the state. Further, the funding must be distributed equitably. Adequacy and equitable funding means:

- The level of funding should be enough to fully fund the Opportunities to Learn that have been identified as necessary for all students, including explicitly children of color, non-native English speakers, children from low-wealth families and children with disabilities, to learn to a standard that equips them by high school graduation to be successful.
- No jurisdiction should have to tax itself at a rate greater than any other jurisdiction to raise the same amount of money.
- The needs of students in some jurisdictions will be greater than the needs in other jurisdictions and the amount of money each has should be directly related to the projected need of its students. To accomplish this commitment to equity, low wealth districts will receive more funds from the state, but every district will be required to pay its share. Local wealth will drive the relative share required by the local jurisdiction and by the state.
- The largest portion of the funding should be formula driven. The formula is built on a model that projects staffing and the availability of certain services. The recommendation that the formula consists of a base, additional funds generated based on the number of children meeting a certain definition of poverty, and still greater, additional funds resulting from a school serving a population characterized by concentrated poverty is a sound basic architecture of a fair system of funding.
- That said, another portion of funds should be categorical and, thus, certain programs required. The categories should be strategies that meet the evidence-based test or show high promise such as Judy Centers, Maryland Family Support Centers, prekindergarten, restorative practices, community schools and health services, but that are not currently considered to be a routine part of what it means to be a school. Strategies that fall outside of that routine definition are often overlooked, by-passed or less well implemented.
- **The Sixth Principle:** pivotally important to building a system of accountability that is both effective and respected, it is necessary to include a schedule of carefully defined and transparent early and mid-course reviews of implementation and outcomes. Explicit cognizance must be taken of disaggregated performance by race, language, income and disability. The Kirwan Commission recommendations require dramatic change. Dramatic change must often proceed without all questions answered.

The point is that if something in the system is not working or it is evident that students, especially those who are most vulnerable, are falling short, we must set in motion a way to know that early. The early knowledge must trigger action at the appropriate level by the Governor and General Assembly to alter the architecture, the programs and/or the funding as the review may require. This must include targeted action support for any sub-groups of students whose performance is clearly lagging that of other students.

The Seventh Principle is that the State Board of Education and the Maryland State Department of Education should be driven by expertise. Once the Governor and General Assembly make decisions regarding the values/ program/funding architecture, the implementation of those decisions should be driven by the best expertise available. The capacity of the MSBOE and the MSDE should be changed as substantially as the system itself must be changed if a World Class education is to be built.

- The Maryland State Board of Education should reflect leadership interests that mirror the outcomes of the education system we want to produce. Categories of MSBOE would include, for example: Business and Employment leadership, Health leadership, Civic Engagement leadership, Public Safety leadership, Higher Education leadership. The process of choosing members should be one that makes a seat on the Maryland State Board of Education a coveted one and, thus, one that attracts the very best talent in the categories of expertise required.
- The Maryland State Department of Education must have substantially expanded capacity:
 - The capacity to access routinely the very best thinking in the U. S. and internationally. To that end, one approach would be for each unit of the State Superintendent's cabinet to have a formal Leadership Advisory Council that includes Maryland's best, but may include experts beyond the state and even the borders of the United States. This expertise would provide the backbone of the Department's curriculum, instructional strategies, professional development and other support to districts and schools.
 - The capacity to evaluate systematically the performance of districts and schools through an inspection program, using the United Kingdom Inspectorate system as a model. Based on the findings of the inspections of every school in the state every four to five years (more frequently if serious deficiencies are found), it will be the MSDE's responsibility to provide assistance to struggling school districts and schools. The Department must have the resources necessary to perform this function.
 - The operational, research, data collection and analysis capacity to help districts and schools with timely and comprehensive feedback from inspections and assessment.
 - MSDE should have either direct operational authority for appropriate health and human service programs and funding within state government related to education or be connected to other authorities in state government who do have that authority to **ensure** the integration of such services and funding.

The Eighth Principle, and related to MSDE's capacity, is that the Department should develop and maintain an assessment system that measures the goals we seek to achieve. Such an assessment system will include:

- All discipline areas and outcomes that we value, not just reading, mathematics and science but other areas such as the arts, history and health.
- Cross-cutting skills such as problem solving, critical thinking and demonstrated skills of good citizenship.
- Few or no multiple-choice tests. Assessment strategies should emphasize a constructive answer focus, demonstrated competence and/or the judgment of professionals.
- Questions on assessment instruments and examples of both good and bad answers made publicly available for each round of assessment.
- Multiple opportunities for students to demonstrate proficiency.
- A system that detects, earlier rather than later, students who are struggling and provides for a timely effective response to reduce to a minimum the time that any child is “behind”.
- Schools, not individual teacher classrooms, as the base unit of measurement. This will encourage collaboration not competition among teachers.
- The school as the unit of measurement acknowledging the impact of school climate (hallway, lunchroom, bus rides) on student achievement. Factors such as attendance, expulsion, suspension and office referrals should be part of the school assessment system.
- No more than five system-wide assessment gateway moments (entry into kindergarten, end of the third grade, end of fifth grade, end of 8th grade, end of high school).
- Instructional strategies be aligned to assessment and the assessment system must be designed to be part of the day-to-day instructional system.
- Emphasis on satisfactory growth over absolute achievement but with all schools reflecting absolute satisfactory achievement levels within a projected timeline that is both ambitious and realistic. Thereafter, maintenance of the absolute satisfactory achievement levels would be the objective.

The Ninth Principle is that largely positive but balanced with “last resort” negative consequences should flow from school success and persistent school failure.

Consequences of success - A question that lies at the heart of every accountability system is, “what consequences flow from the success (or failure) of the new education system to produce the results required for Maryland to be the state she wishes to be. The primary positive consequences at the state level of accountability will be:

- A robust economy since we will have an adequate workforce and we will be attractive to new business.
- A stronger sense of well-being and community.
- The population of the juvenile justice and prison system will plummet.
- The physical and mental health of Maryland citizens will be better, and we will live longer, happier lives.

- We will reduce expenditures of taxpayer money on prisons, treatment of poor health, welfare, education remediation, and we can either reduce taxes and/or spend the extra funds on the enhancement of life for Marylanders.
- Food deserts and poor housing will decline.

Consequences of failure

The consequences of our continued failure with students are the opposite of the positive consequences: poverty, maintenance of the debilitating income gap, poorer health and younger death, dysfunctional families, a costly prison population that is higher than it need be, higher taxes and dysfunctional communities.

At an operational level, since performance of students and schools is dependent in the first instance on appropriate support, any consequences to staff or students should not be enforced until the State certifies that the appropriate Opportunities to Learn have been defined and sufficient funds are available to students, schools and districts for them to meet the scheduled outcomes and that the architecture of the program elements of the system are the right ones.

Second, the positive and negative consequences for staff of the Maryland State Department of Education, including the State Superintendent of Schools, shall be parallel to those suggested below for the principal and staff of each school in Maryland. The Maryland State Board of Education and the Maryland State Department of Education should be accountable for the aggregate and disaggregated performance of Maryland's schools.

The Tenth Principle is that accountability and authority should be aligned. In the proposed system, the school is the unit of measurement for the accountability system. Success of the system is the success of its students. Teachers and school leaders supported by their parents and local communities will, ultimately, be where the system succeeds or fails. Therefore, significant operational decisions must be made at the school level. For the school to meet its responsibility, the following should be considered:

- The school should have the authority to make important decisions within the parameters of available funds, law and collective bargaining agreements. Those decisions should include:
 - The school budget.
 - The choice of personnel, their deployment and their removal.
 - Instructional strategies.
 - Extracurricular activities.
 - Use of the school building.
 - Building a positive school climate.
 - Disciplinary decisions within equity boundaries.

- School schedules within the parameters of available student transportation
- These decisions should be made by the school principal with the advice of a School-Based Council. The Council should be comprised of a group of teachers and parents with one more teacher than there are parents. It should be chaired by the principal.
- The metrics to determine whether a school is successful should include at least two components:
 - First, it should rest with an increasing proportion of all students in the school being deemed on track toward meeting the CCR standard upon entering school, at the end of the third grade, at the end of the fifth grade, at the end of the eighth grade and then, of course, based on those actually meeting the CCR standard at the end of the 10th grade.
 - Second, it is not enough to see the average performance in a school improve for the school to be deemed successful. The school must ALSO reduce the proportion of students NOT on track to meeting the CCR standard by a defined, realistic percentage each accountability cycle. This second component is a necessary feature of the accountability cycle to ensure that the success gap is steadily reduced to the point of elimination.

This factor can also serve as a primary indicator for the state in determining at the time of its early and mid-course reviews whether the architecture, program and funding decisions are on track.

Additional notes:

- It is important to emphasize that the standard for being on track to meet the CCR requirement should NOT be performance on a single test. For example, the features noted in the comments on a sound assessment system should be considered in determining accountability criteria at the school level.
- One of the features of a successful school will be a process of constant assessment and data gathering (both quantifiable and qualitative) analysis. A successful school will not simply rely on the externally driven assessment system that occurs every two or three years. Assessment will be undertaken every year. It will only be used for accountability purposes every two or three years. Change does not take place overnight in a school. Student performance in any given year may or may not reflect school success or failure since a whole class of students can be very different from one year to the next. Multiyear accountability cycles also allow account to be taken of “continuous improvement” so a form of a “rolling average” should be reflected in the accountability system.
- The indicators of the successful outcomes and the elements of the assessment tools will be built into the instructional program. One of many reasons not to rely on a single and/or multiple choice/short answer test for accountability is to make the nature of assessment require that a school

create a learning environment conducive to students learning discipline-based complexities and necessary cross cutting skills. Complexity and crosscutting skills like problem solving and critical thinking cannot be reduced to rote practice. This will also mean that we can eliminate weeks of taking practice tests and the incentive to “game” the tests or otherwise cheat.

Consequences of success:

- If a school meets both necessary performance indicators in any accountability cycle (two to three years), all staff (not just teachers and principal) in that school will receive an additional 1% base compensation increase for each year of the completed cycle and the increase will remain in the base permanently.

Consequences of persistent failure:

- If a school fails to meet one or both necessary performance indicators for any one accountability cycle, a district support team should work with the school toward improving performance based on an action plan developed by the principal, school council and support team. No staff member may transfer from the school without the approval of the superintendent or CEO until the end of the subsequent accountability cycle.
- If a school fails to meet both necessary performance indicators for two accountability cycles (four to six years), any staff person who has been in the school, including the principal, for the two cycles may be placed on a performance improvement plan and may be subject to transfer or dismissal on an accelerated basis. Cost of living increases for staff will not be paid until the end of the next accountability cycle. If, at that time, both performance measures are met, any suspended cost of living pay will be paid in a lump sum and will establish a new base. Again, a district support team will assist the school in developing and implementing a school turnaround plan.
- If a school fails to meet both of the necessary performance indicators for three accountability cycles in a row (six to nine years), the principal will be replaced and up to 75% of the staff in the school will be subject to transfer at the discretion of the superintendent or CEO or may be placed on a performance improvement plan and/or be subject to dismissal on an accelerated basis. Further, cost of living increases for staff will not be paid until the end of the next accountability cycle. If, at that time, both performance indicators are met, any suspended cost of living pay will be paid in a lump sum and will establish a new base for those remaining at the school. For any transferred staff, the loss of the cost of living increases for that period will be permanent.

Note: the consequences of persistent failure are meant to be significant and built on dramatic, *persistent* failure and *only if the school is receiving the Opportunity to Learn supports needed*. That is purposely suggested. The normal rhythm of accountability should be one of on-going analysis, assessment, improvement and meaningful

professional development. This will result in productive improvement through cooperation and consultation among staff and timely help from the district and the state when schools/teachers are struggling.

A third party to accountability is the district.

The district has two principle functions:

- Equity among schools. The district has the responsibility to ensure that funding (federal, state and local), staffing, transportation, capital investment and other school supports that span multiple schools are provided equitably.
- Assist schools to succeed. When schools are struggling, the district will provide the necessary support teams. The district will be active in helping schools access supports outside of the school system. The district will be the schools' advocate to local, state and federal authorities. The district will effectively communicate opportunities and resource options to the schools and help the schools access them. The district will facilitate administrative duties associated with accessing and using resources, such as those from the federal government, to reduce to a minimum, the administrative responsibilities of the local school.

Determination of district (and regions in large districts that have that extra level of governance and support) success or failure and consequences flowing to the district (or region) staff as a result should parallel those of the school. The district (or region) should be considered analogous to a school. The criteria are the increasing (or decreasing) proportion of all students in the district (or region) being on track to meet CCR standards AND the increasing (or decreasing) proportion of the lowest performing students throughout the district (or region) being on track to achieving CCR status in any given accountability cycle determining success or failure.

The consequences for the district or (region) should also parallel those applicable at the school level.

Consequences of success:

- If, in the aggregate, all schools in the district (or region) meet both necessary performance indicators in any accountability cycle, all staff in the district (or region) will receive an additional 1% base compensation increase for each year of the completed cycle and the increase will remain in the base permanently.

Consequences of persistent failure:

- If a district (or region) is receiving the Opportunity Supports it needs yet fails to meet both of the necessary performance indicators for any one accountability cycle (two to four years), a team from outside the district will be provided by the state that will conduct an intensive review and work with the district board and staff to implement an action plan to improve. Such reviews should include specific findings that may also help inform the early

and mid-course detection reviews called for above to identify shortcomings in the architecture, program or funding.

- If the schools in a district (or region) fail to meet both of the necessary performance indicators for two accountability cycles (four to six years), all district staff persons who have been in the district or region including the CEO for the two cycles would be subject to a special individual performance improvement plan and subject to a change in employment status on an accelerated basis. Cost of living increases for staff will not be paid until the end of the next accountability cycle. If, at that time, both performance measures are met, any suspended cost of living pay will be paid in a lump sum and will establish a new base.
- If the schools in a district (or region) in the aggregate fail to meet both of the necessary performance indicators for three accountability cycles (six to nine years) in a row, the superintendent or CEO will be replaced, half of any appointed board would be subject to replacement in each of the two subsequent years at the discretion of the appointing authority (elected boards would be subject to the electoral process) and all staff would be subject to an accelerated change in employment status. Further, cost of living increases for staff will not be paid until the end of the next accountability cycle. If, at that time, both performance indicators are met, any suspended cost of living pay will be paid in a lump sum and will establish a new base for those remaining at the district (or region). If both performance indicators are not met, the loss of the cost of living adjustments will be permanent.

The fourth party in the accountability system is, of course, the student. The student is deliberately placed fourth because, while the student is the fundamental worker and has the responsibility to produce success, the system must ensure that students have the supports, assistance and resources from the other three parties before we can expect them to be successful. This emphasis is in substantial contrast to the historical place the student has occupied as the primary party who faces consequences, at least for failure. Currently, we place kids of color, language minorities, low-income children and children with disabilities in the position of having to “beat the odds” to succeed. The Kirwan Commission’s task is to build a very different equation. The new equation must be to “change the odds”, to make success normative for all children.

The positive and negative consequences for students fall into two categories, long-term and short-term.

Long-term positive consequences of student success.

- The student earns hundreds of thousands of dollars more in his/her employment over a lifetime.
- The jobs students hold over a lifetime are more fulfilling and the person’s avocations are richer and satisfying
- The student will be healthier and live longer.

- Families will likely be stronger, safer and will not succumb to cycles of poverty.
- Prison population will drop dramatically.
- The larger community will benefit from the more well-educated population paying more taxes and needing less services.

The long-term negative consequences of the continued failure of students are the opposite of the positive: poverty, maintenance of the debilitating income gap, poorer health and younger death, dysfunctional families, prison populations grow, higher taxes and strained communities.

Short-term positive consequences of student success.

- A school climate that is a positive work environment for all students and staff.
- Students will feel worthy, confident, empowered and will share those qualities within a school community where those qualities are the norm among students and staff.
- Students will develop and exhibit the skills of critical thinking, problem solving and good writing as they develop a deep discipline knowledge base.
- Students will develop ambitious and positive short and long-range views of their future.
- Students will develop a deep sense of their responsibility in creating their own future. They will recognize there is a larger circle of people who are helping them and that they, in turn, are part of that circle with obligations to help others to succeed.
- Success will be manifest in good grades, high rates of promotion through the grades, remarkable projects of academic accomplishment, early career and “real world” achievement, high rates, as seventeen and eighteen-year olds, in accumulating college credits and/or industry recognized trade certificates for high skill/high wage jobs. Students, through the grades, will scaffold the manifestations of success.

Again, as with the long-term negative consequences, the short-term negative consequences of student failure will be the flip side of the positive: a disruptive school community, students who are insecure, lack confidence, have little or no vision of a meaningful future, high academic failure rates, high rates of students dropping out, either literally or figuratively, high rates of expulsion, suspension and office referrals, little sense of mutual responsibility to or for one anyone else in the community, bad grades and being “held back”.

Maryland has not previously considered learning and education conditions for children 0-5 an integral part of the state’s education system. Teachers have never had the professional status envisioned by the Commission. You have embraced the idea that students should achieve by age 16 more than we presently expect by 18 in order that, at the students’ discretion, they can pursue academic and career options not previously imaginable. You are proposing supports, money and programs at

unprecedented levels for students we routinely fail as a system. Each of these bold proposals will not come easily either in the legislature nor in implementation.

Your system of accountability and governance must be equally bold.

The opportunity and challenge you are confronting recalls the Shaw quote immortalized by Senator Ted Kennedy in the eulogy of his brother the late Robert Kennedy. "Some people see things as they are and ask "Why?". He envisioned things that never were and asked, "Why Not?". The choice we make between these questions from now through sine die 2019 will determine Maryland's future for the next generation.