

## **Policy Area 5 SUGGESTED AMENDMENTS** **Governance and Accountability**

### **Policy Area:**

Research shows that, beyond a threshold level, how funds for education are spent is at least as important as how much is spent in determining student achievement and funding equity. The Commission on Innovation and Excellence in Education's recommendations call for a substantial increase in funding for Maryland schools in order to implement strategies for greatly improving student achievement and equity. These recommended strategies have proven to be highly successful in the top performing countries and, for the most part, in Massachusetts, the only state in the US that performs at a high standard internationally.

Almost two decades ago, a predecessor commission, the Thornton Commission, recommended increased funding for PreK-12 education in Maryland. While there was some increase in student achievement on state standardized tests as the funding was phased in, unfortunately this funding did not produce significant increases in student outcomes, especially on NAEP where Maryland students continue to rank in the middle of the pack in comparison to students in the other 49 states. Moreover, the Thornton funding did little to eliminate achievement gaps based on income, race and disability. This must not be replicated with the Commission on Innovation and Excellence in Education's recommendations. It is imperative that a strong system of accountability be put in place to give the public confidence that its increased investment in PreK-12 education will lead to a system that performs as well as the best education systems in the world.

The recommendations of this Commission amount to a proposal to substantially redesign Maryland's education system for high performance. Many agencies and institutions at all levels of Maryland government have key roles to play in bringing this new system into being. Fundamental changes in institutional culture and in established ways of doing things will be required. Some will resist these changes and would prefer to use new funds to do more of what they have been doing. This must not be allowed to happen. All of the institutions and agencies involved will have to work in concert within the context of one coherent plan and be held accountable for playing their respective roles in implementing the Commission's redesign of the PreK-12 education system in Maryland. The governance and accountability proposals that follow are based on the idea that this will happen only if there is an Oversight Board with the authority to make certain that the new funds are used to implement the Commission's recommendations with fidelity and effectiveness.

**Element Detail 5a**

**Element:** There will be an Independent Oversight Board with authority to develop a comprehensive plan for implementing the Commission’s recommendations and then hold all the State and local institutions and agencies involved in that plan accountable for carrying out their assigned roles. It will monitor the implementation of the plan and evaluate the outcomes achieved by all involved agencies against the goals set by the Commission. The Independent Oversight Board will sunset at the end of the implementation period specified in the enabling legislation.

- ~~1.~~ *Membership and appointments:* The Oversight Board will consist of seven members, appointed by the Governor with the consent of the Senate. The members will include experts in preK-12 and postsecondary policy, including individuals with teaching experience, with knowledge of the strategies used by the top performing states and countries to get to world class performance, and leaders with proven records of implementing systemic change in complex organizations. The seven individuals will be chosen from a slate presented by a nominating committee of six individuals, two appointed by each of the Governor, the President and the Speaker. Members of the nominating committee should also have knowledge of pre-K-12 policy, the strategies used by the top performing states and nations and systemic change in complex organizations. Should any member of the Oversight Board be unwilling or unable to serve until the Body sunsets, the same procedure would be used to select replacements as was used to create the initial membership.
- ~~2.1.~~ *Staffing:* The Oversight Board will have an executive director and a staff of about 15 people with sufficient funding to hire expert consultants to fulfill its duties.
- ~~3.2.~~ *Authority and Functions:* The Oversight Board is not intended to usurp the operational authority of the MSDE, GWDB, MHEC, Commerce, DLLR, higher education institutions, or any other State agency or entity that will be involved in implementing the legislation. Likewise, it is not intended to replace day-to-day decision-making by local boards of education and superintendents. It is instead intended to develop, with input from those State and local agencies and entities, a comprehensive plan for implementing the legislation and then to hold these State and local agencies and entities accountable for their assigned roles in implementation by reviewing and approving the policies, plans and operations of each agency and entity for compliance with the overall plan; monitoring implementation; and gathering and analyzing data on results. It will also assess the adequacy of resources available to achieve the plan’s goals on student achievement. The Oversight Body will report on those results and recommend appropriate actions to the Governor, the General Assembly, local governments, and the public. If, in the judgement of the Oversight Board, action by the Governor and legislature is needed to improve

implementation of the enabling legislation while implementation is underway, it will say so.

Specifically, the Oversight Board will:

- a) With input from the State and local agencies and entities charged with implementing the legislation, including those named above, **develop a Comprehensive Implementation Plan**—including a timeline with key milestones for the year-by-year implementation of the enabling legislation.
- b) **Develop guidelines and criteria for State agencies, local school systems, and other entities to submit detailed implementation plans** consistent with the Comprehensive Implementation Plan to the Oversight Board
- c) **Review and approve State agency, local school system, and other entity implementation plans** and related instruments for consistency with legislative intent and the Comprehensive Implementation Plan. Among such plans and instruments will be, *for example*:
  - 1). Plans from MHEC and MSDE for (i) redesigning the process for accrediting teacher education programs in the State using criteria consistent with the Commission’s proposals for strengthening teacher education in Maryland and (ii) making awards to collaboratives of teacher education institutions and school districts for the purpose of working jointly on improving the quality of beginning teachers in Maryland
  - 2) MSDE’s plans for expansion and coordination of Judy Centers and Family Resource Centers and for building capacity to expand preK for four- and three-year-olds
  - 3) MSDE’s plan for the selection, assembly, deployment and oversight of Expert Review Teams (see Element 5b) to, among other responsibilities, review in detail the operation of schools and districts in which the average student or groups of historically underserved students are not making progress at a rate likely to enable them to achieve a CCRR endorsement by the end of grade 10.
  - 4) Criteria on which MSDE will review and recommend approval (or disapproval) of local school system implementation plans and release of funds, including how LEAs plan to adapt curriculum, instruction and the organization of the school day to enable more students to achieve the CCR endorsement by the end of grade 10 and to identify students who are falling behind and develop a plan to get them back on track for CCR endorsement (see Element 5e)

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- 5) MSDE plan for training Maryland teachers, school leaders, administrators, school boards, superintendents, deans of teacher preparation programs and members of the Professional Standards Board on the Commission's recommendations
  - 6) GWDB/CTE Committee standards and strategies for the development of rigorous CTE pathways, including apprenticeships or other meaningful workplace experiences leading to industry-recognized credentials, integrating and redeveloping high school and postsecondary career and technical education programs into rigorous and articulated pathways, and benchmarks and targets to measure the success of CTE programs against state CTE goals and international standards
- d) Monitor implementation efforts against the comprehensive plan and schedule, coordinate between agencies, and work with the respective agencies and entities to resolve implementation issues as they arise;
  - e) Gather and analyze data that reflects how the implementation plans are being implemented and their effects on student performance over time, with special emphasis on progress in closing achievement gaps based on income, race, ethnicity, and disability, including the authority to investigate whether local education agencies or schools are making sufficient progress; the Oversight Board will have authority to gather and use data from all related government agencies, including the Maryland Longitudinal Data System;
  - f) Contract, as necessary, with independent experts;
  - g) Report progress at least annually to the Governor, legislature, and the public; describe implementation problems as they arise, and make recommendations as to changes in legislation, including on the adequacy of resources and accountability necessary to ensure the strategic plan will meet the objectives of the enabling legislation on schedule; these progress reports will include, in addition to a commentary on the degree to which the State and local agencies and institutions are carrying out their assigned roles, an analysis of the degree to which the funds provided by the State and by the localities are consistent with the Commission's estimates of what would be needed to fully implement the Commission's proposals [as endorsed in the enabling legislation creating the Oversight Board](#);
  - h) Coordinate through MSDE the State's participation in the OECD's PISA survey program; and
  - i) Conduct or contract with others to conduct a study of the capacity of MSDE to assume the roles and responsibilities assigned to it in the enabling legislation.

**Commented [BH1]:** Running through the Draft are references to implementation of the Commission's recommendations/proposals without reference to the "enabling legislation" which creates the Oversight Board. The added language here is the same or similar to language elsewhere in the Draft. See BH 2, 3, 4, 9, 10, 13, 16

4. *Evaluation:* In addition to its own annual assessment and reporting, the Oversight Board will contract for an evaluation of the implementation of the Commission's recommendations as endorsed in the enabling legislation at the mid-point and end of the implementation period, including the use of additional funding to meet the goals, progress toward the goals and whether the goals have been achieved, and any recommendations to alter the goals or strategies to reach the goals. Design of the evaluation should begin as soon as possible.
5. *Sunset provision:* The body will sunset at the end of the implementation period specified in the enabling legislation.
6. *Recommendations of Oversight Board on redesign of government agencies to support to support high performance system for Maryland education and career development:* Prior to sunseting, the Oversight Board will submit to the Governor and the Assembly a report on its work that includes recommendations for changes in the design of the functions, structure and authority of the state agencies responsible for education and the job training and career development of young people in the state. The Commission believes that, once the new system is in place, an Oversight Board will no longer be necessary if the relevant Maryland agencies and the relationships among them are redesigned on the basis of the implementation experience to function effectively and efficiently in support of the new high performance system of education, job training and career development.

**Commented [BH2]:** Same point about enabling legislation

### Element Detail 5b

**Element: MSDE will track and report on the progress of students in each Maryland school, as a whole and by and within subgroups**, based on income, race, ethnicity, and disability, regarding their progress toward the CCR endorsement and the closing of achievement gaps. MSDE will use this data to identify schools in which students, especially groups of historically underserved students, are not making adequate progress toward a CCR endorsement by the end of grade 10. **MSDE will create and have sole responsibility for a system of Expert Review Teams** (see 5a above) to conduct on-site investigations of the causes of poor student performance and make recommendations for correcting the problems identified to the school faculty, the school board, the community and MSDE on measures the need to be taken by each of these bodies to improve the performance of these low-performing schools. These teams will be assembled, directed and report to MSDE. They, along with measures already underway as part of the statewide ESSA plan, should be regarded as a key element of the MSDE'S overall system for monitoring school and system performance and for taking corrective action where necessary.

1. Members of the Expert Review Teams will, when the Career Ladder is well established, be selected from among expert teachers and principals from those in senior positions on the career ladder and others whose expertise is directly relevant. Prior to that, MSDE will select Expert Review Team members from the ranks of highly regarded teachers, school leaders and senior Department staff members. All people appointed as members of Expert Review Teams will receive extensive training in the performance program described in the Commission report [as endorsed in the enabling legislation](#) and on the rationale for that design, including extensive knowledge of the way similar systems work in the top performing systems elsewhere in the world.

**Commented [BH3]:** Same point about enabling legislation

2. The purpose of these reviews will be to conduct interviews, observe classes and use other data to analyze the extent to which the recommendations of the Commission [as endorsed in the enabling legislation](#) are being implemented and determine reasons why the student progress is insufficient and to make recommendations to the faculty, school leaders, the school community, the school district administration and MSDE as to measures that need to be taken to address the issues identified by the Expert Review Team. While the reports of the Expert Review Teams will ultimately be used for accountability purposes and possible corrective actions, these outside reviews are intended to provide a strong, credible source of expertise that will prove supportive and helpful to the schools and districts they advise.

**Commented [BH4]:** Same point about enabling legislation

3. Expert Review Teams will begin to review school performance in Year 3 of implementation and will be staffed sufficiently to conduct comprehensive visits at approximately 10% of public schools each year (about 150 schools). The lowest

performing schools (including schools with the lowest overall performance and those with subgroups of students performing poorly on State accountability tests or based on other data produced by the new data monitoring system under ESSA) will be visited every year, with other low-performing schools visited less often but regularly. All other schools will be subject to visits from Expert Review Teams at intervals determined by a randomized selection process. Once the Expert Review Team system has been established, and prior to Year 5, schools that might not otherwise be selected for review may request a review from MSDE.

4. From Year 3 through Year 4, the Review Team reports and recommendations will be strictly advisory and will have no consequences for the schools and districts in terms of funding. They will be intended to provide collegial advice from peers that the schools and districts can use to improve their performance. The review team will be expected to make recommendations to the schools and districts for strengthening the program and management of both the schools and districts

5. Beginning in Year 5, the reports and recommendations made by the Expert Review Teams will be used by MSDE as a the basis for a recommendation to the Oversight Board as to whether or not a portion of new (i.e. annual increase) funds state (and local?) funds for the major policy recommendations of the Commission, as annually increased and endorsed in the enabling legislation, should be withheld in year 6 until the schools and districts produce satisfactory plans for the use of those funds. MSDE recommendations on funding will go the Oversight Board for action. The aim should be to give the schools and districts every opportunity to submit a satisfactory plan before an adverse recommendation is made. Once such an action has been taken, MSDE will be expected to work as quickly as possible with the schools and districts to resolve address the outstanding problems, so the funds can be released.

~~6. In cases in which multiple Expert Review Teams are needed for a particular district because of the number of low performing schools in that district, the MSDE will assemble meetings of those teams to help them come to consensus on the problems they see at the district level and on recommendations made to the district for addressing those problems. MSDE will be expected to enter into ongoing discussions with the district about the ways in which the district will address the district level problems identified by the review teams.~~

**Commented [BH5]:** Not the only basis

**Commented [BH6]:** The term “new (i.e. annual increase) funds” may benefit from clearer definition, here and in 5e --- so that new funds refers to the funding most closely attributed to the Commission’s major policy recommendations.

**Commented [BH7]:** The actions may put the locals on the right path but not “resolve” the outstanding problems.

**Commented [BH8]:** Pretty clear micromanagement/ usurpation of what seems to be a fairly simple management step for MSDE

**Element Detail 5c**

**Element: The CTE Committee will track and report on the progress of students in each Maryland school with a CTE pathway**, as a whole and by and within subgroups based on income, race/ethnicity and disability, regarding their progress toward achieving industry credentials and related employment upon graduation or in successful transfer to a community college CTE program.

1. The CTE Committee will establish performance metrics for schools with a CTE pathway.
2. The CTE Committee will use State accountability data to identify schools in which insufficient numbers of students or groups of protected classes of students, are not making adequate progress toward completion of its CTE Pathway. The Committee will organize and be responsible for Expert Review Teams of representatives of employers and CTE educators to visit those schools and employer sites to analyze the problems preventing adequate student progress toward successful completion of the CTE pathway and issue recommendations to the school board, the school community and the State for actions needed to current those problems. This whole process will parallel the process described for the review of schools by MSDE above in Element 5b.
3. The CTE Committee will schedule the visits of the Expert Review Teams to inform the annual decisions made by the CTE Committee and MSDE on the release of school funds conditioned on school performance. Schools, districts and employers will be given adequate time to respond to the recommendations of the Expert Review Teams before any funds to which the schools would otherwise be entitled are sequestered.
4. The local school board, the school and the relevant employers and employer associations will review the expert review team's recommendations, which may include recommendations that require State action and submit a plan to the CTE Committee for addressing the expert review team's recommendations,.
5. Among the recommendations that might be made by these Expert Review Teams to the school board and the state would be pairing the struggling school with another school with similar demographics but considerably better performance with its CTE pathway in a way that would involve the principal of the high performing school taking responsibility for sharing his or her expertise and that of his or her staff with the faculty of the struggling [school as](#).



**Element 5d**

**Element: MSDE and MHEC will track and report on the progress of the teacher preparation programs in upgrading the quality and standards of their programs** in response to the Commission's recommendations as endorsed in the enabling legislation. MSDE and MHEC will prepare for the Oversight Board an annual joint report on the progress made in implementing the Commission's recommendations on teacher education in Maryland. That report will include data on trends in 1) teacher quality as measured by the grades, class standing and accountability test performance of students applying to and admitted to Maryland teacher education institutions; 2) the number of applications to and acceptance by those institutions, as a whole and by gender and racial and ethnic background, 3) the proportion of graduates of teacher education programs (including those graduates expecting to teach at the elementary school level) who have majored as undergraduates in the subjects they plan to teach, 4) the proportion of new teachers hired in the state who were trained out of state to those trained in state, 5) the satisfaction of school district officials with the new teachers they hire just graduated from Maryland institutions as determined by their responses to questions on a form they helped to develop.

**Commented [BH9]:** Same point about enabling legislation

MSDE and MHEC will prepare for the Oversight Board as part of the same annual report a description all measures taken during the prior year by the schools and the universities to implement the Commission's recommendations concerning teacher quality in Maryland. Among these recommendations are those concerning:

1. Measures taken to increase the proportion of highly qualified applicants to teacher education institutions who come from minority backgrounds
2. Measures taken to increase the proportion of high students graduates with very strong academic backgrounds selecting teaching as a career
3. Measures taken to make teacher education in the underlying disciplines more rigorous
4. Measures taken to better align the program of the ~~the~~ teacher education institutions with state curriculum frameworks
5. Measures taken to improve the background of beginning teachers in research and research techniques
6. Implementation more rigorous licensing standards and measures for new teachers in both mastery of the subject or subjects being taught and the methods for teaching them
7. Implementation of incentives to attract high quality high school graduates into careers in teaching
8. Trends in the rates at which teachers are acquiring the credentials needed to go up the new career ladders, including National Board Certification and higher steps on the ladder
9. Trends in the distribution of teachers along the steps of the new career ladder

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10. Trends in longevity in teaching in Maryland schools, and, in particular, in service in schools serving high proportions of students in historically underserved students.

### Element Detail 5e

**Element:** Not less than 25 percent of new funds (i.e. increase over the prior fiscal year) available to the schools and school systems for *initial funding of major policy recommendations under implementation plans* will be released subject to approval by the Oversight Board, after consideration of the recommendations made by MSDE and the CTE Committee, of the implementation plans submitted by the school systems to implement the Commission recommendations as endorsed in the enabling legislation.

Commented [BH10]: Same intent re new funds as noted as comment BH6 above.

Beginning in year 6, not less than 25 percent of new funding for the major policy recommendations of the Commission as endorsed in the enabling legislation ~~funds~~ will be released only on approval by the Oversight Board, after consideration of the recommendations made by MSDE and the CTE Committee, that 1) the schools and district are appropriately implementing the Commission's recommendations as endorsed in the enabling legislation, 2) the plans for the upcoming years are fully responsive to those recommendations and 3) the student body as a whole and student subgroups are making adequate progress toward CCR endorsement.

Commented [BH11]: Same intent re new funds as noted as comment BH6 above; and same point about enabling legislation.

Commented [BH12]: Same point about enabling legislation

1. If increased funds are not used in ways likely to improve outcomes for students, students will lose their opportunity to learn and the public will become cynical about arguments that the schools need more money. This recommendation is intended to provide school districts and school faculties with strong incentives to implement the policies and practices the Commission believes will greatly improve student performance and close performance gaps between historically underserved populations of students and others. This recommendation is paired with the preceding recommendation concerning Expert Review Teams. MSDE and the CTE Committee are expected to field Expert Review Teams in schools and districts in which data gives them good reason to believe that students are not making reasonable progress toward earning diplomas, CCR endorsements and solid-employer-recognized credentials. It will be up to the Expert Review Teams to gather data and testimony from many sources and to produce sound recommendations for actions to be taken by the school, district, employers (where appropriate in the case of CTE) and the relevant state agencies.

2. The Commission expects that MSDE and the CTE Committee, when making recommendations about not releasing a portion of new funds in response to inadequate performance and plans, will lean heavily on the advice they receive from the Expert Review Teams. The Commission does not believe that funds should be withheld from any school or district simply because of poor student performance. Poor student performance should instead be used to trigger more intense monitoring including Expert Review Teams. ~~a visit from an expert review~~

Commented [BH13]: Self-explanatory

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~~team.~~ A portion of new funds should be withheld only when the district or school is not doing what it should be doing to improve student performance, and for only so long as it takes to produce a plan which, in the judgment of the expert review team, is consistent with the Commission plan [as endorsed in the enabling legislation](#) and likely to lead to the improvement that is needed. The Oversight Board has the final authority to withhold funds after consideration of the recommendations of MSDE/CTE Committee and based on its own judgment.

**Commented [BH14]:** Expert Review Teams are not the only monitoring/corrective action activities of MSDE

**Commented [BH15]:** Same point about enabling legislation

3. A recommendation to the Oversight Board from the MSDE or the CTE Committee to withhold funds will be made only after an Expert Review Team has made recommendations for changes, the school or district has had sufficient time to respond, and MSDE and/or the CTE Committee has determined that the response from the school and district is inadequate.

4. In no case will allocated funds be reduced once [the Oversight Board determines, based on the recommendations of MSDE and the CTE Committee, that a school or district plan is satisfactory.](#) ~~plans have been approved,~~ but MSDE and the CTE Committee may, with the approval of the Oversight Board, release some funds while continuing to withhold others if the some parts of a plan are satisfactory and others are ~~not~~.

**Commented [BH16]:** Perhaps changes make the intent a little clearer

**Element Detail 5f**

**Element:** Not less than 75 percent of enrollment-based formula funds allocated to school systems or schools on the basis of the needs of students enrolled in the school will flow down to the school for use by the school to educate the children in that school.

**Commented [BH17]:** Can the funds be spent on students in the school who do not qualify under any of the weights? Note numbered para 1 below seems to limit the funds to only individual students with needs. And if this is the intent, is this feasible?

1. It is the intention of the Commission that the majority of all State and local formula funds allocated to school systems on the basis of student enrollment and student needs should follow students to their school for use in educating those students and providing the extra resources they may need.

**Commented [BH18]:** Which "students"? See above: only students in need or all students in the school?

2. [As part of the Comprehensive Implementation Plan, MSDE](#) ~~The Oversight Board~~ will monitor school-level spending (which will necessitate LEA reporting of student-level spending by school and likely a new financial reporting system for MSDE and LEAs) by LEAs, and may develop an appeal process by which LEAs may request flexibility in meeting this requirement, at least in the transition period as full implementation of the Commission's policy and funding recommendations are phased-in.

**Commented [BH19]:** MSDE does this under the authority of the OB.