



maryland state education association

140 Main Street Annapolis, MD 21401-2003

t 800 448 6782 f 410 263 3605 marylandeducators.org

CHERYL BOST  
President

DOUG PROUTY  
Vice President

JOSEPH COUGHLIN  
Treasurer

DAVID E. HELFMAN  
Executive Director

**EDUCATORS  
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To: Commission on Innovation and Excellence in Education, Workgroup 5  
From: Maryland State Education Association  
RE: **Workgroup 5 Recommendations**

## **WORKGROUP 5**

Accountability is a vital part of the work of the Commission on Innovation and Excellence in Education. It is important that districts and schools are held accountable for investing in plans approved to improve student success. Just as importantly, policymakers at the state and local level must be held accountable for providing reliable funding to support the full system of our public schools. It has been suggested too often that the work of the Thornton Commission failed to live up to its full potential because of a lack of accountability. MSEA would agree, but the failure was a lack of funding accountability to maintain investments in students, educators, and schools while ramping up new programs, reforms, and expectations. We should demand high standards, but we should not expect our public schools to do more with less. Any discussion of accountability is not complete without a recognition of this reality, and we believe the only way to build and maintain trust in the reforms proposed by the Commission is to guarantee that funding investments are reliable and sustainable. Beyond the preamble and this underlying importance of a strong system of accountability, MSEA proposes the following changes to the November 29, 2019 draft of the Policy Area 5 report:

### *Overall*

1. **It should be clarified throughout this document that the Independent Oversight Board and any Expert Review Teams will measure implementation metrics based on the recommendations included in enabling legislation and not just in the final draft of the Commission's recommendations.** Cleaning up this reality is most necessary in element 5b, but will require small edits throughout this policy area.
2. **The governance structures envisioned in this policy area (specifically in elements 5b, 5c, and 5d), must be coordinated with the local intervention teams in various school districts working as part of the state's Every Student Succeeds Act school accountability program that identifies Comprehensive Support and Targeted Support schools.** There might be considerable overlap in schools identified through the state's school accountability program and by the Oversight Board; and coordination with local and state-based teams will be critical to ensure time and resources are not wasted in identifying the same problem(s) or supporting the same solution(s).

### *Element 5A*

1. **MSEA supports the creation of an Independent Oversight Board, so long as there is language added requiring members of the Oversight Board to have at least three years of experience teaching in a PK-12 public school.** Policy experts are not the same as practitioners who better understand the challenges and opportunities in enacting and maintaining positive reforms. A Board that lacks actual classroom experience will never earn the trust of the educators that it aims to support.
2. **One can assume the Executive Director will be selected by the Oversight Board, but that language needs to be added to the recommendations to ensure clarity.** Basic job qualifications should be



detailed in the report, including that the position requires experience of at least three years teaching in a PK-12 public school, in addition to experience implementing major policy reforms.

3. **Language should be added to this element making it clear that the Oversight Board cannot make requirements that usurp collective bargaining agreements and establish contracts.** While the report is clear in specific instances throughout the report about when recommendations are not meant to usurp contracts between school districts and employee representatives, it should be made clear in this section that the Oversight Board does not have authority to overpower existing collective bargaining agreements.
4. **Language related to specific examples should be eliminated so as to not confuse the reader into believing the recommendations are limited to the examples provided.** Implementing this change would mean deleting the examples in this element listed under #3 (examples 1-12) starting on page 3 and continuing on page 4.

Add a new item 3(i) to establish accountability for state and local governments to provide adequate funding. Below is suggested language to include:

- i) *The Oversight Board will release districts and agencies from specific mandates if the Board finds that adequate funding has not been provided by the governor and state legislature, or local governments, for implementing those specific policies.*
5. **Add a new item 3(j) to empower the Oversight Board consistent with the overall feedback point made above about coordinated actions with local school accountability teams.** Below is suggested language to include:
- ii) *Ensure coordination of actions and supports between Expert Review Teams and local implementation teams working as part of Comprehensive Support and Targeted Support schools, per the state's approved accountability plan under the federal Every Student Succeeds Act.*

#### *Element 5B*

1. **Expert Review Teams should be accountable to the Independent Oversight Board and not to the Maryland State Department of Education.** The Expert Review Teams need to be as independent as the Oversight Board for enforcement to work as designed. If we do not think MSDE and the State Board of Education should have sole authority to implement Kirwan, because they are one of several agencies responsible for making changes according to the Plan and someone needs to hold them accountable for making those changes, then it should also follow that those who enforce the Plan should not answer to MSDE or be selected by MSDE. Instead, Expert Review Teams should be selected, trained, and managed by the Oversight Board's staff. If this requires an increase in staff from 15 people, that should be reflected in Element 5a2. Expert Review Teams should initially be selected from teachers or staff who have received National Board Certification and apply to the Oversight Board. Once the career ladder is implemented, they should be selected from senior positions on the career ladder. Adopting this edit will require edits and clarification throughout element 5b.



2. **Just as noted in Element 5a above, language related to specific examples should be eliminated so as to not confuse the reader into believing the recommendations are limited to the examples provided.** Implementing this change would mean deleting all of the language on page 8.
3. **In paragraph 3, the language “and/or lack of progress in achieving academic goals by a school as a whole or by historically underserved groups of students” should be struck.** The Expert Review Teams should not have purview over school improvement plans. There is a local process, with approval from MSDE, for improvement under ESSA and the Protect Our Schools Act. In Element 5, it is stated, “The Commission does not believe that funds should be withheld from any school simply because of poor student performance.” This concept should be made clear throughout Policy Area 5 by striking any language that suggests Expert Review Teams or the Oversight Board are holding schools accountable for test results or other measures of academic progress. Instead, their purpose is to hold schools accountable for implementing the Kirwan Plan as enacted into law.
4. **All schools should be held accountable for implementing the policy and funding changes put in place by the enacted Kirwan Plan, not just low-performing schools.** While MSEA agrees that the priority for accountability should be schools in areas of high poverty, which will generally be the same as those with low performance on test results, there is an implication created in this element that only schools who perform poorly on test scores will be visited by Expert Review Teams. There should be clear language making it clear that while priority will be put on schools in areas of high poverty, all schools will be visited by Expert Review Teams and held accountable by the Oversight Board for implementing strategies required by the eventual legislation.

#### *Element 5C*

1. **The incredible power granted to the CTE Committee in this element requires a change in the Workgroup 3 report on the make-up of the CTE Committee itself—the Committee must include several CTE teachers and not just state agencies and employers who may view CTE expansion as only a job training program and not part of an integrated public education program.** If this change is not made, or some additional nod to classroom expertise is not included in the governance structure envisioned in 5c, MSEA opposes the powers in element 5c and 5e granted to the CTE Committee.
2. **The metrics created by the CTE Committee must measure the extent to which students are cut off or blocked from CTE pathways because of poor performance on college readiness exams who then do not go on to attend college.** There is legitimate concern that the 10<sup>th</sup> grade college readiness assessment recommended by Workgroup 3 will block many students from attaining industry certification by the end of high school who also have no realistic pathway to college, therefore leaving them with no pathway to a sustainable career. This, and other equity-based metrics of access, should be measured by the CTE Committee.



3. **Under #3 in this element, the first sentence should say “conditioned on implementation of Kirwan Plan legislation and regulations” not “conditioned on school performance.”** Like the Oversight Board, the CTE Committee should not be able to withhold funding from schools that faithfully implement reforms but do not see improvement in performance. That will be counterproductive and only make it harder for the school to improve in the future with less funding.

*Element 5E*

1. **Instead of setting an arbitrary percentage of “new” funding to be contingent on implementation of the Kirwan Plan (in current draft it is somewhere between 25-100%), that threshold should be determined by an adequacy standard based on the APA adequacy study presented to the Commission.** While MSEA recognizes that the Oversight Board and CTE Committee will need to control funding to enforce accountability, we also know that if the state and counties continue to provide an inadequate level of funding, we fall outside of our responsibilities as a state under the Constitution and set our schools up for failure. Therefore, the language in the report should be changed to permit the Oversight Board and CTE Committee to withhold funding from schools if they fail to implement policy strategies from the Kirwan Plan only if schools are found to have adequate state and local funding. This should be the standard throughout the entire lifespan of implementation.
2. **MSDE should be removed from this policy element, per our suggested changes in element 5B.**

*Element 5F*

1. **This element should be deleted.** The goal is commendable but the language beyond the goal is so vague as to be meaningless. There are no criteria which provide detail on how it will be determined if a system is spending 75% of its funding “to educate the children in that school.” The Oversight Board will not have the capacity to complete this analysis at the school level. No provisions for assistance or consequences for systems which are found to be in violation are included.