



July 26, 2017

Dr. Karen Salmon, Superintendent
Andrew Smarick, President, State Board of Education
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Re: MSEA public comment on Maryland's ESSA Plan

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for **EVERY** Child

Superintendent Salmon and President Smarick:

The Every Student Succeeds Act (ESSA) says that each state plan must be developed in consultation with a number of stakeholders, including, “teachers... specialized instructional support personnel, paraprofessionals... other staff” (1111 (a)(1)(A)). As the association representing more than 73,000 educators who serve the public in those positions—by far the largest statewide association for teachers and education support professionals—we hope that you will seriously consider our concerns with your current draft of Maryland’s consolidated state ESSA plan.

ESSA implementation will have far-reaching consequences in so many areas of our students’ lives. We have thoughts on every aspect of this plan. But in order to focus on the most pressing issues, we have prioritized feedback on a limited number of topics. Our silence on sections of the plan neither signifies support nor opposition; rather, we have chosen to concentrate the following feedback on changes we believe must be made if we are truly striving to create an environment that permits us to focus on improving our schools and student achievement.

Title I, Part A

Long-Term Goals: The plan only includes long-term and annual objectives for three indicators: academic achievement, graduation rates, and English language (EL) proficiency. While we understand that states are only required to submit goals for those three indicators, there is nothing prohibiting the state from also tracking data on the school quality indicators and other academic indicators. We believe it is necessary to examine a wide variety of data points beyond proficiency on a statewide test to truly understand how to improve our public schools. We urge the Maryland State Department of Education (MSDE) to develop long-term goals and annual measurable objectives—when data are available—for all indicators in Maryland’s accountability system, including all school quality indicators.

Summative Scores: MSEA is very concerned about the lack of clarity on how schools will receive a final composite score. Specifically, there are details missing for three important components: the use of stars as a representation of the composite score; the penalizing of



schools for failing to meet an arbitrary “equity” benchmark; and how points will be determined for each indicator in the system.

- 1. Stars:** The plan does not explain how stars will be assigned to schools to correspond with their composite score. MSEA does not support the use of any symbols—including stars—to describe the quality of our schools. They are more likely to mischaracterize performance through oversimplification than make it easier for parents to understand their children’s education. We believe parents are more than capable of understanding percentile rankings for the all students group and the student subgroups, and therefore, urge MSDE to eliminate the star ranking system altogether in favor of simply reporting the percentile composite score as required by state law. Furthermore, it has been reported by MSDE staff that many stakeholders believe—including MSEA—that the five-star ranking is essentially the same as the A-F letter grade model prohibited by state law, and if so, such a ranking may be deemed inconsistent with legislative intent.
- 2. Equity:** MSEA believes strongly in the transparent reporting of opportunity gaps that exist in our schools. Based on the current plan, a school will lose an earned star because it has a large gap on “selected measures.” This “outside” method is both inconsistent with state and federal law (because it would have to be based on gaps in all indicators, not some) and insufficient to achieve equity. The scores and percentile rankings on each indicator and each subgroup, which will be disaggregated per state and federal law, will provide much more valuable information for decision-makers on how to make the necessary adjustments to resources needed to close opportunity gaps. Additionally, ESSA requires the identification of Targeted Support and Improvement (TSI) schools for the very purpose of holding schools accountable for closing gaps between student groups. We cannot punish our way to progress—instead, we must provide support and facilitate change where it is needed most. We recommend removing the punitive and counterproductive “equity” provisions (pages 25, 3-4) from the state plan.
- 3. Indicator Cut Scores:** The state plan is silent on how points will be awarded for each indicator. We are extremely concerned about comments made by several State Board of Education members that MSDE should cut the scores on school quality indicators in a way that reduces differentiation between schools to reduce their relative importance to principals and superintendents. The only responsible and valid way to determine cut scores is to use a consistent method across all indicators. The public should have the opportunity to weigh in on how these cut scores are determined before the state plan is submitted.

Identification of Support and Improvement Schools: The decision to only include academic achievement and student growth (two measures of performance on a single test) in identifying both Comprehensive Support and Improvement (CSI) and TSI schools is not



only incredibly misguided policy but also a clear violation of ESSA (Sec. 1111(c)(4)(B), (c)(4)(C), (c)(4)(D), and (d)(2)(A)) and the Protect Our Schools Act (§7-203(c)(2)(v) of the Education Article).

Specifically, ESSA requires that the identification of schools for comprehensive support and improvement be “based on the system of meaningful differentiation described in subparagraph (C)” (Sec. 1111(c)(4)(D)). Subparagraph (C) says that the state must “Establish a system of meaningfully differentiating, on an annual basis, all public schools in the State, which shall (i) be based on all indicators in the State's accountability system under subparagraph (B)” (Sec. 1111(c)(4)(C)). Subparagraph (B) includes all academic and non-academic (school quality) indicators (Sec. 1111(c)(4)(B)).

Furthermore, ESSA requires the same use of all indicators in meaningful differentiation for the identification of targeted support and improvement schools: “Targeted support and improvement -- Each State educational agency receiving funds under this part shall, using the meaningful differentiation of schools described in subsection (c)(4)(C)— (i) notify each local education agency in the State of any school served by the local educational agency in which any subgroup of students is consistently underperforming, as described in subsection (c)(4)(C)(iii)...” (Sec. 1111(d)(2)(A)). Therefore, it is a direct violation of ESSA to only use some of the state’s indicators to identify CSI and TSI schools. All indicators must be used in order to comply with federal law.

Similarly, §7-203(c)(2)(v) of the Education Article explicitly requires that a composite score that provides for meaningful differentiation include both academic and school quality indicators. As stated above, federal law requires states to use this system of meaningful differentiation to identify CSI and TSI schools, including “at the discretion of the State, additional statewide categories of schools” (Sec. 1111(c)(4)(C)(ii)). This includes the state’s proposed bottom 5% of all schools category not required by ESSA.

To base the determination of bottom performing schools on one single measurement tool is not only contrary to law, but also makes as much sense as deciding to go forward with a comprehensive program based on a single study. Neither MSDE nor the State Board of Education would recommend or approve such a move. So why would we decide to label schools and require improvement plans based on evidence that is just as incomplete? All indicators and data points must be used to determine the success of a school.

We also believe that the inclusion of schools that fail to meet the 95% PARCC participation threshold in targeted support and improvement identification is far too strong of a consequence. If a school is only in TSI for that reason, is its exit criteria going to be completely based on increasing test participation? TSI should exist to support schools in addressing their achievement gaps and this has nothing to do with that purpose. Linking test participation and TSI schools is not required by ESSA and MSEA recommends that it should be removed from the state plan.



Funding for CSI Schools Under Rigorous Intervention: The state plan says, “Distribution of funds will be connected to meeting established benchmarks and accountability measures (page 33).” This suggests that CSI schools under more rigorous intervention will receive funding for meeting performance goals, similar to how performance pay works. This violates the provision of the Protect Our Schools Act that reads, “The Department shall distribute federal funds for the implementation of plans...based on a formula and driven by the identified needs of each school identified by the Department.” (§7-203.4(d) of the Education Article). To comply with state law, MSDE should amend the state plan to ensure that all schools identified for support and improvement receive funding through a need-based formula.

Stakeholder Involvement in Support and Improvement Plans: In reference to steps that must be taken by Local Education Agencies (LEAs) with CSI schools, the state plan says, “The LEAs will be required to implement a collaborative process that includes input from diverse stakeholder groups (school administration, parents, community members, teachers, business partners, higher education partners, etc.) to complete and review the needs assessment and root cause analysis.” This list of stakeholders expressly omits representatives of the exclusive bargaining unit, which is unequivocally required by the Protect Our Schools Act. (§7-203.4(A)(2) of the Education Article). The inclusion of the exclusive bargaining representative is not only mandated per state law but also is necessary because of the impact that implementation of any improvement plan may, and likely will, have on working conditions as specified in the collective bargaining agreement. Because of this impact, the General Assembly wisely maintained the critical partnership between the exclusive bargaining representative and the local board of education; and we recommend MSDE amend its plan to be consistent with state law.

Unlawful State Mandates: The Protect Our Schools Act reads, “Nothing in this subsection shall be construed to authorize the Department to require a county board to implement a specific intervention strategy.” That means MSDE cannot require any specific action in an improvement plan except mandates found in ESSA. But there are several requirements imposed on LEAs with CSI and TSI schools in the current draft of the state plan—all of which may be deemed counter to state law. As such, we recommend that the following offending provisions be removed from the state plan to comply with state law:

1. “Each CSI school will be required to use English/language arts and mathematics curriculum that has been vetted by the MSDE” (page 35).
2. “CSI principals will be required to participate in the Priority Principals Program; assistant principals will be required to participate in the Promising Principal Academy; and teacher leaders will be required to participate in the Aspiring Leaders Institute” (page 35).



3. “All TSI and CSI schools will be required to establish a network of partners and community resources that support student achievement and well-being based on the needs assessment of each school” (page 35).

Title II, Part A

Certification and Licensing: The state plan introduces the concept of an adjunct certification for “specialized teaching circumstances” without many details about requirements for earning the certification or the validity period of said certification. MSEA recommends that MSDE add in the following provisions:

1. To determine initial specialty areas, MSDE will survey LEAs to determine the specific fields that LEAs need to fill with adjuncts. Fields supported by existing higher education programs should not qualify for adjunct status (i.e. a journalism specialist can be filled by someone with expertise in English Language Arts).
2. Adjunct teachers must have a co-teacher with a standard or advanced certificate during the first year of instruction. They must also undergo professional development focusing on pedagogy, educational psychology, and content methodology. In the second year, following a proficient rating and completion of professional development, a co-teacher should not be required.
3. The adjunct certification should be of a limited validity period in order to encourage full certification.

At the same time, the plan is silent on administrative certification. MSEA recommends that MSDE require all assistant principals and principals to have completed at least five years of teaching and received a rating of highly effective for a minimum of two of the most recent five years teaching. They should also have at least two years of experience in a role that involves instructional coaching (i.e. mentors). Finally, it is here that MSDE may mandate participation in specified professional development, including programs such as Priority Principals or Promising Principals.

Mentoring: The state plan reflects almost no change in how new educators receive mentorship in their induction programs. In fact, the only difference is a new mandate for LEAs to report on their mentorship programs to MSDE, despite the fact that they are already required to do so in their master plans. It is clear from TELL survey data that new educators do not find the current mentorship system effective and MSEA believes it played a significant role in Maryland’s ranking as second worst in the nation in working conditions and high turnover rate. MSEA recommends a new mentoring and induction system adhering to the following tenets:

1. To become a mentor, a teacher should have completed at least five years of teaching and received a rating of highly effective for a minimum of two of the most recent five years in his/her position, a recommendation by a principal and/or a mentoring endorsement, and an advanced certification or national board certification. Mentors



should be assigned to new educators in a content area in which they are certificated. Finally, mentors should be non-evaluative.

2. All mentors should be trained through a program co-developed by their LEAs and closest institution of higher education that results in a mentor endorsement. They should be given a stipend that is determined on a district-by-district basis through the collective bargaining process. If employed in a district office, mentors should have full release time with a maximum caseload of 15 new educators. If employed in the school, mentors should have partial release time and a proportionally smaller caseload depending on the amount of release time provided to them.
3. During their first year of teaching, each new educator receives both a mentor and at least one extra period (20% time) for planning or other instructional tasks. During their second year, each new educator who is evaluated at or above standard moves to a full teaching load and keeps a mentor. New educators who are evaluated below standard should receive a consulting teacher or instructional job coach, in addition to the mentor, for their second year. For the third year, all new educators retained, but not yet meeting standards, should receive a coaching or consulting teacher or instructional job coach that provides intensive, individualized support and guidance for improvement in the areas identified through the observation and evaluation system. This intensive support and guidance may be provided through the utilization of a peer assistance and review program that has been appropriately bargained and implemented within the county.

Professional Development: While MSEA is excited about the prospect of initiatives like Professional Learning Communities (PLCs) and residency programs, educators are concerned about how much of MSDE’s professional development strategies will be implemented in a top-down fashion. For example, professional learning plans would be more effective if developed together with teacher leaders instead of administrators.

The plan also fails to mention a strategy for offering micro-credentialing for educators earning professional development credit. While such a program would need strong quality-control standards—similar in nature to MSDE’s EXCEL system for early childhood education—these opportunities allow teachers to individualize their training and professional growth. Teachers should also have access to professional development in their schools that corresponds with a needs assessment and data for their particular student populations.

We were also disappointed to see no mention of job-embedded professional development. Educators are deeply frustrated with the quality of training they get because it often has little to do with their specific students and it takes them away from their day-to-day responsibilities. Overall, the plan falls well short of addressing the lack of time for planning, collaboration with other educators, and individually-tailored training that our teachers have asked for over the last decade or more.



Teacher Incentives: While ESSA does not provide new funding for teacher recruitment and retention, MSEA is concerned that MSDE lacks any plan for helping educators afford to stay in the profession. According to the Economic Policy Institute, our teachers are underpaid relative to comparable professions, making it that much more likely that our new educators will leave for another career when given the opportunity. That's why MSEA urges MSDE to include at least a general plan for student loan forgiveness and housing incentive programs. If we require public servants to acquire a certain level of higher education, it is only fair that the state helps those educators afford their expenses.

Title IV, Part A & B

Community Schools: MSEA was surprised to see that the state plan lacked any reference to full-service community schools as a strategy for creating a more supportive school environment for students living and learning in concentrated poverty. When ESSA passed the U.S. Senate, Maryland Congressman Steny Hoyer released a statement, saying in part, "I am proud that this legislation includes a provision to encourage the expansion of the full-service community schools model for the delivery of wrap-around services for low-income families. Promoting full-service community schools has been a priority of mine for many years, and this legislation builds on earlier efforts to promote and expand this model."

In light of the success of community schools in Baltimore City and the strong backing of recent research produced by the Learning Policy Institute, we urge MSDE to include a commitment to direct Title IV funding to the expansion of full-service community schools in Maryland. We also believe MSDE should provide support—not a mandate—to LEAs where comprehensive and targeted support and improvement schools want to hire a community school coordinator as part of their improvement plans. We simply cannot improve student achievement without the support of all stakeholders in the community.

We look forward to seeing our more than 73,000 educators' concerns addressed in the final version of the state plan. We will ultimately be the ones responsible for making this state plan work every day in our schools—and implementation only works when the voices of policy implementers are heard and respected. We stand ready to answer any clarifying questions you might have.

Sincerely,

Betty Weller
MSEA President



SUMMARY OF MSEA RECOMMENDATIONS

LEGAL CONCERNS

Area of Concern	ESEA Title	MSDE Draft State Plan	MSEA Recommendation
Identification of CSI and TSI Schools	Title I	Only academic achievement and student growth are used to identify bottom performing CSI schools and all TSI schools.	As required by federal and state law, all indicators in the accountability system—including all school quality indicators—should be used with their determined weighting to identify bottom performing CSI schools and all TSI schools.
Stars	Title I	Schools will receive a score on a five-star scale corresponding with their composite percentile score using a to-be-determined method.	In light of state legislative intent, schools should not receive a symbol score—including stars—in addition to their composite percentile score.
Funding for CSI Schools	Title I	Funding for CSI schools under more rigorous state intervention will be connected to meeting established benchmarks and accountability measures.	As required by state law, funding for all CSI schools—including those under more rigorous state intervention—should be based on a formula and driven by the identified needs of each school.
Mandates in Improvement Plans	Title I	All CSI schools will be required to use vetted curriculum, have school administration and teacher leaders participate in specific professional development, and establish a network of community partners.	Per state law, all mandates on CSI schools during the first three years of their improvement plans—except those found in ESSA—should be removed from the state plan.
Stakeholder Involvement	Title I	Representatives of bargaining units are not included as stakeholders for feedback on CSI and TSI improvement plans.	As required by state law, representatives of bargaining units should be directly included as stakeholders for feedback on CSI and TSI improvement plans.



NON-LEGAL CONCERNS

Area of Concern	ESEA Title	MSDE Draft State Plan	MSEA Recommendation
Indicator Cut Scores	Title I	Scoring on indicators will be determined when there is more data available.	The methodology for determining performance on indicators should result in consistent and statistically valid differentiation between schools for all indicators.
Long-Term Goals	Title I	The state plan includes goals on academic achievement, EL proficiency, and graduation rates only.	The state plan should include long-term goals and annual measurable objectives for each indicator in the accountability system, including each school quality indicator.
Equity Measure	Title I	Schools will have stars removed for having to-be-determined gaps in performance between the all students group and student groups.	The punitive equity measure should be removed from the state plan. The plan's details for targeted support and improvement address this issue more effectively.
Identification of TSI Schools	Title I	Schools that do not meet the 95% PARCC participation threshold will be identified for targeted support and improvement.	The linking of test participation and TSI identification should be removed from the state plan. Reporting whether the school meets the federal requirement should provide enough accountability.
Adjunct Certification	Title II	The state plan establishes an adjunct certification without specific details about how it will be implemented.	The state plan should include several implementation requirements to ensure quality instruction from adjunct teachers (specific recommendations are above).
Administrative Certification	Title II	There is no mention of administrative certification in the state plan.	The state plan should include language that requires all assistant principals and principals to have completed at least five years of teaching and received a rating of highly effective for a minimum of two of the most recent five years teaching. They should also have at least two years of experience in a role that involves instructional coaching (i.e. mentors).



Mentoring	Title II	The state plan merely reports that MSDE will continue to use the existing new educator mentoring system with one additional reporting mandate for LEAs.	The state plan should include several improvements to the mentoring program, including how mentors are selected, trained, and compensated; who receives a mentor; the appropriate ratio of mentors to new educators; and, other details (specific recommendations are above).
Professional Development	Title II	The state plan does not include language about job-imbedded professional development or micro-credentialing.	The state plan should make job-imbedded professional development a priority and should establish a strategy for utilizing and overseeing micro-credentialing as a form of individualized professional learning.
Teacher Incentives	Title II	There is no strategy for making the teaching profession more affordable in the state plan.	The state plan should include a general plan for student loan forgiveness and housing incentive programs for teachers.
Community Schools	Title IV	There is no mention of community schools in the state plan.	The state plan should make a commitment to direct Title IV funding to the expansion of full-service community schools in Maryland.