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Attachment 3

EXCERPTS FROM FEDERAL PRIORITIES FOR PRE-K-12 EDUCATION

112TH CONGRESS – 1ST SESSION; FEBRUARY 2011

Reauthorization of the Elementary and Secondary Education Act:

The State of Maryland has fully supported the broad goals of the *No Child Left Behind Act* (NCLB). In fact, Maryland has embraced the role of standards-based reform in education for almost two decades, before the enactment of NCLB, by setting high expectations for all students and developing an assessment and accountability system, the quality of which has been recognized nationally for a number of years. Further, over the past several years, Maryland has invested unprecedented levels of state funding in public education as a result of the *Bridge to Excellence in Maryland Public Schools Act of 2002*. And now, as the recipient of a Race to the Top grant, Maryland has furthered its commitment to leading education reform in the nation, serving as a model for other states, by:

- Adopting state-developed college and career ready (Common Core) standards;
- Serving as a governing state in the PARCC assessment consortium developing robust, internationally benchmarked assessments aligned with the Common Core standards;
- Developing an enhanced data infrastructure;
- Improving educator evaluation systems in order to target professional development and place the best principals and teachers with the neediest students;
- Providing intensive assistance to the lowest-performing schools.

In order to support these reforms and innovations, we need a reauthorized Elementary and Secondary Education Act that invests in these state efforts and encourages innovation, evaluation, and continuous improvement so that Maryland can continue to develop and implement policies to help districts and schools dramatically improve student achievement, close achievement gaps and adequately prepare our students for the competitive global economy of the 21st century. The Maryland State Department of Education considers the following to be its top priorities for the Reauthorization of the Elementary and Secondary Education Act:

PROVIDE STATES FLEXIBILITY IN DEVELOPING ACCOUNTABILITY SYSTEMS:

NCLB requires 100% of students to be proficient in reading and math by 2014. As we approach 2014, and as the annual measurable objectives (AMOs) required to achieve Adequate Yearly Progress (AYP) edge closer to 100% proficiency, increasing numbers of schools are falling into school improvement status under this “one-size-fits-all” approach. Many of these are not schools

we consider to be “failing” but due to the arbitrary targets set under NCLB, almost all schools will be in improvement by 2014. Based on many discussions we have had with Congressional staff, other states and education advocacy groups, this is a provision that we believe will be and should be adjusted during reauthorization.

There is much discussion around the use of growth models to determine school success rather than an arbitrary goal that is the same for every school in the nation. We support the growth model proposals that have been discussed as possibilities for the reauthorization of ESEA and urge Congress to allow states the flexibility to design accountability systems that meet certain core principles (e.g., aligned to college and career readiness, focus on student achievement, annual assessments, disaggregated results), yet recognize the unique circumstances of the school systems within their states.

We encourage Congress to act quickly. This is a crucial time for education reform in Maryland and many other states. As we are transitioning to new standards, curriculum and assessments, we are concerned about the misalignment that will occur during the transition period. Some teachers are currently scheduled to transition to teaching certain aspects of the curriculum aligned with the new Common Core Standards on a limited basis beginning in school year 2011-2012. Full implementation is expected to be phased in over a period of three years, with full implementation by all teachers in all school systems by 2013-2014.

However, states, including Maryland, will continue to use their current assessments for accountability purposes until the new assessments based on the Common Core Standards are fully implemented, which is currently anticipated for 2014-2015. The new assessments are expected to be field-tested in school year 2013-2014. It is an imperative that we transition to the new standards and assessments in a manner that is fair and that will not negatively impact or inaccurately identify schools as low-performing.

PROPERLY ALIGN ESEA AND IDEA:

While schools recognize and support the need for high standards and accountability for **all** students, there are some fundamental issues that need to be addressed in the reauthorization of the Elementary and Secondary Education Act (ESEA) as it relates to students with disabilities. First, there is a major federal law that dictates all aspects of a student with disabilities educational program - from qualifications for identification to the implementation of a student's Individualized Education Program (IEP). The Individuals with Disabilities Education Act (IDEA 2004) requires that for a student to be identified and eligible for services, the student must have a disabling condition that has educational impact and requires the need for special education instruction. Thus, one can expect that most students with IEP's are demonstrating below grade level academic performance in the core content areas being tested. This is not congruent with the expectations of ESEA, which expects **ALL** students, including those with disabilities to achieve on grade level each year.

The expectations of IDEA and ESEA must be aligned and congruent. Decisions about educational programs for students with disabilities should be based on their Individualized Education Programs that are designed to ensure their achievement. Instruction and assessment

must be consistent with the IEP goals of the student with disabilities. Additionally, it is paramount that the student's achievement of the IEP goals is a component in measuring student success along with other accountability measures.

RECONSIDER IDENTIFICATION OF PERSISTENTLY DANGEROUS SCHOOLS:

The Maryland State Department of Education adopted state regulations intended to implement an unsafe school choice policy with rigor. Maryland's policy stipulates that a school will be designated "persistently dangerous" if for three consecutive school years the total number of student suspensions for more than ten days or expulsions for certain offenses (arson or fire; drugs; explosives, firearms; other guns; other weapons; physical attack on a student; physical attack on a student; physical attack on a school system employee or other adult; and sexual assault) equals or exceeds 2.5 percent of the students enrolled in that school.

In the years since *NCLB* was enacted, the Maryland State Board of Education has been facing the annual task of identifying persistently dangerous schools with increasing apprehension and serious reservation. Schools are an extension of the communities in which they are located. The persistently dangerous label is demoralizing to communities, school staff, students and parents. We hear anecdotal stories that principals are reluctant to suspend students in order to avoid the persistently dangerous label and, as a result, the very students who exhibit unsafe behaviors and actions remain in the school. Additionally, while the intent of the law is good, that is, to allow children attending unsafe schools to transfer to safer schools, very few families actually take advantage of the transfer option.

111TH CONGRESS – 2ND SESSION; DECEMBER 2009

Reauthorization of the Elementary and Secondary Education Act:

The State of Maryland has fully supported the broad goals of the *No Child Left Behind Act* (NCLB). In fact, Maryland has embraced the role of standards-based reform in education for almost two decades, before the enactment of NCLB, by setting high expectations for all students and developing an assessment and accountability system, the quality of which has been recognized nationally for the past six years. Further, over the past several years, Maryland has invested unprecedented levels of state funding in public education as a result of the *Bridge to Excellence in Maryland Public Schools Act of 2002*. The Maryland State Department of Education considers the following to be priorities for the Reauthorization of the Elementary and Secondary Education Act:

STRENGTHEN RESOURCES:

ESEA reauthorization must continue to support the work of state education agencies and local school systems including increased and continued funding for standards, assessments, teacher quality, data systems, accountability systems, and working in partnership with states to develop

research-based instructional programs and best practices. High standards cannot be met, and strict accountability measures have no meaning, until the appropriate resources are provided and the capacity of each school and classroom to meet the individual needs of children is increased. Provision of such funding would allow schools to closely monitor and support each child's progress in a way never before possible. This degree of individual attention would provide more equitable opportunities for all children. It would, in essence, level the playing field. This federally mandated educational initiative must be adequately funded and sustained in order to achieve the goal of this law. While the American Recovery and Reinvestment Act provided significant increases in education funding, these are temporary increases. States will need sustained funding to continue to make progress with their reform agendas.

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In the years since *NCLB* was enacted, the Maryland State Board of Education has been facing the annual task of identifying persistently dangerous schools with increasing apprehension and serious reservation. Schools are an extension of the communities in which they are located. The persistently dangerous label is demoralizing to communities, school staff, students and parents. We hear anecdotal stories that principals are reluctant to suspend students in order to avoid the persistently dangerous label and, as a result, the very students who exhibit unsafe behaviors and actions remain in the school. Additionally, while the intent of the law is good, that is, to allow children attending unsafe schools to transfer to safer schools, very few families actually take advantage of the transfer option. Most want their children to attend schools in or near the communities in which they live and/or have a deep respect for the history and the traditions that school has provided over the years. These neighborhood schools were often attended by the parents and other family members of the current students.

Further, Maryland is concerned about the lack of consistency in the designation from state to state. While *NCLB* requires states to label schools as persistently dangerous, it allows states sole discretion to establish the parameters for this identification. Many states have established parameters such that no schools have actually been identified as persistently dangerous, while Maryland has 4 such schools. The lack of national standards in this area and the varying degree of rigor in implementing this provision of *No Child Left Behind* leads to certain schools receiving this pejorative label while others that might actually be less safe proceed with business as usual. For example, all of the Maryland schools labeled persistently dangerous are located in Baltimore City which suggests that some jurisdictions are more impacted than others by the policy. Should the persistently dangerous designation stay in place in the reauthorized law, a national standard for identifying schools as persistently dangerous is necessary to advance the intent of the law for the benefit of all schools and the communities they serve.

PROPERLY INCLUDE EARLY CHILDHOOD EDUCATION AS A SEPARATE TITLE:

The benefits of high quality early childhood education are well documented. A total of 38 states have expanded prekindergarten services over the past 10 years. Early childhood education is considered part of the education continuum and the inclusion of early childhood as a separate title will support the administration's goal of integrating high quality early education as a key strategy to closing the achievement gap.

The title could be structured to serve two major purposes:

- Include provisions for states to require LEAs to initiate a strategic planning process to improve school readiness for traditionally disadvantaged students by addressing the areas of teacher quality, curriculum implementation, and comprehensive services, such as health and family involvement in programs serving preschool age children.
- Establish a fund program (from existing or new resources) to support LEAs to establish formal partnerships with early childhood programs, including standards defining teacher quality, curriculum, and assessment for the provision of high quality early childhood services. Require LEAs to strategically align high quality early education services in school attendance areas of high poverty and/or school improvement needs.

PROPERLY INCLUDE STUDENTS WITH DISABILITIES:

While schools recognize and support the need for high standards and accountability for all students, there are some fundamental issues that need to be addressed in the reauthorization of the Elementary and Secondary Education Act (ESEA) as it relates to students with disabilities. First, there is a major federal law that dictates all aspects of a student with disabilities educational program - from qualifications for identification to the implementation of a student's Individualized Education Program (IEP). The Individuals with Disabilities Education Act (IDEA 2004) requires that for a student to be identified and be eligible for services, the student must have a disabling condition that has educational impact and requires the need for special education instruction. Thus, one can expect that most students with IEP's are demonstrating below grade level academic performance in the core content areas being tested. This is not congruent with the expectations of ESEA, which expects ALL students, including those with disabilities to achieve on grade level each year.

The expectations of IDEA and ESEA must be aligned and congruent. Decisions about educational programs for students with disabilities should be based on their Individualized Education Programs that are designed to ensure their achievement. Instruction and assessment must be consistent with the IEP goals of the student with disabilities. Additionally, it is paramount that the student's achievement of the IEP goals is a component in measuring student success along with other accountability measures.

PROPERLY INCLUDE ENGLISH LANGUAGE LEARNERS:

English Language Learners (ELL) present special challenges to school systems within the context of *NCLB*. Depending on the level of English language proficiency attained, a student's

performance on English-only assessments may not portray an accurate profile of a student's actual gains or progress during the course of a school year. Furthermore, a large number of ELL students have had their educations interrupted due to war, poverty, political strife, mobility, or other factors prevalent in their countries. These aforementioned factors are often the reasons the students have immigrated to the United States to begin with. It is not unusual to encounter a student whose chronological age would place him in high school, yet his total years of formal schooling are limited, or not much beyond the third or fourth grade levels.

The above factors need to be taken into account in the reauthorization of *ESEA* and factored into any redesign of the accountability system for English Language Learners. First and foremost, ELL students must be able to meet a benchmark standard on an English, "academic" proficiency (not merely oral proficiency) assessment before participating in the State Assessment Program. English proficiency attainment can and should be a part of the total accountability process, and progress on English language attainment can and should measure how well a school is performing with this population of students.

Secondly, flexibility in designing accountability systems to measure progress of ELL students must be given to State agencies. If appropriate "qualifying" assessments are given to students, exemption from State assessment systems will satisfy the intent of the law.

Third, multiple measures of growth and achievement are essential for ELL students. Given the double handicap of low English proficiency and interrupted education, other measures such as a growth model, work sampling, or basic skills assessments in the native language could all serve to create a true picture of a student's actual progress.

Finally, with a growing immigrant population, research at the federal level related to English Language Learners is desperately needed. The use of native language instruction, native language assessment, and the appropriate time to include ELL students in state assessments are all hot-button issues and the available current research is quite disparate in conclusion.

SUPPORT DEVELOPMENT OF VOLUNTARY NATIONAL STANDARDS AND ASSESSMENTS:

The development of fifty sets of standards and assessments across the United States has led real innovation, state-level ownership of reform, and more clarity as to what should be taught and assessed. At the same time, fifty sets of standards have led to immense costs to states, charges of watered down standards, lack of instructional continuity for students moving from state to state, the inability to make valid comparisons across states to help develop policy, and the realization that standards should not be that different among states—algebra is algebra no matter where you live.

The need for national standards and assessments continues to grow clearer and clearer as we continue to move forward with school reform and as we face an increasingly competitive global economy. Maryland has signed onto the Common Core Standards Initiative sponsored by the Council of Chief State School Officers and the National Governor's Association. We fully support this state-led collaborative approach to developing standards, but also understand that the development of Common Standards is just the beginning of a rather arduous task. Further,

Secretary Duncan has reserved \$350 million in ARRA funds for the development of assessments based upon the Common Core Standards. However, tremendous efforts will need to be made to provide teachers with substantial professional development opportunities in order for the standards to be taught with fidelity. Additionally, curricular and instructional materials will need to be developed that are aligned with the Common Core Standards and assessments. Federal financial and coordinating support would be extremely helpful in moving the Common Core Standards and assessment agenda forward and ensuring successful implementation across the country.

INCLUDE RESPONSE TO INTERVENTION (RTI) IN ESEA:

When Congress reauthorized IDEA in 2004, they changed the law about identifying children with specific learning disabilities. Schools will "not be required to take into consideration whether a child has a severe discrepancy between achievement and intellectual ability ..." (Section 1414(b)) Maryland was a state that relied solely on the use of the discrepancy model. *This change removed* the requirements of the "significant discrepancy" formula for learning disabilities classification based on I.Q. tests and requires that states must permit school systems to instead adopt alternative models including the "Response to Intervention (RtI)" model. Response to Intervention (RtI) is a pre-identification scientifically-based strategy. It is available as an instructional intervention strategy only to students who are not yet identified as eligible for special education. This is usually a "three-tier" system (beginning in general education and ending in referral to special education) that serves to identify students at risk for learning problems, provide early intervention, and reduce placement of students into special education due to instruction failures.

Specific learning disabilities (LD) are defined as:

...a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in the imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations.

In attempting to avoid misdiagnosis or inappropriate diagnosis, the Act restates the exclusionary clause and references No Child Left Behind (NCLB) by restating that "lack of appropriate instruction in reading" cannot result in LD diagnosis. Nor can a student meet LD eligibility requirements if the determinant factor is diversity in a student's racial, cultural, and language background.

Since this is solely a regular education initiative implemented by regular education teachers, it is more appropriately included in ESEA, not IDEA. As currently written, RTI does not fall directly under the responsibility of a particular program at USDE and there is lack of implementation throughout the states due to this confusion and a lack of designated funding.

PROVIDE FLEXIBILITY IN SCHOOL CHOICE AND SUPPLEMENTAL EDUCATIONAL SERVICES:

Currently, students are eligible for school choice when their school has not made AYP for two years or more and for supplemental educational services (SES) after three years or more. As in most states, Maryland has found that students and their parents are taking advantage of SES at a much higher rate than choice. In fact, Maryland has the highest rate of SES participation in the

country. The reauthorized ESEA should provide states with the flexibility to determine the order in which choice and SES are offered or whether both options should be available to students after a school has not made AYP for two years. Providing states this flexibility may better serve students' needs and parents' wishes.

TEACHER PROFESSIONAL DEVELOPMENT:

NCLB needs to reflect the same high quality professional development message in Title I and throughout the statute. The reauthorization bill should:

- a. Define high quality professional development *attributes* (see Maryland Teacher Professional Development Standards), rather than *activities* (workshops, or study groups for example). Emphasize focus on subject matter knowledge and instructional and assessment strategies.
- b. Designate directed spending of Title I and IIA, B and D funds for professional development that meets the revised definition of high quality professional development.
- c. Separate language for principal professional development from teacher professional development as both content and delivery systems are different.
- d. Designate a specified portion of Title IIA funding to support comprehensive teacher induction programs at state and district levels (Model after The New Teacher Center at the University of California Santa Cruz).
- e. Require a percentage of funds in (b) above (15%) to be spent on evaluating the impact of professional development on measurable teacher outcomes.
- f. Do not include language requiring local school districts to jointly develop and submit applications with local teacher organizations. This could become problematic in interpreting that professional development must be negotiated. Instead, emphasize teacher involvement in planning, implementing and evaluating stages of major professional development activities.
- g. Require stronger teacher preparation programs in institutions of higher education.

CONTINUE TO INCLUDE AN EDUCATION TECHNOLOGY PROGRAM IN ESEA:

Reauthorization of ESEA must include the continuation of the Title II-D Education Technology (Ed Tech) Program. Budget cuts to this program over the past several years seem to indicate an assumption that this program is no longer needed and is being phased out. Although a significant amount of funding was provided for the Ed Tech Program in the American Recovery and Reinvestment Act, the President's proposed 2010 budget cuts the program for the fifth consecutive year, to \$100 million nationwide from a high of over \$700 million in 2002.

Most State and local technology funding is spent on infrastructure and data systems, leaving little funding available for curriculum integration, which is vital in preparing American students for success in the 21st century. Local school systems rely on the federal Educational Technology funding to supplement State and local funding. These funds have been instrumental in helping school systems integrate technology resources and systems with professional and curriculum development to promote research-based instructional methods, in supporting student academic achievement and in assisting all students in becoming technologically literate. The Title II-D Program has allowed school systems to: fund technology resource teacher positions to assist

other teachers in integrating technology into their classrooms; establish a purchasing consortium so that all 24 Maryland school systems have equitable access to online databases; provide online courses for students and teachers; develop student and administrator technology standards and tools to measure attainment of these standards, Maryland's Teacher Technology Standards, and other initiatives.

Without the continuation of the Education Technology Program, many teacher resource positions will not be funded, limiting teacher access to a technology coach/mentor who can provide high quality professional development; technology equipment purchases will dwindle, further widening the digital divide; and provision of content-specific resources and related professional development will be severely limited. There will be no funds for partnerships that allow local school systems, working in collaboration with the Maryland State Department of Education, to create systemic, innovative changes in teaching and learning through strategic technology initiatives such as: creating online courses aligned to the Maryland Teacher Technology Standards for educators; developing model STEM instructional programs; or providing open education resources and digital content aligned to Maryland and, in the future, to Common Core Standards. In addition, although previous State funding has helped to address infrastructure issues, school systems are struggling to maintain, improve and continue to acquire equipment and to create more robust networks to meet the growing technology needs of students, teachers and administrators. These challenges also impact the State's move to a 1:1 student to computer ratio for secondary schools, online testing, the growing demand for online courses for students and online professional development for educators. Continuation of the Education Technology Program is an imperative if American students are to be competitive in our increasingly competitive global economy.