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\$101 Million Opportunity To Close Achievement Gaps*10 Reforms That Do Not Require New Money or Laws***Executive Summary**

Maryland school districts will receive more than \$100 million in extra state funds next school year because of increases in the number of low-income students. This creates a significant opportunity to expand services to disadvantaged students and to demonstrate to federal officials that Maryland is serious about closing achievement gaps. Good use of these funds, combined with other policy changes that do not require changes to law or extra money, will greatly improve Maryland's competitive position for a \$250 million Race to the Top grant.

Background

Maryland officials are right when they say the State can not rest on its education laurels. As good as our schools are, many students are still not receiving an adequate education. Only 40 percent of eighth graders passed the National Assessment of Educational Progress (NAEP) in math; the passing rate was 10 percent in Baltimore City.¹ Maryland ranks 50th in the country on the gap between low-income and wealthier students in eighth grade math performance, and this gap has widened.²

Maryland is eligible for a federal Race to the Top grant of up to \$250 million. Competition among the states is fierce. Federal officials want to see evidence that a state is seriously trying to close achievement gaps, and they want evidence that states will implement key reforms *whether or not they receive a federal grant*.³ Maryland plans to submit its application by the June 1, 2010, deadline.

The Governor and state education officials say they are working on legislation which will improve the

¹ Advocates for Children and Youth, *National Tests Show Maryland Needs to Help More Students Earlier* (Oct. 2009); Advocates for Children and Youth, *Few Baltimore City Students Proficient on National Math Test* (Dec. 2009).

² See "Quality Counts," *Education Week* (2010).

³ The State has indicated that its reform proposals will "continue with or without the Race to the Top funding." Maryland State Department of Education, *Maryland's Reform Plan, Race to the Top*.

State's competitive position for the grant. Hopefully, this legislation will pass and address some critical issues, including lengthening the time it takes for teachers to receive tenure and making it easier to establish and sustain charter schools.

Regardless of whether the General Assembly passes reform legislation, there are significant changes the State can make which will not require additional money or changes in law, which will significantly increase Maryland's chances for the federal grant, and which, most importantly, will improve education for thousands of students.

#1: Require districts to use extra state funds to expand interventions for disadvantaged students.

Under the Bridge to Excellence in Public Schools Act, commonly known as the Thornton legislation, school districts receive extra funding for each student who is eligible for free and reduced-priced meals (FARM).⁴ There are many more Maryland students eligible for free and reduced-priced meals this school year than last year.⁵

As a result of the increase in the number of students eligible for FARMS, the Governor was required to increase the funding for compensatory education in his proposed budget for FY 2011. The increase is nearly \$101 million, available for the 2010-11 school year. The Governor's budget highlights book says that the money is meant to "close the achievement gap between economically disadvantaged students and their peers." The increases vary significantly from district to district as reflected in the Appendix.

In prior years, the Maryland State Department of Education (MSDE) has given districts total discretion on how to use compensatory education funding, even to the point of allowing districts to not

⁴ The FARM count was used as a proxy for the number of disadvantaged students in a district.

⁵ The increase is most likely due to the severe economic recession; more families in Maryland are low-income. Another factor is efforts to enroll more eligible students; this is likely one reason for a particularly large increase in Baltimore City schools.



spend the money on disadvantaged students. For the most part school districts took full advantage of this latitude and used the money for general operating expenditures, including across-the-board teacher salary increases. Thus, most of the money went to pay more to the highest paid teachers who have no contact with low-performing or disadvantaged students. The money has not resulted in a significant expansion of interventions for disadvantaged students as envisioned by the Thornton Commission.⁶

This pattern is likely to continue without specific, immediate action by MSDE. School districts are facing tight budgets and will want to use the extra compensatory education to fill financial holes unrelated to disadvantaged students. For example, Baltimore County Public Schools will receive nearly \$9 million in additional compensatory education funding. Will the State allow the district to not spend any of this money on additional interventions for its low-performing students?

If MSDE allows this to happen, it may place the State at a significant disadvantage in competing for the Race to the Top grant. It will not look good if the State allows \$101 million in state funds intended for disadvantaged students to pay for general operating expenses. Federal officials require federal funding for disadvantaged children to pay for additional services above and beyond those received by the general population.⁷ The Race to the Top application requires evidence that high-poverty schools in a district are receiving additional resources.

Most importantly, it is hard to see how the State can effectively close achievement gaps without ensuring that low-performing students receive the extra help they need. The State has adopted a Response to Interventions (RtI) framework, in which students with extra needs are supposed to receive additional interventions. The Baltimore City Public School System has mandated RtI, and Washington County Public Schools has an effective interventions

⁶ Advocates for Children and Youth, *A Continued Lost Opportunity* (2008).

⁷ Even in Baltimore City public schools, where almost all students are economically disadvantaged, the State needs to ensure that the extra compensatory education funding--\$43 million—is used for research-based interventions and instructional improvements.

system.⁸ The State can mandate RtI statewide and ensure that the districts are putting in place the necessary interventions.

#2: Remove barriers to extended learning opportunities.

Federal officials have noted the particular benefit from after school and summer learning opportunities for disadvantaged and low-performing students. The Race to the Top application strongly encourages states to extend learning time in chronically low-performing schools.⁹

There are no schools in Maryland with extended school days.¹⁰ One school was recently forced to cut back its extended hours because of union restrictions.¹¹ State officials can require districts to remove any obstacles to extended learning opportunities in collective bargain agreements or any local policies.

#3: Require districts to provide incentives for principals who work at challenging schools.

The Race to the Top grant criteria focuses on the quality of staff working with disadvantaged students and in chronically low-performing schools. Maryland schools with high concentrations of disadvantaged and low-performing students suffer from rampant turnover of leadership.¹² One reason is that principals in these schools receive little or no extra compensation.¹³ The Governor, as a candidate,

⁸ Advocates for Children and Youth, *Maryland's Missed Opportunities to Help Struggling Readers* (April 2009).

⁹ The application describes four school intervention models: turnaround; restart; school closure; and transformation. Turnaround and transformation schools must provide increased learning time.

¹⁰ National Center on Time and Learning, *Tracking An Emerging Movement: A Report on Expanded-Time Schools in America* (Dec. 2009).

¹¹ See Jay Matthew, "Why can't regular schools expand learning time?" *The Washington Post* (Dec. 6, 2009).

¹² Advocates for Children and Youth, *Principal Turnover in Prince George's County Public Schools* (Dec. 2007). Almost 60 schools experienced two or more changes in principals in five years. ACY found similar results in Anne Arundel, Baltimore and Montgomery Counties and Baltimore City.

¹³ Some principals in Prince George's County schools are receiving small bonuses, through a federal grant. The Financial Incentive Rewards for Students and Teachers (FIRST) program is promising, and it is worth determining whether it should be replicated.

proposed significant financial incentives to attract and keep good principals at challenging schools.¹⁴ A task force he appointed reiterated the need for financial incentives.¹⁵

The State has recently favored zero-based staffing for chronically low-performing schools. However, it is not clear that the districts are able, without significant incentives, to identify principals with proven track records to lead these schools.¹⁶

State officials can require school districts to offer substantial financial incentives to principals who work in challenging schools. One mechanism is for the State to reject school improvement plans unless the district can ensure that principal incentives are in place and that challenging schools have principals with a proven track record.

#4: Require that principals in challenging schools have sufficient authority and support.

Principals need significant authority to turn around a failing school. Yet, principals in Maryland are often squeezed between large local bureaucracies and restrictive teacher union agreements. Principals have limited authority over staffing and allocation of resources.

Even when principals have additional authority, they often lack the information needed to exercise it most effectively. Principals, particularly those with limited experience, do not know all of the relevant research on various instructional options. Is reducing class size better than tutoring? They also need intensive, ongoing coaching to become strong instructional leaders.

The State can require that principals in challenging schools have significant authority over the areas most related to instruction, including hiring and firing of staff.¹⁷ The State can also require that principals in these schools receive intensive coaching. The State can refuse to approve school

improvement plans that fail to contain these commitments.

#5: Deny licensure to teachers who fail a performance evaluation that includes student achievement.

It is extremely difficult to remove ineffective teachers in Maryland.¹⁸ Federal officials and others have focused on the amount of time it takes—two years in Maryland—for a teacher to gain tenure. Legislation, potentially introduced this session in Annapolis, may lengthen the time needed for tenure. However, the vast majority of ineffective teachers will still have tenure.¹⁹

There is an additional strategy to make it easier to remove ineffective teachers. Even tenured teachers cannot work in a Maryland public school if they lack a valid certificate issued by the State Superintendent.²⁰ In order for teachers to remain licensed after their initial certificate expires, they must have three years of “satisfactory school-related experience,” which means an “annual overall evaluation rating is satisfactory or better.”²¹

The State has deferred to local jurisdictions in deciding what is “satisfactory” and in establishing the process by which teachers are evaluated. In negotiations with teachers unions, local boards of education have agreed to restrictive evaluation procedures. Evaluations are based on a few, formal observations, often with advance notice. Maryland’s teacher evaluation process recently received a “D.”²²

In Baltimore County, for example, evaluations can normally take place only every other year. Performance during off years is presumed satisfactory. Unsatisfactory evaluations must be

¹⁴ O’Malley Brown Campaign, *New Ideas To Improve Public Education in Maryland* (2006).

¹⁵ *Governor’s Principals’ Task Force Report* (May 2009).

¹⁶ ACY found that only 3 out of 48 newly appointed principal in Baltimore City had a proven track record. Advocates for Children and Youth, *Baltimore City Unable to Attract Proven Principals* (Nov. 2008).

¹⁷ Without incentives for teachers (see above), it is not clear that principals in challenging schools will have a strong pool of experienced teachers to choose among.

¹⁸ Maryland recently received an “F” for difficulty in removing ineffective teachers from several national organizations. National Council on Teacher Quality, *2009 State Teacher Policy Yearbook, Maryland*. Center for American Progress et al., *Leaders and Laggards, A State-by-State Report Card on Educational Innovation* at p. 35 (Nov. 2009).

¹⁹ More than two-thirds of teachers have at least five years of experience. See Maryland State Department of Education, *Maryland Teacher Staffing Report 2008-2010* at p. 50 (Oct. 28, 2008).

²⁰ See Maryland Education Article §6-101.

²¹ Maryland Regulations, 13A.12.01.02.

²² Center for American Progress et al., *Leaders and Laggards, A State-by-State Report Card on Educational Innovation* at p. 29 (Nov. 2009).

based on three observations by at least two different people. If the observer wishes a copy of the lesson plan, the teacher must receive at least two days advance notice. A conference with the teacher must occur within three duty days of each observation, and written suggestions for improving must be provided within seven duty days. The teacher must have received an opportunity and sufficient time to improve before receiving satisfactory evaluation. Even more elaborate procedures are required during the year following an unsatisfactory evaluation. Failure to follow any of these procedures is subject to an extensive grievance process.²³

Observations, with feedback and follow up, can help a teacher improve. At the end of the day, however, the State does not need to continue licensing teachers unless they are proven effective in improving student achievement, regardless whether highly detailed procedures are followed.

While the standards and procedures for *local* teacher evaluations can remain at the discretion of the local school boards, the State can establish its own standards for the “satisfactory school-related experience” needed for state licensure. It can say that “satisfactory” must consider student achievement as a predominant factor. It can require evaluations based on a less cumbersome process than used for local evaluations.²⁴

#6: Require school districts to take full advantage of a third year needed for teacher tenure.

Under current law, teachers receive tenure in two years, unless a school district feels that a teacher needs a third year.²⁵ Even without a change in the law, the state officials can make sure school districts are taking full advantage of the third-year option and using rigorous evaluations to remove teachers prior to receiving tenure.

²³ *Master Agreement between the Board of Education of Baltimore County and the Teachers Association of Baltimore County, July 1, 2007 – June 30, 2012.*

²⁴ Control over licensure requirements is shared by the Maryland State Board of Education and the Professional Standards and Teacher Education Board (PSTEB). The PSTEB has heavy union representation. However, the State Board by a three-fourth vote can implement new licensure rules, even if the PSTEB objects. Maryland Education Article §6-704.

²⁵ Education Article, §6-202.

#7: Require districts to provide incentives for teachers to work in challenging classrooms.

Maryland has the largest teacher quality gap between high- and low-poverty schools. At the elementary level, 66.2 percent of classes in high-poverty schools are taught by highly qualified teachers. In low-poverty schools, 94.8 percent are taught by highly qualified teachers.²⁶

The most qualified teachers do not come to or stay in challenging classrooms or schools. Low-income eighth grade Maryland students are far less likely than wealthier peers to be taught math by an experienced teacher. Maryland ranks 35th on the teacher-talent poverty gap.²⁷

The State offers modest financial incentives for teachers working in the lowest performing schools. Earlier incentives were nullified when MSDE made them available to all teachers by repeatedly finding that *all* 24 districts faced teacher shortages.²⁸ Last year, the Governor and legislature cut the incentives back sharply. Overall, these incentives have not proven sufficient in ensuring an equitable distribution of talented teachers.²⁹

The Race to the Top application requires a state to commit to financial incentives to recruit and retain good teachers in chronically low-performing schools.

Even prior to finding out whether Maryland gets a Race to the Top grant, the State can demonstrate its commitment to the equitable distribution of talented teachers by requiring districts with low-performing schools to have in place significant financial incentives to attract and keep experienced, talented teachers in these schools.

²⁶ Analysis based on data released by the U.S. Department of Education. See *Education Week* (June 11, 2008).

²⁷ See “Quality Counts,” *Education Week* (2010).

²⁸ See, e.g., See Maryland State Department of Education, *Maryland Teacher Staffing Report 2008-2010* (Oct. 28, 2008).

²⁹ Last year, the legislature reduced the amount of the incentive from \$2,000 to \$1,500 per teacher, and teachers must work in a “comprehensive needs” school. See Maryland Education Article §6-306. This includes only a small number of schools because MSDE adopted new definitions which placed previously eligible schools in a different category. As a result, the amount of incentives has dropped by 50 percent. See *Maryland Proposed Budget FY 2011*.

#8: Require districts to provide sufficient professional development to teachers.

Teachers, particularly those who lack experience, need significant support in order to succeed. Inexperienced teachers are more likely to be teaching low-performing students, and these students are more likely to present educational challenges. Yet, professional development for teachers in Maryland is often not intensive or individually tailored enough to translate into stronger instruction.

Under state licensure regulations, teachers are required to have a “professional development plan” sufficient to enable them to achieve an advanced professional certificate.³⁰ The State can significantly enhance professional development of teachers by issuing guidelines that ensure that these plans adequately address needs identified during performance evaluations.

#9: Implement more rigorous standards for identifying students and schools in need.

Maryland academic standards are among the lowest in the nation.³¹ Low academic standards particularly hurt disadvantaged students because they are able to pass easy tests and do not get the extra services needed to develop nationally and internationally competitive skills. Conversely, the lack of extra services forces a state to lower its standards rather than have too many students fail to meet them.

A critical aspect of the Race to the Top grant competition is the commitment of applicants to rigorous academic standards, which includes meaningful assessments and the instructional program and services students need to have a fair opportunity to pass the tests.

Maryland has joined with other states in agreeing to adopt more unified standards and has committed to using new assessments based on those standards.³²

Given the State’s poor track record, some additional commitment is needed. The State can shift focus to students who are not achieving the “advanced” level on state tests, since the “proficient” level is so low.

³⁰ Maryland Regulations, 13A.12.01.06.

³¹ U.S. Department of Education, *Mapping State Proficiency Standards Onto NAEP Scales: 2005-2007* (Oct. 2009).

³² Maryland State Department of Education, *Maryland’s Reform Plan, Race to the Top*.

This will make more students eligible for interventions and prevent the accountability system from hibernating while the State adopts new assessments.

#10: Remove barriers to qualified teachers coming from alternative career paths.

State education officials have made it more difficult than law requires for non-traditional teachers to work in Maryland schools. There are onerous course and other requirements that do not bear on teacher effectiveness.³³ MSDE can remove them promptly, without any changes in state law.

Appendix
Compensatory Education
Funding Change

School District	Change
Allegany	-\$190,313
Anne Arundel	\$6,478,415
Baltimore City	\$43,252,834
Baltimore County	\$8,841,871
Calvert	\$1,262,242
Caroline	\$748,351
Carroll	\$1,319,858
Cecil	\$2,743,365
Charles	\$1,728,924
Dorchester	\$1,129,575
Frederick	\$3,219,105
Garrett	\$207,590
Harford	\$3,352,604
Howard	\$2,384,596
Kent	\$202,613
Montgomery	\$9,691,645
Prince George's	\$10,131,026
Queen Anne's	\$729,926
St. Mary's	\$1,201,615
Somerset	\$489,711
Talbot	\$301,321
Washington	\$1,901,979
Wicomico	-\$852,991
Worcester	\$623,424
Total	\$100,899,286

³³ See Robert C. Embry Jr., Op Ed, "Maryland must remove barriers to attracting quality teachers," *The Baltimore Sun* (Feb. 1, 2010).