

March 26, 2019

**Testimony to the Maryland State Board of Education
Regarding: School Discipline Regulations and Policies**

My name is Jane Sundius, I am a Senior Policy Fellow for Attendance Works-Maryland. We are a national organization that partners with state and local policymakers and educators to ensure that all children have the supports and skills to be present and engaged in school every day.

School discipline has a direct impact on student attendance. When schools are punitive and unsupportive, students are less likely to attend regularly and succeed. Because suspended students are, by definition, absent from school, exclusionary discipline is of great concern to us.

We followed the process Maryland used five years ago to revise its regulations and recommended code of conduct. It was a robust one, driven by data on student behavior, research showing the negative impact of exclusionary discipline and extensive public input.

What the resulting regulations and codes reflect was Maryland's effort to make exclusionary discipline more equitable and less common, and to encourage its schools and districts to use more effective, positive methods to teach students appropriate behavior.

What they did not do was to outlaw exclusionary discipline. MSDE's 2014 model code of conduct recommends exclusionary discipline as an option for two-thirds of the 27 categories of student misbehavior. LEAs were not required to adopt MSDE's model code and, based on a study by Curran and Finch, the 21 LEAs with codes of conduct v all allowed schools to suspend students for a wider array of behaviors than MSDE recommended.¹

Nor did the new regulations have the teeth or resources to ensure that LEAs would implement alternative responses to student behavior. Again, LEAs varied widely in the extent to which they added non-exclusionary alternatives to their codes of conduct. For example, only seven adopted MSDEs recommendations to use restorative practices or to refer students to mental health services. Only five included referral to an IEP team for eligible students as an option for misbehavior of any type.

Suspension rates declined as the regulations were being developed, but have risen again. Disparities continue to be disgracefully high, particularly for African-American students and boys. Rates also vary widely and inequitably across schools and districts.

When suspension data and the LEAs codes of conduct are considered together, what stands out is the failure to adopt sufficient alternatives to school exclusion, rather than limitations on the ability of schools to suspend. Given this reality, rising suspension rates and increased concerns about climate and discipline are not surprising. To address these issues, schools need strong social emotional curricula, mental health services and programs to promote cultural awareness and inclusivity. They need resources and training to support the teaching of new behaviors and disciplinary approaches.

As the Board considers changes to student discipline regulations, we urge it to add these supports, and to institute an accountability processes to monitor their use - and not to increase exclusionary discipline. Public education is every child's right in Maryland, we, as the adults, have the responsibility to see that all children can take advantage of this vital resource.

Thank you for this opportunity to address you.

Submitted by:
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¹ F. Chris Curran and Finch, M. A.; "Maryland Schools' Codes of Conduct: Comparing discipline policy across districts;" The School of Public Policy at UMBC. July 15, 2018.

Daniel D. Curry, Ed.D.

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March 22, 2019

Dr. Karen Salmon, Ph.D.
State Superintendent of Schools
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201

Dear Dr. Salmon:

On behalf of our twenty-four local school superintendents, and as President of the Public School Superintendents' Association of Maryland (PSSAM), I am writing to you to offer some suggestions on Maryland's Star Rating System. We are very fortunate that Maryland is a small state with only 24 school districts, which allows us to meet with you monthly and discuss the many issues confronting our diverse districts. We hope to provide guidance to the State Board as they review the Star Rating System.

When MSDE was seeking feedback on the development of the report card, Superintendents advised against the use of the five-star rating, in part, due to the arbitrary nature of assigning the percent of points to each star ranking one through five and the likelihood that there would be unintentional comparisons made to the traditional grading system of 90% = 5-stars (A), 80% = 4-stars (B), and so on. MSDE set the preliminary cuts for schools earning 4 stars at 60% and 5 stars at 75% which is generally associated with a grade of D and C, respectively.

Superintendents feel strongly that our state accountability model should be criterion-referenced. The State Board has identified key indicators that reflect high quality schools. It should be expected that schools would increase the points they achieve as they improve practices related to these indicators. To arbitrarily decide to modify cut points for performance sends the message that the accountability program is more focused on sorting and comparing schools than recognizing improvement in meeting standards. It is hard for schools to measure improvement if the target is randomly changed.

Recently, Attachment A was made available to Superintendents providing five options for adjusting the percent of points assigned to each star ranking. The distributions on the various models appear to reduce the number of schools receiving a four- or five-star rating. How do the recommended modifications to points and ratings assignments result in a more accurate representation of Maryland's Public Schools?

In our view, any modifications to points and rating assignments is premature and may cast a negative light on the ability to understand the Maryland Report Card initiative over time. For example, the 2018 report card did not fully report on all components supporting each broad indicator (Academic and School Quality) which resulted in partial reporting for 2018. The total points possible were 90 and 85 for high school and middle/elementary school, respectively instead of the intended 100. Without making any modifications to the points and rating assignments, the 2018 to 2019 comparisons of overall school performance will be a complicated endeavor due to new components not reported in being introduced in subsequent years.

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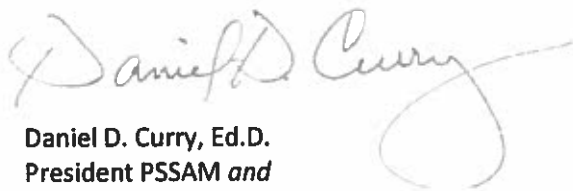
Specific to the Academic Achievement indicator, a new state assessment for English Language Arts and mathematics will be administered in 2020. This in itself creates an apples to oranges comparison for the academic achievement indicator. Additionally, Academic Progress reporting will be affected by the change in the assessment. Similarly, the 2018 report card did not report science and social studies assessments which are intended to be reported in 2019 for science and in 2022 for social studies.

Furthermore, the School Quality/Student Success indicator did not include the school climate survey nor was the middle school enrollment in a well-rounded curriculum reported as intended due to the lack of a clear definition of computational learning.

We strongly encourage that MSDE stay the course until the entire accountability system is built out as it was intended. The optimal opportunity for revisiting the percent of points assigned to each star is when comparisons of the same measures can be made. In our view, prematurely adjusting the rating system will reduce the credibility of the accountability model in the eyes of many stakeholders. The other option is to seek permission from USDE to disband the public reporting until which time the full report card is implemented.

We appreciate the opportunity to provide feedback on re-examining the percentage point cuts associated with the Maryland Report Card. Superintendents invite further dialogue as collaboratively we work together to build a sustainable, valid, and reliable model that will accurately report the great work of Maryland Public Schools.

Sincerely,

A handwritten signature in cursive script that reads "Daniel D. Curry". The signature is written in dark ink and is positioned above the typed name and title.

Daniel D. Curry, Ed.D.
President PSSAM *and*
Superintendent of Schools
Calvert County Public Schools

Attachment

Attachment A

Option 1: Do not make adjustments to standards.

Stars	All Schools			E	M	Combo	H
	Percent of Points	N	%	N	N	N	N
★	0%-30%	35	3%	7	1	19	8
★★	30%-45%	145	11%	60	19	39	27
★★★	45%-60%	356	27%	177	91	38	50
★★★★	60%-75%	564	43%	377	80	32	75
★★★★★	75%-100%	219	17%	144	25	8	42

Option 2: Bands use equal "slices" of percent of points earned.

Stars	All Schools			Change			E	M	Combo	H
	Percent of Points	N	%	↓★	No change	↑★	N	N	N	N
★	0%-20%	6	0.5%	0	6	29	1	1	3	1
★★	20%-40%	103	7.8%	0	74	71	34	7	41	21
★★★	40%-60%	427	32.4%	0	356	0	209	103	52	63
★★★★	60%-80%	687	52.1%	0	564	0	460	96	36	95
★★★★★	80%-100%	96	7.3%	123	96	0	61	9	4	22

Option 3: Adjusted standards.

Stars	All Schools			Change			E	M	Combo	H
	Percent of Points	N	%	↓★★	↓★	No change	N	N	N	N
★	0%-40%	109	8.3%	0	0	35	35	8	44	22
★★	40%-55%	280	21.2%	0	74	71	129	62	41	48
★★★	55%-70%	535	40.6%	0	209	147	333	98	37	67
★★★★	70%-80%	299	22.7%	0	388	176	207	39	10	43
★★★★★	80%-100%	96	7.3%	0	123	96	61	9	4	22

Option 4: Maintain the range for one-star but adjust other standards; higher range for four-star schools.

Stars	All Schools			Change			E	M	Combo	H
	Percent of Points	N	%	↓★★	↓★	No change	N	N	N	N
★	0%-30%	35	2.7%	0	0	35	7	1	19	8
★★	30%-55%	354	26.8%	0	0	145	157	69	66	62
★★★	55%-70%	535	40.6%	0	209	147	333	98	37	67
★★★★	70%-85%	363	27.5%	0	388	176	248	46	14	55
★★★★★	85%-100%	32	2.4%	0	187	32	20	2	0	10

Option 5: Maintain the range for one-star but adjust other standards; lower range for four-star schools.

Stars	All Schools			Change			E	M	Combo	H
	Percent of Points	N	%	↓★★	↓★	No change	N	N	N	N
★	0%-30%	35	2.7%	0	0	35	7	1	19	8
★★	30%-45%	145	11.0%	0	0	145	60	19	39	27
★★★	45%-65%	561	42.5%	0	0	356	304	125	51	81
★★★★	65%-85%	546	41.4%	0	205	359	374	69	27	76
★★★★★	85%-100%	32	2.4%	0	187	32	20	2	0	10

State Board of Education Testimony

March 26, 2019

MSEA Testimony re: ESSA Accountability Implementation Update and Data Analysis Results

Doug Prouty

Good morning President Hartings, Vice President Iszard, and members of the board. I am Doug Prouty, a 10th grade English teacher serving as the vice president of the Maryland State Education Association, representing 74,000 educators across Maryland.

We appreciate that you are seeking feedback about the possible changes to the star rating system being considered. Dr. Dara Shaw and Mary Gable should be commended for the thorough and considerate presentation and subsequent discussion they had with our Board of Directors and the external stakeholder group in the past month.

It is important to note that the star rating system itself is a choice which reduces schools and the perception of those schools to a number- there is no requirement within ESSA to have such a rating as a part of the accountability system. Just as a repeated refrain from educators is that our students should not be reduced to a number, nor should our schools. It is a reductionist perspective which does not reflect the inherent complexity of the work of students, educators, schools, or school systems.

That being said, we are focused today on the changes you are considering to the percentages within the star system. We urge you not to change the percentages used within the star system. There are several reasons not to take such an action.

The first is that you would send a message to the public schools of Maryland that any report card on our schools which appears to be positive would result in a change which lessens that positivity.

The second is that it would be premature to make such a change. The report card for this year is not complete- it does not include the school environment survey results and several components of the academic progress measure which will be added in the coming years. It also includes the results from a test which you yourselves have decided is not worth giving to our students. How then is this year's data conclusive enough to warrant consideration of a change to the star system?

Finally, changing the percentage calculation for next year will guarantee that hundreds of schools will earn a lower star rating for exactly the same or even better outcomes on these measures than they had this year. This would create both distrust of the system itself and a powerful disincentive to continuous improvement. Imagine if a teacher enacted a similar change for her students. Who could blame a student for throwing up her hands in disgust when improved effort and results earns a lower grade?

Thank you for your time and attention today. Please eliminate the star rating system, or at least keep it intact until we have more and complete data with which to judge its efficacy.