

Aspen Institute Hearings on No Child Left Behind  
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## **MARYLAND LESSONS FOR THE NEXT GENERATION OF NCLB**

### **Executive Summary**

An understanding about where No Child Left Behind should go from here may be embedded in the work that states such as Maryland have done over the past two decades on school reform. Even before No Child Left Behind, Maryland began identifying low performing schools and intervening. Admittedly, some of those interventions were inadequate in scope and breadth, but they helped us understand that small scale interventions, weak monitoring, and the “dance of the lemons” that results from zero-based staffing attempts often do not work. We learned that whole-school takeovers only work when there is good leadership and good teaching, and when there is attention to both the learning and the context for learning. A number of early schools in Maryland that were placed in “reconstitution” status or that were deemed “reconstitution eligible” at least got a good coat of paint, and children were exposed to better teaching, though likely only incrementally so in some instances.

In other instances, schools were taken from school systems and were operated independently by vendors, and they fared well because of close contract management and attention to parent involvement, good teaching, and good school-based management. In others, local school systems took on the burden of reform in a serious way and re-staffed or restructured schools for effective teaching.

But a decade after some schools were identified as not serving children well, they continue to languish. No Child Left Behind, coupled with school finance reforms in Maryland, helped fuel school improvement as we now require school systems to be fully accountable to the State Board of Education for the performance of their schools. That accountability was further enhanced by the implementation in 2008 of a pilot Differentiated Accountability system in Maryland from which we continue to learn lessons about how to bring about change in education.

Finally, in fall 2008, Maryland began work in earnest on a plan to coordinate its technical services and support for low performing schools and school systems through a “Breakthrough Center.” This nerve center is helping us implement what we believe are priority services to schools that in a triage model would be consigned to the dustbin and pronounced as incapable of being turned around. The Differentiated Accountability model helped us see the value of a sort of triage approach that allows us to plan our work with these schools around their needs. But our work with the Differentiated Accountability model has been simultaneously enhanced and limited by the rigidity of No Child Left Behind.

We believe that the introduction of common standards, assessments, and possibly formative tools will give very consistent and comparable feedback on both student and school performance. Further, we believe that there would then be room to give states latitude to develop intervention pathways for schools individually and without regard to federally imposed timetables of progression through school

improvement processes. Is it necessary to wait five years to intervene when a school is discovered to be so dysfunctional as to harm the futures of its children? Is it necessary for a school with failures with a particular subpopulation or in a specific content area to undergo the organizational equivalent of a heart transplant? If we adopted nationally agreed-to school performance measures and then are given latitude to pace and introduce interventions based on individual school needs, is it possible that states could independently diagnose and treat schools?

No Child Left Behind introduced a higher level of data collection than ever before. With the introduction of ARRA reforms, that sea of numbers will only grow. I would caution that we don't always need more numbers that are often expensive and complex to collect to affirm what we already know. However, looking at the effectiveness of teachers and principals is a good new direction, though research to date is uneven on exactly what numbers to use and how. Is it possible that common formative assessments can aid us in standardizing some of this data collection, but can we then position principals and superintendents to exercise judgment rather than drawing hard lines for decisions, and should we not use such information to incentivize as well as penalize?

The following pages provide some more specific details about what we are learning from our school reform efforts.

### **What are we learning from Differentiated Accountability?**

Maryland's Differentiated Accountability system has offered a new lens through which the state can focus a rich history of school improvement strategies. The pilot, approved by USDE in 2008, takes steps toward changing the labels of improvement, corrective action and restructuring to less pejorative, more accurate classifications. These new labels came about based on the experience Maryland has had with school improvement.

We have had an accountability system that identified schools for improvement since 1993, long before most states embarked on this journey. Maryland's previous identification program was focused on recognizing those schools with very serious, continuing, comprehensive problems. Only a few schools were identified. When NCLB was enacted, we transitioned our existing program into the support to low performing schools that the new law detailed. The new criteria, with the escalating standards, were destined to identify more schools but also keep the previously identified schools in improvement status. The new schools, entering under NCLB, were often unlike the earlier schools in improvement. Although many schools still fell into the serious, systemic problems category, they were not always persistent in this poor performance. They were failing before the higher standards and the attention to subgroups that Maryland, although recognizing and reporting the performance of subgroups, had not previously emphasized in accountability. Further, an increasing number of schools began to meet all standards except those for students with disabilities and English language-learning students. The remedies that Maryland had used previously were not always appropriate for these schools, which actually needed to focus their strategies on specific subgroup needs.

Table 1 shows Maryland's 2008-2009 schools in our School Improvement Process using the Differentiated Accountability designations.

**Table 1: Number of Schools in Differentiated Accountability  
2008-2009**

<b>Differentiated Accountability Pathway - Developing</b>	<b>Developing Comprehensive Needs Schools</b> <ul style="list-style-type: none"> <li>• "All" Students or</li> <li>• 3+ Subgroups Not Making AYP</li> </ul>	<b>Developing Focused Needs Schools</b> <ul style="list-style-type: none"> <li>• 2 subgroups</li> <li>• 3 subgroups with a small double count, or</li> <li>• 100% Special Education</li> </ul>
Year 1	<b>15</b>	<b>33</b>
Year 2	<b>14</b>	<b>17</b>
Corrective Action	<b>6</b>	<b>20</b>
Developing Pathways Totals	<b>35</b>	<b>70</b>
<b>Differentiated Accountability Pathway - Priority</b>	<b>Priority Comprehensive Needs Schools</b> <ul style="list-style-type: none"> <li>• "All" Students or</li> <li>• 3+ Subgroups Not Making AYP</li> </ul>	<b>Priority Focused Needs Schools</b> <ul style="list-style-type: none"> <li>• 2 subgroups</li> <li>• 3 subgroups with a small double count, or</li> <li>• 100% Special Education</li> </ul>
Restructuring Planning	<b>3</b>	<b>12</b>
Restructuring Implementation	<b>68</b>	<b>24</b>
Priority Pathways Totals	<b>71</b>	<b>36</b>

**\*212 schools in improvement**

From these experiences we chose to label schools, under the Differentiated Accountability system, as having either Comprehensive or Focused Needs. If a school is missing the standard of Adequate Yearly Progress (AYP) for ALL students or 3 or more subgroups, it falls into our Comprehensive Needs pathway. If a school misses the AYP standard for one or two subgroups only, it enters the Focused Needs pathway. This distinction brings different requirements. The Comprehensive Needs pathway requires earlier, directed intervention. The school and district are asked to consider a needs assessment as soon as the school misses AYP for the first time. As schools move along the pathway we have other instruments, to be discussed later, to guide school improvement planning.

A school entering the Focused Needs pathway has more flexibility. Although, all instruments are available if the school and district choose to use them, there is choice. The school is encouraged to explore and be creative in the changes that address the failing subgroups. There is often no need for a school-wide change but only clearer focus on the areas that are preventing the school from making AYP.

So, we have defined our pathways. But, there is a progression and each additional year that a school fails to make AYP indicates a deeper, more serious problem. So we drew a line on our pathways after the fourth year of not achieving AYP, the third year after entering either pathway. When a school has failed to make the standard for four consecutive years, their situation becomes a priority for the school, the

district and the state. The state is no longer just supporting and encouraging change but we become more directive. We call the schools above the line, Developing Status. There is still time to avoid more directive actions from the state. Once the school passes the line, they are in Priority Status and are the subject of much more serious attention and direction.

As NCLB dictates, schools that persist in not meeting standards (now called Priority Schools in Maryland) must “restructure” and choose an alternative way to govern the school. The law itself offers two options that Maryland has taken off the table. The first, removed when NCLB was translated into Maryland regulations, is the ability of the state to take over a school. The second, removed in 2006 because it was not working, is the “Other” category. We allow only three options; convert to a charter school, bring in a contractor to operate the school, or “remove all or most of the school staff that is relevant to the failure of the school to make AYP.” It will come as no surprise to the reader that the third option is most often chosen. The underlining above is to emphasize the foundation for the distinction between Comprehensive and Focused Needs pathways. When a school is not achieving AYP for the “all students” category, many of our systems choose to have all staff interview for positions in the school. It is often accompanied by a new principal and leadership team, a new philosophy and a new direction. Maryland’s application for this process is extremely thorough and precise.

When schools enter priority status through the Focused Needs pathway, we require only that they address the needs of the failing subgroup. Often, in addition to replacement of staff, this will include intensive study of the instructional practices and professional development to support the findings. There are times that this plan also includes new leadership that is better able to direct the work of the teachers of these particular students. The distinction is the lack of a requirement for school-wide change.

**Table 2: Maryland Schools in Improvement 2007-2009**

\*High School data not yet available for 2009 as of 8/26/09

School Year	Elementary/Middle # In School Improvement	Elementary/Middle # Exited School Improvement	High School # In School Improvement	High School # Exited School Improvement	Total Schools in Improvement	Total Schools Exiting
2007	176	19	57	13	233	32
2008	169	49	32	9	218	41
2009	158	19	*	*	158*	19*

**Table 3: Alternative Governance Plans  
Brought Before the Maryland State Board of Education**

Year	Number of Schools
2007	7
2008	38
2009	7

Maryland is the only state that requires each school’s restructuring plan to come before the State Board of Education for approval. This should not be underestimated as a reason for our ability to have schools exit our accountability matrix. The process that is used includes MSDE staff working with district and school personnel throughout the full year of planning for the restructuring. We offer onsite technical assistance in the use of our needs assessment instruments and the completion of the “Alternative Governance Application.” Once we have received that application, a team reviews the packet with rubrics that allow each aspect of the plan to be weighted and evaluated. If the resulting score is satisfactory, the plan is moved forward to the State Superintendent for recommendation of approval to the State Board. If the plan is inadequate, MSDE staff work with the district and school to address the problems so that it can be approved. Usually, they are ultimately approved but there are frequently delays in the final approval until all problems are resolved.

When the first plans were submitted to the State Board in 2004, it was done by MSDE staff. Quickly, it became obvious that the school staff would need to be available to answer probing questions. Today, the LEA Superintendent comes before the State Board with a presentation of the plan and responds to questions that are pointed and often uncomfortable. This process assures that the district has thought through the issues and comes prepared with thoughtful answers and reasons for their chosen direction.

**How do we get the right personnel into low performing schools?**

There is no way to overemphasize the need for quality teachers and principals in the schools that are struggling to meet achievement goals. Often, at the heart of the problems are staff that are ill-trained, uninvolved and unfortunately, unqualified for the positions they hold. Although we do understand that being Highly Qualified, as described in NCLB, does not guarantee that a teacher or principal is effective, it does, on the average, appear to be a prerequisite. Maryland is #1 in the important measures of education that Quality Counts uses for the evaluation of states. However, we are very near the bottom on the number of Highly Qualified Teachers (HQT) in our poorest schools. In part, this is due to a dearth of new teacher candidates from in-state teacher preparation institutions, and a concentration of schools in poverty in urban areas. Also, many of the schools that have remained in accountability pathways for years have a disproportionate number of classes taught by teachers who do not make the HQT standard. Because of this, Maryland is considering making any school that enters the Priority side of the

accountability pathway replace all teachers who are teaching classes for which they are not qualified. This would be difficult and require close collaboration with districts as they develop their bargaining agreements. One school system, Prince George's, has chosen to do this with remarkable results. During the 2007-2008 school year, 17 of their schools exited the accountability matrix.

Pointed, differentiated professional development is also essential to the cause of school improvement. If teachers are asked, they often elaborate on the hours of unproductive, ill-planned, misdirected professional development that has been required of them. If staff developers are asked, they will elaborate on the lack of resources for follow up and the unreasonable attendance expectations on teachers. Maryland, over the last five years, has developed Professional Development Standards that require deliberate planning and implementation of staff development activities based on learning research. We must apply what we know about teaching students to the precious time we have to teach our teachers.

Our state superintendent, Dr. Nancy Grasmick, often says, "I have never seen a high performing school without an effective leader." Leadership counts. The best teachers must be united and directed so that work is not scattered. Principals are often asked to perform heroic feats with little formal training. Maryland has taken a lead in this area. We are the only state with a Division of Leadership Development. In 2005 the State Board of Education adopted the Maryland Leadership Framework that detailed the requirements of good principals as leaders of instruction. Annually a new group of principals are trained through the Maryland Principals Academy beginning with a multiday training and continuing throughout the year with follow-up activities and mentoring. This Academy is offered to principals who have been in this position for five years or less.

Maryland also experimented with a Distinguished Principals program. It proved enormously effective but it has become extremely difficult to lure the exceptional principals into other districts and schools. With the new Title I regulations, issued last Fall, replacing just the principal was no longer an option for restructuring. At that time, because of this regulatory change and fiscal concerns, the program was dropped.

## **How are assessments critical to reform?**

Underpinning this whole structure is a clear State Curriculum and an assessment program that reliably and validly assesses that curriculum. Maryland follows the NCLB guidelines for assessing reading / language arts and mathematics in grades 3-8. We measure progress on science in grades 5, 8 and high school. We have also followed a very difficult path of reform that includes a series of four tests; English 2; Algebra/Data Processing; Local, State and National Government; and Biology that are required for graduation from a Maryland High School. This past year, June 2009, was the first year that these requirements affected a graduating class. We are still processing all of the data but all indicators are positive. High schools are making great strides in more individualization and a high level of training for their teachers.

Maryland, like many states, cannot afford to develop high quality formative assessment tools that could give real time feedback on student performance. While Maryland's summative assessments at the high, middle, and elementary school levels have been critical to marking progress, local school systems are currently expected to construct their own benchmarking systems that are of variable quality. In a world of Common Standards, it would seem that the added dimension of uniform formative tools could provide

useful feedback on effectiveness of instruction to the principal and teacher during the year and not as a compiled from end-of-the-year tests.

## **How can information on school climate contribute to school improvement?**

Although the structure, assessment and the labels for the categories of accountability are extremely important, Maryland also knew, again based on experience, that other elements were necessary if we were to really improve schools that were low performing. Many school improvement discussions center on instruction in mathematics and reading and move into the leadership of the school. These are core issues but they do not stand alone as the only areas where improvement is necessary if each school is going to meet achievement goals.

Maryland schools that reach the deepest end of the improvement pathway are often poor, urban, with disproportionate numbers of student with disabilities and English language-learning students. We did not want to ignore the issues of culture and climate within a school just because it was harder to remedy. Our new differentiated accountability process requires schools to look at the climate by way of a nationally-validated climate survey. They must include recommendations based on these surveys to improve issues of safety, health, acceptance and parental support. It is unlikely that a child being bullied or harassed will benefit from improved reading instruction without addressing the bullying. A chronically sick child will not be in attendance when the better planned math lesson is delivered. A child afraid to come to school because of the dangerous neighborhood through which he must walk may not see the benefit of the better trained, more involved leader. These problems that our society has wrestled with for so long cannot be ignored in the steps to improve student achievement.

Maryland has not solved these problems, but we are holding them up to the light and acknowledging that they are part of what a school must address if real school improvement is to occur. This is a place where the district and school must reach out to partners in the community and state to demand better for their children whether the issue is safety or health. We always are looking to other states and school systems to find strategies that will address these very basic issues that students bring to school every day.

## **What do we know about assessing the needs of a school entering School Improvement?**

All literature in education lauds the importance of Needs Assessment for school improvement. Unfortunately, it is often shallow and off point. To assist our districts and schools, Maryland has three instruments that are used: a self assessment, a measure of teaching capacity and a school audit procedure for schools that have been in the deeper end of accountability for a long time.

The early warning instrument is the Alert Schools Inventory, designed to assist a school that has been put on alert by missing AYP for the first time. It allows a school to explore curricula; instruction; assessment; school culture and climate; student, family and community support; professional development with accountability; organizational structure and resources; and, comprehensive and effective planning. The use of the instrument is optional but aligned with the measures we will be requiring if they continue to fail to make AYP. Our experience tells us that schools are doing what they believe to be right. At times, all they need is a conversation starter that will provoke deep discussions that allow them to step back from their problems and envision new solutions.

The next instrument is the Teacher Capacity Needs Assessment (TCNA). Until this year, we were requiring this assessment of schools that began their planning year for restructuring. Again, guided by experience, we are suggesting that it may be more productive to use this tool earlier in the pathway, when teachers do not assume that their jobs are on the line. If a school moves into either the Comprehensive or the Focusing Pathway for the first time, they may want to consider this in-depth exploration of their implementation of professional development, new teacher induction or availability of supplies and materials. This instrument focuses on the ability of the teachers to deliver the State Curriculum. The power of this instrument is not in any score that results but in the richness of the discussion that ensues after its use. Maryland does require that this instrument, or one that can provide similar information, is used by the third year in the pathway.

One of the most disturbing aspects of NCLB can be the silence found in the law after a school has been restructured. It was as if there was a belief that this activity would fix the ills that led them to low performance. That's just not true. Maryland has a number of schools that have languished in the deepest end of the accountability continuum since the mid-1990s. To address these schools and the overwhelming tasks before them, MSDE developed the Restructuring Implementation / Technical Assistance (RITA) Initiative. This audit process covers the eight standards mentioned above in the school's self assessment and adds Alternative Governance. Each standard has a scoring rubric that delineates the categories of below, partially meets, meets and above standard. The process requires a team of specially trained educators to study as much data as can be accumulated from state, district and school sources; to visit the school and interview the principal, teachers, parents and students; to observe every classroom; and then to evaluate each standard with the rubric and come back with recommendations for the school and the district in each of the areas.

After a pilot year in 2007-2008, we used the Title I school improvement funds provided under 1003 (g) of the Title I law and implemented, during the fall of 2008, the RITA process in 17 elementary schools that had been in improvement since the 1990s. The process was heart-rending at times. These impressive educators were swayed, galvanized and energized by the process and what it could show the school. Continued funding of school improvement dollars was contingent on the implementation of some of the recommendations. We did not require a plan that addressed ALL recommendations because it could be overwhelming, but all recommendations were discussed with the school leadership and the district leadership. After one year of implementation, seven of these 17 made AYP in the spring of 2009. We are certainly not trying to take credit for this turnaround but we will accept credit for the objective information about the fundamental workings of the school and how that illustrated the issues each school needed to address.

### **Where does No Child Left Behind go from here?**

We now have a better, clearer understanding that schools cannot all be lumped in the same categories. With rising expectations, problems that were minor before are taking on more importance. Sometimes, all a school needs is to rededicate and refocus and to acknowledge that their clientele and their task may have changed since they developed their philosophy. Sometimes, it requires much more.

We now appreciate that the state's role differs, depending on the severity, pervasiveness and persistence of the problems. When schools are just beginning to experience problems, we need to offer instrumentation for them to use to better quantify the problem, occasions to determine what training they

need and guidelines to make sure the training can be effective. After that, we need to stand out of the way and allow the district, in partnership with the school community, to creatively attack the problems and measure the results.

When schools begin the pathway and continue to struggle, even with considerable effort, we need to be a critical friend and help them look at the whole working of the school and make suggestions and implement requirements that will lead to improvement. This is done publicly, with the approval of our State Superintendent and our State Board.

If a school persists in improvement and the restructuring plans do not bear fruit, we need to step in and do a more personalized assessment rather than leaving that work to the school and the district. We must be guided by research and good, constant practice. We sometimes find that the good intentions are lost because the initiatives change too quickly.

In Maryland, we are developing an organizational structure to help us triage the needs of these schools, through The Breakthrough Center. We envision the opportunity to come to agreements with districts to broker the appropriate services that will directly address the needs of each school. This is a difficult vision to develop in this fiscal environment but we forge ahead.