

Testimony in Support of S.B. 965 With Amendments
Submitted by David Hornbeck, Donald Manekin, and Ralph Tyler

We submit this testimony in strong support of S.B. 965, with recommended amendments, because of our shared interest in public education. David Hornbeck served as Maryland State Superintendent of Schools and as Superintendent of the School District of Philadelphia; Donald Manekin, a leading businessman and real estate developer, is the co-founder of Seawall Development and a lifetime supporter of public education; and Ralph Tyler served as Deputy Attorney General of Maryland, as Baltimore City Solicitor, and on the Baltimore City School Board.

We commend the Senate President and the Senate membership for passing the Blueprint for Maryland's Future legislation ("Blueprint") and then overriding the Governor's veto of this historic piece of legislation. These actions have put Maryland on the path to having the educational system it must have for our state and its citizens to be competitive in the 21st century.

We support S.B. 965 as the next step in implementing the Blueprint legislation. As the Blueprint legislation recognized, increased funding for education is necessary, but not sufficient, and educational policy and practice changes are needed in order to achieve the substantial improvements in educational outcomes across the state which all interested parties agree are vitally needed. Our proposed amendments to S.B. 965 are "friendly amendments" designed to strengthen accountability and to improve educational outcomes.

The Blueprint creates a new Accountability and Implementation Board ("AIB"). The AIB is at the center of implementing the legislation, assuring that funds are well spent and necessary practice changes occur. Our proposed amendments are intended to strengthen the AIB and clarify its responsibilities.

Amendment no. 1

A new provision should be added to the statute providing as follows: "The Accountability and Implementation Board shall have plenary authority over all matters relating to the implementation of the Blueprint for Maryland's Future, including its intended outcomes."

Rationale for proposed Amendment no. 1

The Blueprint allocates certain responsibilities to the AIB, to the State Board of Education, to local boards, and to others. The statute does not, however, clearly delineate that, in matters within the AIB's sphere, the AIB's authority is plenary and, therefore, in the event of a conflict between a decision of the AIB and that of another authority, the AIB's decision shall control. The AIB's authority should be clarified, establishing a clear default rule, so that conflicting actions and decisions between the AIB and other authorities do not frustrate the legislatively-desired (and needed) changes in educational practices. At the very least, ambiguity regarding the AIB's authority provides much too fertile ground for disputes, delays, and litigation challenging its authority.

Amendment no. 2

Strike the language in the Blueprint statute that the AIB is “not intended to usurp or abrogate” the authority of various state and local boards and agencies.

Rationale for proposed Amendment no. 2

This “not intended to usurp” language is an invitation for controversies. The AIB will be unable to perform its intended function and do the work it is intended to do without impacting the current and historic roles of, for example, state and local education authorities. Jurisdictional squabbles about the AIB’s allegedly “usurping” authority “properly belonging” to another entity will at least delay and may jeopardize achieving the needed and Blueprint-intended educational reforms.

Amendment no. 3

Add a new provision requiring the AIB to “adopt regulations setting forth accountability standards based upon achieving intended outcomes as defined by the Board.”

Rationale for proposed Amendment no. 3

Adding this requirement would make explicit that improved educational outcomes is the focus of the AIB’s work and, indeed, is the purpose of the Blueprint statutory scheme.

Amendment no. 4

The Blueprint requires the AIB to develop a “Comprehensive Implementation Plan.” The statute should be clarified to make explicit that the Comprehensive Implementation Plan shall include a “definition of outcomes to be achieved.”

Rationale for proposed Amendment no. 4

Like proposed Amendment no. 3., adding this requirement is consistent with the purpose of the Blueprint statutory scheme to improve educational outcomes.

Thank you for considering our suggestions.

Respectfully submitted,

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Donald Manekin

Ralph Tyler