

📅 **August 27, 2024**

Good afternoon, President Michael, Vice President Goldson, Superintendent Wright, and members of the State Board of Education,

My name is Paul Lemle, and I am a social studies teacher and president of the Maryland State Education Association. I am testifying this afternoon on behalf of MSEA's 75,000 members, to provide feedback on MSDE's newly amended and proposed literacy policy.

In July, you heard from outgoing MSEA President Cheryl Bost who provided [written testimony](#) on this issue, expressing gratitude to the department for its increased focus on literacy in the primary grades. The July testimony also outlined several recommendations to address the challenges; this testimony highlights four key areas of concern. I also echo those sentiments and believe that literacy interventions for our earliest learners need to happen swiftly and as soon as possible to ensure our students are set up for success in their long-term academic pursuits.

PAUL LEMLE  
President

NIKKI WOODWARD  
Vice President

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Treasurer

SEAN JOHNSON  
Executive Director

I am also keenly aware of the urgency of creating such a policy at this time. As we enter into year four of the implementation of the Blueprint for Maryland's Future, many of its promises are just beginning to materialize. This includes increased tutoring opportunities for students, expanded early learning programs that incorporate the expansion of wraparound services, greater collaborative time for educators envisioned by the Blueprint, and addressing the need for families to access full-day pre-kindergarten at little to no cost. These are necessary investments that should be fully developed before contemplating much more stringent student retention policies. As this occurs, schools are still grappling with the real impact of a statewide educator shortage, rising class sizes, and more extensive caseloads for reading specialists. A thoughtful plan must be in place before implementing a policy that significantly impacts student well-being, educator workload, and Maryland's long-term goal of addressing literacy challenges within the state. Rushing implementation could lead to unintended negative consequences and not give these new supports enough time to help raise student achievement and literacy.

Nevertheless, it was evident in the amended policy that the department considered several recommendations proffered by stakeholders who are dedicated to improving literacy for all students. The updated policy addresses MSEA's concerns around:

- Retaining students more than one time if the sole basis for doing so is a failure to meet the minimum reading level as required by the State Board,
- Adding clarification of good cause exemptions to include multilingual learners who have received less than two years of instruction aligned to WIDA standards,
- Optional parent input for retention, and
- Requiring the ongoing monitoring of disaggregated student data by subgroups to provide a deeper understanding of retention impact and the policy writ large.

While this undertaking is extensive, we support the goal of having all students

reading at grade level by the end of third grade and believe that more can and should be done to strengthen this policy. As educators, we cannot overlook the social and emotional impact retention policies can have on students and the fact that retention alone does not ensure students will obtain reading proficiency. Further, the data<sup>1</sup> is clear that retention policies often disproportionately impact students of color (Black, Latino, and Native) and English language learners—students who have historically been under-served by our schools and can lead to increased behavioral challenges. Research is also clear that the most critical interventions need to happen no later than first grade. “Reading scientists have long recognized that students who fall behind in kindergarten or first grade are also likely to never catch up<sup>2</sup>.” Interventions need to be targeted, strategic, and occur early—before the third grade.

To this end, we want to reiterate some recommendations from MSEA’s previous letter for the Board and department to consider before finalizing this policy next month. These recommendations are rooted in equity and center on the needs of families, students, and educators.

### **Implementation Timeline Deferral**

The timeline still appears rushed, though the timeline for implementation offers a helpful framework for operationalizing this literacy policy. The policy retention timeline now considers a gradual rollout of supports; with retention beginning with the 2026-2027 school year. While this is an improvement, we do not believe the new timeline (SY26-27) is sufficient to adequately train educators, students, and families to implement this policy. **Our recommendation remains to delay implementation until the 2028-2029 school year.** This delay allows for an equitable opportunity for all stakeholders involved to meet the moment of improved literacy and ensures no students are negatively impacted by a rushed implementation. Our recommended timeline is also mindful of the opportunity to fully develop and assess necessary support systems before retention begins. **We recommend that the 2024-2025 school year be dedicated to offering training/coaching supports and building tools for monitoring, allowing the remaining three years for a kindergartener to progress to third grade,** ensuring we can fully evaluate the impact of the new curriculum and standards. As we think about instructional effectiveness, we must also consider implementation fidelity. Effectively, teachers are being given less than a year, assuming the policy is approved in September, to prepare and then be expected to implement new instructional strategies and curricula. All students and schools must have proper and timely resources and training for effective implementation.

### **Workload**

The August 2024 version of the policy does not explicitly mention an evaluation of the additional workload that educators might face, particularly in light of staff shortages. Further, the updated policy fails to address workload challenges for

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<sup>1</sup> EdTrust, “Holding Students Back – an Inequitable and Ineffective Response to Unfinished Learning - EdTrust.”

<sup>2</sup> “Retaining Struggling Readers in Third Grade Sounds Good—but It’s Too Little, Too Late, Too Often.”

educators with the mandated “Read at Home” plan required for retained students. **While the onus is on the district to provide the offering, implementation delineation regarding what may be required for educators versus the local education agency (LEA) remains unclear and should be clarified.** If it takes a trained teacher 130 hours of training to understand how to implement the science of reading, we should interrogate whether brief parent workshops can adequately support retained students. The lack of best practices incorporated in this approach for retained students could significantly impact the effectiveness of interventions for some of our most vulnerable students. Furthermore, we want to be sure the impact on instructional time is carefully monitored as statutorily required by [Section § 2-203 of Maryland’s Education Article](#). Additional statutory requirements should be considered related to tutoring-based interventions, which would require engaging with the exclusive bargaining representative before implementation.

The updated policy now clearly connects the importance of the science of reading with updated assessment mandates for educators, as required by the revised teacher licensure regulations. However, **we need to ensure that the additional curriculum requirements are not duplicative and do not add an overly burdensome layer of requirements for educators as they grapple with new licensure requirements, adjusted renewal timeline requirements (e.g., earning licensure renewal through previous mandates), and this new literacy policy.** The literacy policy introduces ambiguity around an issue addressed in the [January 26, 2024, MSDE “COMAR 13A.12 Regulations” Memo](#). The memo clarified that educators could renew under the old process and delay the new requirements, including the Science of Reading mandate (effective July 1, 2025), until their next renewal cycle. Certificate holders can choose to meet the renewal requirements in place when their certificate was issued or follow the new regulations effective April 1, 2024. The literacy policy as written sends confusing messaging.

Lastly, concerning workload, this policy does not address the potential issue of increased class sizes as a result of retention, which could further strain resources and affect educational quality.

### **Equity**

While parental involvement is mentioned, the policy does not specifically require consideration of the social-emotional effects on students when making retention decisions, nor does it call for optional teacher and parent input letters. The parent/guardian notification and involvement have been strengthened through the parent waiver process. However, **we recommend that tools and resources be provided to educators to minimize workload in developing evidence-based intervention supports and services with access to increased funding.** Clearly defined requirements for creating a detailed action plan for students not retained due to a good-cause exemption should include educator and parent collaboration. The policy mentions “more intensified interventions,” but it is unclear what this could and should be like, especially as it relates to increased high-quality instructional material and instruction in its entirety. Additionally, the policy fails to consider the possibility that students who should be eligible for the good cause exemption do not receive it because they have not yet been identified as a student

with a disability.

Furthermore, we are concerned about the potential inequities in the parent waiver process. Engaged parents with more resources, including time, are more likely to utilize this waiver process. As a result, they may disproportionately benefit from programs such as the Read at Home program. This could inadvertently widen the achievement/opportunity gaps, as students from families with fewer resources may not access these programs at the same rate. Additionally, without clear guidance on accountability and tracking, there is a risk that these programs may not be consistently implemented or monitored across different schools and districts, potentially leading to further inequities in student support and outcomes.

### **Transparency**

We appreciate the department's explicit mention of informing the public with annual reporting of information gathered from the implementation of this policy. We continually encourage the department and this Board to **make sure this process is fully transparent by ensuring the documents are readily and easily accessible on the department's website. If it is not easily located, it is not transparent. We also want to ensure an analysis of disaggregated retention data across student subgroups.**

Thank you for making progress in this important area and for reflecting on several of the implementation concerns of educators. We stand ready for continued collaboration and discussions as we work towards our shared goal of ensuring that all students have the opportunity to learn. I am committed to working together with all stakeholders to forge innovative solutions that will create a brighter and more equitable educational landscape for Maryland.

Sincerely,



Paul Lemle  
MSEA President

cc: Zach Hands, State Board Executive Director  
Alex Reese, MSDE Chief of Staff  
Rachel McCusker, Board member, Policy Committee Chair