Maryland Association of Boards of Education
Serving & Supporting Boards of Education Since 1957

The Monitor

a summary of the monthly
Maryland State Board of Education Meeting

621 Ridgely Ave., Suite 300, Annapolis, MD 21401-1112 410-841-5414, 800-841-8197 www.mabe.org

Agenda

School Counselor Regulations

The State Board granted permission to publish proposed regulations regarding school counselors (COMAR 13A.12.03.02), which would clarify changes made in response to the comments received during the initial public comment period, and to provide the opportunity to convene a joint conference committee with the Professional Standards and Teacher Education Board (PSTEB). Proposed changes to the current regulation provide additional changes in light of the recently adopted change in name from 'guidance' to 'school' counselor and greater hiring flexibility for local school systems. The proposed changes include adding a second degree option to the existing degree requirement and allowing an experienced school counselor with the requisite credentials and school counseling experience to obtain initial Maryland certification.

Handout

Intervention Services for Infants and Toddlers and Their Families

The State Board granted permission to publish regulations regarding the Provision of Early Intervention Services to Infants and Toddlers and Their Families under COMAR 13A.13.01, and create a new chapter 13A.13.02, Administration of Services for Infants and Toddlers and Their Families. These amendments are intended to make state regulations consistent with federal regulations and clarify the responsibilities of local school systems and public agencies regarding the federal requirements to administer early intervention services to infants and toddlers and their families. The Maryland Register Issue date is scheduled for January 11, 2013; with the 30 day open comment period ending February 20, 2013; and 60 day public review period ending March 12, 2013.

Handout

Legal Argument

The State Board heard oral arguments in Michelle Maupin v. Howard County Board of Education.

2012 High School Assessment and Graduation Results

Dr. Carolyn Wood and Mr. Robert Murphy provided the board with a summary and overview of the statewide results of the High School Assessments, graduation rates, drop-out rates, and high school progress for the 2011-2012 school year. The board was presented and discussed the results of achievement targets in reading and mathematics, assessment participation rates, cohort graduation

rates, and school progress towards improvement and closing achievement gaps. Dr. Wood explained students had to meet specific requirements provided in the summary. She reminded the Board that the Government HSA was not administered this year. She provided an overview of the Class of 2012 which showed the cohort graduation rate data by subgroup with all students in the 2010 to 2011 cohort moving from 82.82 percent in the four year rate to 85.51 percent in the five year rate.

Dr. Wood shared that the dropout rates are greater for special services students than other subgroups. Board member Staton asked if we knew why students are dropping out. Dr. Wood stated there is no actual break-down, but three basic reasons are: lack of interest; whereabouts unknown; and academic (student is far behind where he/she should be).

Mr. Murphy explained there is normally an exit interview but many times the student and/or parents do not follow through, or a student may be on track to graduate but may not be interested in attending anymore.

Board member DeGraffenreidt asked about those cohorts that are decreasing. Mr. Murphy explained the overall dropouts are 50% African Americans, 10% Hispanic, and 30% other students.

Board member Staton asked if there was a sense at the local level as to the reasons why students are dropping out. It was explained there was a dropout resource guide provided and a listing of programs provided to local school systems, with more available in the Mid Atlantic Education Laboratory in 2013. Mr. Murphy explained that students who are struggling are being assigned to alternative programs, and those programs will be evaluated next year. They further stated professional development opportunities were being created to address this area as well.

Mr. Murphy stated that dropout intervention with a focus on mentoring would be helpful. Dr. Lowery added that "what gets measured, gets done" and shared that MSDE is exploring ways to capture the data, along with looking at the school performance index and what happens to students after they leave school.

Board member Walks said he appreciates the challenge of this type of work and would like to see some other way to address the perception that "nobody cares", stressing that as soon as a student is classified as ‘whereabouts unknown’, schools need to follow up and find them.

Mr. Murphy said that school systems are doing this follow up through their pupil personnel workers but that many times visiting the home shows the family has moved. He further stressed that many families are transient and, especially when they movie to another county or state, it is difficult to find them.

Board member Sidhu said one of the biggest interventions should be with teachers who usually have a great feel for each child in the classroom, and should immediately put interventions in place starting with prekindergarten, and she suggested a survey form or a report by the teacher.

Board member Naved asked if the source data generated is available online. Dr. Lowery said as the new system is developed, there will be more interactive data available. Mr. Naved asked if the subgroup data is available by LEA, and Dr. Wood said it is available by school. Mr. Naved further stated that most of reports are positive with graduation rates increasing, but the 18% not graduating needs more analysis and detail as well as what is being done to address the issue. Dr. Wood emphasized that the new student identification system will allow MSDE and local school systems to address many of these issues. She also spoke about school progress with the new accountability system. She described the new ESEA Accountability Model is as follows:

- All schools should improve the learning of all students.
- Schools have different needs and operate in specific contexts; and the strategies they adopt for improvement should reflect their needs.
- School performance targets should reflect the school's history of student performance.

In setting accountability targets in establishing Annual Measureable Objectives (AMOs) the calculations are:

- 50% reduction of “basic” proficiency by 2017 (Subtract the non-proficient number from 100, divide in half, then divide this number by 6.
- The target increases in equal increments for the 6 years from 2012 to 2017.
- Targets set for "all students" group and each subgroup.
- Assessment results are used as the baseline year for setting AMOs.
- Each school (for all students and each subgroup) has its own unique targets based on its baseline year results.

For High Schools, the accountability model includes:

- High School AMOs set for Reading, Mathematics, and Cohort Graduation Rates for all students and disaggregated sub-groups.
- For "all students", 88.2% met achievement and graduation rate targets.
- There are 3,397 subgroups (cells) in 250 high schools.
- 91.3% of all subgroups met their target for 2012 (3,102 subgroups that met their target).

Dr. Gates stated he was curious about the complexity and how much explanation is provided to superintendents and to the principals. Dr. Wood responded that MSDE works with the local accountability offices. She feels the website is a good source of information regarding the new accountability model. She added that some information will be communicated on the MSDE website as well as at a conference which, if forthcoming, provide an opportunity to talk directly to teachers and principals.

Dr. Lowery said that Mary Gable and David Volrath will be going to the state superintendents meeting to help explain what is happening. She added they are cautious about what they are providing given that the U.S. Department of Education may "pull the rug out from under us."

Handouts

Comprehensive Principal Induction Program

Dr. Mary Carey, MSDE, presented regulations (COMAR 13A.07.10) which set out the requirements for comprehensive principal induction program for new principals; provide guidance for local school systems in establishing such programs; and describe the minimum supports a new principal needs. She explained that recognizing situations are not the same in all local school systems, these regulations establish the basic components of an induction program while allowing flexibility for local school systems to build on their current programs. It was shared that in July 2011, MSDE passed regulations to implement teacher induction programs, and they believe a comprehensive principal induction program is the next logical step. Dr. Carey explained they redrafted the regulations after

talking with the leadership of PSSAM. The State Board granted permission to publish the revised regulations.

Handout

Payment of Transcript Fees

The State Board granted final approval for regulations to require parties to share the costs of transcript fees (COMAR 13A.01.05.07 & .08). MSDE staff explained that during the public comment period, only one response was received and that was from the Maryland State Education Association (MSEA). Staff shared that MSEA stated that by not bearing the cost of the transcript, the state board is abdicating its responsibility to review the complete record before making a decision, and that requiring the parties to share the cost of the OAH transcript impairs a school employee's right to due process, resulting in a chilling effect on the appeal rights in general. Staff stated that MSEA also asserts that the regulation is an effort to stop school system employee appeals to the state board.

Staff shared that in response to the comment, it was made clear that the state board is not abdicating its responsibility to review the whole record because the administrative law judge provides the complete transcript, but to "personally consider each part of the record that a party cites in its exceptions or arguments before making a final decision." As to whether paying transcript fees impairs the due process rights of school employees, it was concluded that it does not. Specifically, the cost is shared with the school system. There was no case found that it violates due process to require a party in an administrative processing to pay transcript fees, if a transcript is necessary.

Board member Sidhu stated that she felt the State Board would be making decisions based on paper, and feels the transcripts add to the information needed. She added that the cost is negligible compared with the net loss of faith of what the State Board considers. Board member DeGraffenreidt said the State Board will get the parts of the transcript in the information that comes before them. Board member Staton also spoke in favor of the change.

Handout

Technology Education Waiver Request

The board granted the request presented by Dr. Jack Smith, Superintendent of Calvert County Public Schools, for a one year waiver of the regulations requiring implementation of content standards for the instructional program in Technology Education (COMAR 13A.04.01). The waiver request stated that during the 2012 certification process, it became apparent that Calvert County's program of instruction in Technology Education was not fully upgraded.

Handout

State Superintendent's Update

Dr. Lowery thanked her staff for working with the Maryland Emergency Management Agency (MEMA) on continued updates for school closings and openings related to the storm.

Dr. Lowery shared she is attending the Public School Superintendent's Association of Maryland (PSSAM) Annual Retreat in Ocean City later today. She added that the superintendents asked for clarity on school progress and the teacher evaluation model. She shared that she will be giving them a perspective of her first 123 days.

Per the Board's request, Ned Sparks and Alicia Mezu, MSDE, provided a summary of the department's work to develop new concussion prevention and response guidelines in accordance with recently enacted legislation. Mr. Sparks explained that the MSDE committee to study concussion injuries is comprised of stakeholders including two physicians, and has had two meetings thus far. Staff shared that all meetings are public with the next scheduled for November in the State Board meeting room.

Board Member Updates

Board member Smith attended the National Association of State Boards of Education (NASBE Conference in Chicago where he attended the leadership and summer activity sessions.

Board member Gates talked of his activities on President Obama's Council of Advisors on Science and Technology. He described the Council as a national platform and Maryland as one of the leaders in the nation. Dr. Dukes suggested that Dr. Gates consider presenting on the Council's work as a presenter to the State Board at a future meeting.

Board president Dukes shared that she and Dr. Finan are attending the Council of State Governments conference, which is focusing on the issue of student discipline nationally, and interested in what Maryland is currently doing. Dr. Alonso has spoken to the group to highlight the bold way Maryland is dealing with this issue. They shared the goal of developing national recommendations, with more information to be forthcoming.

Public Comment

Mr. Ed South made a presentation on the merits of the use of "soft shell technology" in football helmets.

Opinions

The State Board issued opinions in the following cases:

- Cash Williams v. Prince George's County Board of Education, denying the appellant's petition for reconsideration
- Kimberly Loving v. Prince George's County Board of Education, affirming the local board's personnel decision
- Lyndon Watkins v. Montgomery County Board of Education, dismissing the appeal for failure to exhaust administrative remedies
- Crisceda Chung v. Baltimore City Board of School Commissioners, affirming the local board's employment termination decision
- Mr. and Mrs. T. v. Prince George's County Board of Education, affirming the local board's student dress code and transfer decision
- Quianna Cooke v. Baltimore City Board of School Commissioners, dismissing the appeal for lack of jurisdiction and remanding for arbitration

- Rock Creek Hills Association, et al., v. Montgomery County Board of Education, dismissing the appeal for lack of jurisdiction and standing
- Linda Hunt v. Howard County Board of Education, affirming the local boards employment and certification decision
- Tyboia Brown v. Wicomico County Board of Education, affirming the local boards employment termination decision