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# The Monitor

*a summary of the monthly*
*Maryland State Board of Education Meeting*

*October 25, 2011*

**Gifted and Talented Education Regulations**
The State Board granted approval to publish new regulations for Gifted and Talented Education (COMAR 13A.04.07). The proposed regulations would establish minimum standards for local school system gifted and talented programs, including student identification, programs and services, professional development, and reporting requirements.

State Superintendent Sadusky welcomed several organizations present at the meeting and recognized their years of support for the regulations being proposed. Mary Carey, MSDE, introduced groups including the Maryland Council on Gifted and Talented Education, and Susan Bounds their chairman; Maryland Educators of Gifted Students; the Maryland Coalition on Gifted and Talented Education; and the Summer Centers for Gifted and Talented Students. She thanked these groups for their work on the regulation dating back to 2006.
Handout: Regulations

**Race to the Top Update**
Dr. Jim Foran, MSDE, provided the Board with the updated timeline for the Race to the Top grant "Deliverables for Program Evaluation" and distributed a presentation on the benefits to Maryland's 24 local school systems from the 54 projects and programs being supported by the RTTT grant.
Handouts: Presentation and Deliverables
MSDE Race to the Top Resources

**Race to the Top Focus Area: Educator Information System**
Dr. Donnell Josiah, MSDE, provided a detailed overview of 12 of the 28 technology related projects being supported by the RTTT grant. Dr. Josiah described the curriculum and formative assessment development project and the benefits to teachers of having access to enhanced online tools to inform instruction in the classroom.

Joann Ericson, MSDE, provided a more detailed overview of MSDE's educator information system, the State's repository of all teacher certification information, and the use of RTTT grant funding to expand the data and reporting capabilities of the system. She emphasized the intended benefit of being able to analyze the status of teacher certification and training, and the academic growth of students in a given teacher's classroom. For this reason, the expansion of the system will include the use of a unique educator identification number for all current and newly employed educators, building the on the current practice of using Social Security numbers.

Board Member Kate Walsh requested clarification on the scope of who would be given the unique identifier, and requested an update on the work of the Professional Teacher Education and Standards Board (PSTEB) in

developing major reforms of the teacher certification and licensure system. Ms. Ericson responded that she has informed PSTEB of the Board's interest in this issue and that their work continues.

Board Member Gates raised several questions regarding the capability of the enhanced system to disaggregate teacher certification data and scores on separate sections of the Praxis exams.

Board Members Finan and Smith echoed their strong support for a robust data system.

Student Board Member Nina Marks described the reduction in teachers and resulting increase in class sizes in her school and asked the panel to respond to the impact the new technology tools being described would have on teacher workload. The panel responded that this is an extremely important concern as the technology systems are being developed with the goal that they will be implemented efficiently by local school systems.

Ms. Marks also asked about the incorporation of existing instructional materials, such as PowerPoint presentations for AP courses developed by teachers in other states, into the online resources available to all schools in Maryland. The panel responded that this is an important consideration, and that there is no intent to limit access to resources.

Board Member Montero-Diaz requested a future presentation on the integration of these projects in the classroom by teachers and students. The panel responded that they are developing clear descriptions of project interdependencies and relationships, which will be more fully developed as the projects are finalized.

Board Member Gates asked whether a group of teachers has been involved in the developing these projects based on what they believe will work in the classroom. He stated that, "Input is nice but ownership is better." The panel responded while no group of educators is formally involved in the process, ensuring teacher and principal commitment to deploying these tools will be critical to their success.
Handouts: Memo and Presentation

**Career Readiness**
State Superintendent Sadusky introduced a staff presentation on career readiness and noted that it is in response to a specific request from Board President DeGraffenreidt. Kathy Oliver, MSDE, presented an overview of the national career readiness agenda and Maryland's actions through the P-20 Council and MSDE's Division of Career and College Readiness. She outlined a number of reports by the Association for Career and Technical Education (ACT) and the rigor/relevance framework. In addition, Ms. Oliver reviewed Maryland's definition of college ready, which applies to all students, and the graduation credit requirements for career and technology education students.

Board Member Walsh requested clarification on the reporting of high school completion by CTE students. Ms. Oliver responded that the preference is that students take the full program as a comprehensive preparation for successful entry into a technical career. She concluded by highlighting the recommendations for future actions, most importantly the Board's support for fully integrating Maryland's Skills for Success model into instructional programs.

Board Member Gates asked about the integration and interplay between the department's work and employers. Ms. Oliver responded that each local school system and individual program is required to have advisory groups to ensure alignment between instruction and employer needs and expectations.

Board Member Finan asked about the data available on student success and MSDE staff responded that 11,000 students have graduated having completed a CTE program and approximately 80% are employed following graduation.

Board Member Montero-Diaz voiced her concern for students on the margins, who are not fully enrolled in the comprehensive career and technology education programs. The panel responded that career counseling and clear expectations are critical for parents, students and educators.

Board Member Walsh requested additional information on the often cited disconnect between the math skills of high school graduates and the expectations of community colleges and other institutions of higher education. Ms. Oliver responded that this conversation is occurring, specifically relating to the definition of mastery under the Common Core Standards. In addition, the Board was informed that the gap analysis for Maryland's math curriculum and the Common Core found alignment in only 30% of the content.
Handouts: Memo and Presentation

**2011 High School Assessment Requirements and Graduation Results**
Dr. Leslie Wilson, MSDE, presented an overview of the statewide results on the High School Assessments (HSAs) and graduation data for the Class of 2011.

Dr. Wilson described the ways in which students may graduate, including passing all four of the HSAs, achieving the combined score on the HSAs, completing one or more bridge plans, or receiving a waiver. She presented results disaggregated by student subgroups based on race and special needs categories. Also, she emphasized that although the Government HSA was not administered in 2011, students having taken it can continue to utilize their scores in previous years on the Government HSA toward their graduation requirement.

Dr. Wilson also presented the graduation rate data for the 2010-2011 school year. She described the continued use of the "leaver rate" for reporting purposes, while the "cohort rate" is now required for federal accountability purposes. The leaver rate has been replaced because it does not follow a Grade 9 cohort through to graduation, but it is the only measure available which can be used to show 2011 results in comparison to prior years. Overall, Maryland's high school graduation rate, using the leaver rate, has risen from 85.2% in 2007 to 87% in 2011. She then described the methodology for calculating the four-year adjusted cohort rate, as the number of students who graduate in four years with a regular high school diploma divided by the number of students who form the adjusted cohort for that graduating class. The 2010 cohort graduation rate was 81.9% and rose to 84.5% in 2011. Dr. Wilson also reviewed student drop-out rates and the role that graduation rates play in satisfying the adequate yearly progress standard imposed by the No Child Left Behind Act.
Handouts: Memo & Presentation

**Minimum Academic Requirements for Participation in High School Sports**
State Superintendent Sadusky introduced a panel including Ned Sparks, MSDE; Dr. David Cox, Allegany County Superintendent; and Susan Johnson, Principal of Calvert High School. Mr. Sparks reviewed House Bill 364, enacted in 2011, which requires a report from the State Board of Education to the General Assembly on their recommendations "regarding the curriculum content, minimum grade point average, and grade progress that public high school students should satisfy to be eligible to participate in athletic competitions sanctioned by the county board." Mr. Sparks reviewed the three recommendations, including a minimum high school grade point average (GPA) of 2.0 or equivalent according to each local school system's grading criteria; that the required curriculum content for students participating in interscholastic athletics be the minimum State requirements for graduation; and that the grade progress of students in interscholastic sports reflect satisfactory credits towards fulfillment of the state requirements for graduation.

Mr. Sparks noted that all school systems are required to have academic eligibility requirements, under COMAR regulation 13A.06.03.02(B). However, each school system may adopt its own standards and requirements. He

stressed that prior to this legislation the subject had never been an issue before. Instead, there has always been a shared respect for the other system's requirements. He also noted that looking to other States is not particularly useful since their interscholastic sports are regulated by private associations. Mr. Sparks emphasized that academic eligibility for athletics has always been a matter for local control and the policies adopted by each local board of education.

Superintendent Cox reiterated Mr. Sparks' reference to this as a local control issue. He shared that superintendents do not believe there have been any real issues of concern relating to academic eligibility and that this issue should remain the subject of local control. However, he noted that it was helpful to compare the standards adopted by the 24 school systems, and that since so many do require a minimum 2.0 GPA, superintendents do not oppose that standard. He also noted that local boards routinely adopt additional course and graduation requirements, such as Allegany's requirement for a half credit in financial literacy and other systems that require an extra credit in mathematics.

Principal Johnson described the important role of sports in connecting students to their schools and school community. She shared that research shows increased attendance and performance among athletes and that this is her experience. She stated that there is a strong positive correlation between students participating in sports and their academic performance compared to students not engaged in sports. She also emphasized the need for a balance between graduation requirement expectations and allowing educators to keep students engaged in school.

Board members asked whether participation in sports counts as credit toward the physical education credit requirements for graduation. The panel responded that this is not the case.

Board Member Walsh asked the panel to comment on the merits of having all students participate in sports if, in fact, the research shows such a strong correlation between participation and academic success. Mr. Sparks responded that there has always been a balancing of the academic environment and competitive interscholastic sports.

Board Member Guffrie Smith observed that we have to be cognizant of not raising the academic bar too high for eligibility for sports, but at the same time needing boundaries.

Board Members Walks and Staton shared their interest in pursuing a broader conversation on the role of sports and physical education and potentially granting academic credit for participation in sports.

Mr. Sparks reported that 16 of 24 school systems already have a 2.0 GPA requirement; whereas six systems have no GPA requirement and allow for 1 failure; and two systems have no GPA requirement and allow for no failures. He noted that since the legislation requires a recommendation and, given the use by the majority of school systems of the 2.0 GPA minimum standard, this was the minimum GPA recommendation agreed upon. Handout

**ESEA Flexibility Application**

MSDE staff presented an overview of the U.S. Department of Education's recently released application for flexibility, commonly referred to as waivers, relating to the requirements and sanctions of the Elementary and Secondary Education Act (ESEA), more commonly known since its 2002 reauthorization as the No Child Left Behind Act. State Superintendent Sadusky emphasized that his reference to "flexibility" rather than "waiver" reflects the stringent requirements tied to the enhanced flexibility being offered. The Board learned that States have been asked to inform USDE of their intention to apply, with 42 States having already done so. Following the statement of intent, the actual deadlines for submitting applications include a first round deadline of November 14, 2011 and a second, February 2012 date. Seventeen States intend to submit applications in

November, with 25 States, including Maryland, expressing their intent to apply in February 2012. USDE responses to applications are expected in late winter/early spring for the first of applicants, and by late spring for the second round of applicants. Staff stressed that unlike Race to the Top, this application process is not a win/lose competition, with all applicants potentially receiving additional flexibility under NCLB's accountability requirements and sanctions.
Handout

**Panel on Timeline and Provision of Educational Services for Students in Long-Term Suspension and Expulsion**
The State Board continued its series of briefings by panels of school officials and advocacy groups in response to the State Board's questions regarding the appropriate timeline for disciplinary decisions and appeals and the type of educational services to be provided to students receiving long-term suspensions or expulsions.

Board President DeGraffenreidt welcomed the panel members, which included representatives from the Maryland Foster Parents Association, Maryland Congress of Parents and Teachers, and the Maryland Association of Student Councils. He began by emphasizing to the panel members that the State Board is not concerned with whether suspension is the appropriate punishment for certain behaviors, such as fighting, but is instead focused on the timeline and educational services issues. He did note, however, that the Board has learned that only a very small percentage of students suspended receive this sanction for the serious offenses involving acts of violence and possession of weapons, while over 60% of student suspensions are for offenses broadly described as "respect" issues.

The PTA representative briefly summarized a survey that found support for the use of suspensions and expulsions for the most serious offenses.

The Foster Parents Association representative outlined survey results finding strong support for suspensions of a shorter duration to ensure that students are in school receiving instruction the maximum amount of time. In addition, foster parents would prefer more outreach from school personnel to communicate the school system's disciplinary rules and procedures, recognizing that they are complicated and not easily understood.

The representatives from the Student Council Association highlighted the negative consequences for students who are separated from instruction for even as few as ten school days. In addition, they focused on the need to provide continued educational services and opportunities for students in suspension and expulsion, but stated that this should be the student's responsibility rather than the teacher's.

Board Member Walsh asked whether the existing 10-day timeline for the superintendent to make a final decision on long-term discipline requests from principals, which predates the use of block scheduling, would in fact double the amount of lost instruction time over the course of 10 school days. The panel responded that this would be the case if the year-long course was delivered in one semester in longer class periods. However, one panelist noted that under the A day/B day scheduling used in her school, a 10 day suspension would result in missing only 5 days of instruction in any one class.

One of the Student Council Association representatives shared the experience of one of his classmates who received a one semester suspension and nonetheless excelled through self-instruction and is now enrolled in college. He asked the State Board to consider whether a student already struggling in school would have been so successful.

Student Board Member Marks then conveyed the experience of one of her friends who was initially suspended for 10 days in a Facebook related incident, along with several other students, in a manner that violated her due process rights. Handout

**MSDE Departmental Legislative Initiatives for 2012**

Renee Spence, MSDE, presented a brief overview of MSDE's three legislative proposals submitted to the Governor's legislative office in preparation for the 2012 Session of the General Assembly. She began by noting the recent Special Session, devoted to Congressional redistricting, and which featured a briefing by Superintendent Sadusky on education issues and a briefing on maintenance of effort. She emphasized for the Board that maintenance of effort legislation will be a major topic during the 2012 Session. The three legislative proposals include: a delay until 2015 the requirement to draft new master plans, rather than continuing to submit annual updates to existing plans; requiring criminal background checks of informal childcare providers who receive federal funding; and a technical bill changing day care terminology throughout state statute in accordance with 2011 legislation. In addition, she noted the addendum of a fourth legislative proposal to make technical, corrective changes to the out of county living arrangement statute to change outdated references to disabled students.

Handout

**Superintendent's Update**

Dr. Sadusky described his recent presentation at a general session of the MABE annual conference and a presentation to new school board members, along with MSDE counsel Liz Kameen, and he shared how supportive local board members are of the State Board. He described the recent, successful state summit on bullying and the need to be more creative in reaching out to students to get their attention on this important issue. In addition, Dr. Sadusky referred to the need to enhance virtual learning opportunities; that we are not as far along as we should be, and that lessons can be learned from other states. He stressed the need for rigor and sustainability in any model or programs we adopt.

Board Member Walsh asked for clarification on the status of the long-term student discipline issue, which has involved months of panel briefings on the positions school officials and others on the Sate Board's proposed guidelines.

Board President DeGraffenreidt responded that he has been working with Board counsel Liz Kameen on a set of draft regulations. He described his intent to distribute these as test regulations for responses from interested parties prior to action at the December meeting to grant permission to publish them in the Maryland Register for public comment. Mr. DeGraffenreidt described his proposal as a fairly comprehensive rulemaking on this issue based on the evidence amassed over the recent months. He stated that there should be some minimum educational provided, and that there should be more specific and predictable due process procedures and rights for students receiving long-term discipline for the most serious offenses. In describing the due process question, he asked what fairness looks like in this context. In addition, he raised questions about the objective of disciplinary actions, and that there were threads of confusion in the testimony. He observed that in the criminal law contest, punishment is described as either intended to achieve separation, retribution or rehabilitation, and that retribution is not a relevant consideration here. He stressed his personal belief that student disciplinary incidents should be recognized as intervention opportunities consistent with our responsibility to educate all students. He reiterated his belief that so few suspensions relate to anything safety related.

Board Member Staton requested that any deadlines provide flexibility to accommodate delays at the request of the parents, but not to provide the school system with an excuse for delay.

**Public Comment**
A parent and student testified in opposition to recent changes in the national standards for wresting weight classes that make the new minimum weight class 106 pounds, up from 103, and that this change is unfair and disproportionately detrimental to female wrestlers who typically weigh less than males.

Following the public comment, the Board and Superintendent engaged in a lengthy discussion of the issue raised during public comment, asking Board attorneys and Mr. Sparks to describe the administrative and appellate processes involved in such decisions. Mr. Sparks and counsel Elliott Schoen described the two avenues of appeal relating to challenges to the administration of athletic events and challenges to the standards adopted by the Maryland Public Secondary Schools Athletic Association (MPSSAA). Challenges arising from athletic events are made in the form of an appeal directly to the State Superintendent, who appoints a three-member panel of local superintendents to decide the case. Challenges to MPSSAA decisions are taken to their executive committee, with no further review.

Following the State Board's discussion of the civil rights implications of the testimony presented during public comment, Dr. Sadusky suggested convening a three-member panel to hear an additional appeal regarding this matter. The Board agreed with this approach to providing a final determination.

**Opinions**

The State Board issued legal opinions in the following cases:

- Beverly Beard v. Baltimore County Board of Education, affirming the local board's employee termination decision
- Linda Martin et al. v. Allegany County Board of Education, affirming the decision of the local board to cease the arrangement allowing students residing in Little Orleans to attend school in Washington County
- Philip and Deborah W. v. Prince George's County Board of Education, affirming the local board's denial of a student transfer request
- Marcia A. v. Montgomery County Board of Education, affirming the local board's denial of a student transfer request
- Pamela and Robert M. v. Baltimore County Board of Education, affirming the local board's student attendance decision
- Navarro P. Bharat v. Prince George's County Board of Education, dismissing the appeal as it is still pending before the local board