

**February 24, 2015**

## **Oral Argument**

The State Board heard oral arguments in the case: Baltimore City Board of School Commissioners v. Gregory Mobley.

## **ESEA Flexibility Waiver Renewal Request**

Board president Charlene Dukes introduced a panel of MSDE staff including Dr. Jack Smith, Penelope Thornton Talley, Mary Gable, David Volrath, Dr. Henry Johnson, and Chandra Haislet. She explained the purpose of the panel presentation to facilitate the board's discussion in advance of a final decision at the March meeting on the Elementary and Secondary Education Act (ESEA) flexibility waiver extension to be submitted to the U.S. Department of Education (USDE).

Ms. Gable explained that there are four overriding Principles of ESEA flexibility. She discussed Principle 1: Transitioning to college- and career-ready standards and assessments. She reported on the actions taking place moving forward from the implementation of the standards and assessments which include items addressing the needs of special subgroups. Ms. Gable said that closing the achievement gap is a major goal and that LEAs are looking at best practices and dedicating resources to meet that goal. She also provided a timeline for phasing in the Partnership for the Assessment of Readiness for College and Careers (PARCC) Assessments administered in all schools in 2014-2015 school year.

In response to a question by Board member Eberhart about offering an English 9 test prior to English 11, Dr. Johnson said this discussion is taking place within districts and includes the possibility of implementing apprenticeship programs and certification programs that can substitute for testing. Board member DeGraffenreidt requested that a discussion be held at a future board meeting to discuss testing, voicing his interest in setting a context for the larger objective; and that administering tests at the beginning of the course and the end of the course is helping students learn as well as providing diagnostics. Dr. Lowery agreed that this is the purpose of the tests.

Mr. Priester urged the need to get information to the students about the importance of testing and how and why they benefit an individual student's education. He said that, often times, students do not get the information that is passed along to the school system.

Dr. Johnson described how teachers can look at scores for students from previous years to address their learning styles. He said it gives teachers an opportunity to augment support for the student and that parents will be able to see how their children are doing.

Ms. Haislet discussed Principle 2: State-Developed Systems of Differentiated Recognition, Accountability, and Support. She explained that this is truly a collaborative process and that progress will not be able to be assessed until three years of data are available in 2017-2018. She said it is very important to look at progress over time to differentiate schools and what they need to target. She discussed the proposed phased implementation plan and the proposed changes with ESEA flexibility. Mr. DeGraffenreidt suggested changing the term "average" to "median"; and Ms. Haislet agreed.

Ms. Eberhart discussed the need to show when low performing schools are improving. She said, "Is there some way to show actual growth?" Ms. Haislet said that Principle 2 will provide differentiation between student groups and will provide school leaders with specific information on the needs of students. She said there will be a separate category for growth and skill scores.

The board engaged in lengthy discussion on the need for community and parental engagement. Dr. Smith stressed the need to identify high levels of achievement and provide current data to promote continuous improvement. Mr. DeGraffenreidt emphasized the need to translate data for a clear understanding by parents and stakeholders; and to avoid the sensationalism that's occurred in other states. Ms. Haislet agreed, noting that MSDE will be setting standards for what is a high performing school and using data to assist schools in providing differentiated instruction. Dr. Lowery also noted the need for focus groups of parents to better explain this initiative.

Ms. Gable explained that Priority, Focus and Reward school designations were provided by USDE and noted that an agency-wide plan for supports will be created. She said staff is putting together a model that will identify, for the individual school, what supports are available. She then provided a menu of supports.

The State Board also discussed funding implications. Maria Lamb, MSDE, responded that the department will be requesting additional funding, particularly for Title I schools. In addition, Dr. Smith responded to questions about accountability by stressing the revised ESEA flexibility waiver will provide more rigorous responses for schools, especially for focus and priority schools. In response to a question by student board member Priester, Ms. Gable said that priority and focus schools will need a school improvement plan which will be monitored regularly to check on the progress in these schools.

Mr. Volrath discussed Principle 3: Supporting Effective Instruction and Leadership. He explained that four areas of support emerged over the years: professional practice; student learning objectives (SLOs); test score translation; and use of new state accountability measures. He reported on the support components for these areas over the next three years; and concerns about the State's ability to conduct a thorough investigation of the accountability measure to determine valid adjustments needed to improve the performance of evaluation models by August, 2016. He also noted that the State will use the same method for principal evaluations.

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## **National Title I Distinguished School Recognition**

Superintendent Lowery introduced Kristina Kyles, MSDE, to introduce the Principal of the National Title I Distinguished School for Maryland. Ms. Kyles recognized Belle Grove Elementary School in Anne Arundel County as the National Title I Distinguished School for Maryland. She introduced Tamara Kelly, the school's principal, who in turn introduced guests representing the school.

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## **Maintenance of Effort Regulations (COMAR 13A.01.05)**

Dr. Lowery reminded the Board that in December Kristi Michel reviewed the revised Maintenance of Effort regulations in the context of the legislation enacted by the General Assembly in 2012. She asked Ms. Michel to review the COMAR amendments that are being proposed to respond to the legislative changes. She recommended and the board agreed to grant permission to publish the proposed regulations.

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## **Test Administration and Data-Reporting Policies and Procedures Regulations (COMAR 13A.03.04)**

Superintendent Lowery asked Dr. Henry Johnson to discuss this regulatory proposal. She recommended and the board granted adoption of the proposal. Dr. Johnson informed the board that the purpose of the changes is to add references to the current assessments to the regulation. He reported that one comment was received subsequent to publication in the Maryland Register and noted that a technical change was made.

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## **Adults with Disabilities Regulations (COMAR 13A.11.01 - .04 and .08)**

Dr. Lowery recommended and the board granted permission to publish the proposed regulations. She also introduced Suzanne Page, MSDE, to answer any questions of the Board. Ms. Page reported that the changes proposed to these regulations are mostly technical.

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## **Analysis of State and Local Teacher Ratings: Component Measures**

Dr. Lowery stated that an Analysis of Maryland's School Districts' Teacher Ratings: Component Measures is provided for information and discussion only and introduced Daniel Bugler, Research Team Leader for West Ed Mid Atlantic Comprehensive Center (MACC) to discuss the Report. She noted that this report was issued as part of the West Ed contract with USDE.

Mr. Bugler presented ratings data of Ineffective, Effective and Highly Effective for teachers in each school system in Maryland. He also provided charts depicting statewide average effective points earned for professional practice, student growth and overall by level of school. Mr. Bugler discussed the correlation of growth and professional practice, and noted the significant variation of cut scores for teacher ratings by district and the variation of distribution of teacher ratings in districts with similar evaluation plans. He attributed the large discrepancy among districts to the steep learning curve. Dr. Lowery responded that she attributes this to the state providing a lot of local control and local flexibility.

Student board member Priester requested that this discussion be continued by the Board after meetings are held with district leaders. Mr. DeGraffenreidt reiterated the board's interest in understanding what is driving the inconsistency. Mr. Bugler responded that the local system's understanding of what principals and leaders are doing varies; and that individual principal must make sense of this new approach. Mr. Volrath responded that much work has been ongoing since this data was collected and this has exposed where the disconnects are in the State. He highlighted the positive outcomes of continuing to work with principals and that where the work is taken seriously there were dramatic results. Mr. Bugler discussed conclusions and recommendations and stressed that by year three there should be more consistency as the continuous improvement process builds.

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## **Task Force on Arts Education in Maryland Report**

Dr. Dukes reported that Mr. DeGraffenreidt served on the P-20 Arts Task Force and asked him to introduce this presentation. He reported the Task Force was asked to ensure that arts education remains vital in Maryland and that today's report represents the collective recommendations of the Task Force. He asked Dr. Jack Smith and Mary Ann Mears, the two who co-chaired the Task Force, to brief the Board on the Report. He noted that Ms. Mears was a Founder and Trustee of the Arts Education in Maryland Schools Alliance.

Ms. Mears introduced the members of the Task Force in attendance and also noted the work of Mary Cary, Executive Director of the Arts Alliance. She discussed the following recommendations:

- Revise the Code of Maryland Regulations (COMAR) to provide specific direction to local school systems in the consistent implementation of comprehensive fine arts programs in dance, music, theatre, and visual arts for all children at all grade levels.
- Establish a comprehensive, statewide data system that collects elementary, middle, and high school data on fine arts instruction.
- Establish a minimum per pupil funding allocation required for and dedicated to
- comprehensive fine arts programs in dance, music, theatre, and the visual arts for all schools and for start-up funding for new programs in those disciplines.
- Revise the Maryland State Standards for Fine Arts Education.
- Develop and/or align school system curriculum documents with the revised State
- Standards in Fine Arts.
- Provide central office leadership and support at the curriculum and instruction levels so the fine arts have Maryland certified staff assigned supervisory responsibilities.
- Staff all fine arts classes with Maryland fine arts teachers who have the depth of knowledge and skills necessary to teach the courses to which they have been assigned.
- Ensure that instructional time in all arts disciplines is not replaced or removed to facilitate additional time in another subject area.

Ms. Mears reported that Maryland has some of the best arts programs in the nation but that in some schools there are no arts programs. She stressed that as Maryland is a leader in education, this report should serve to launch us to the top on a statewide basis. Board members engaged in a lengthy discussion of the recommendations, and Dr. Smith asked Board members to consider inviting Task Force members to a future meeting to discuss what is being done around the State.

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## **Legislative Update**

Dr. Lowery introduced Amanda Conn, Director of Governmental Relations, to answer questions on the status of bills pending in the legislature, noting that the Board is sent a legislative report every Monday. Dr. Lowery noted that the Department has written and forwarded fiscal notes to attach to specific proposed legislation. She urged members to flag any concerns they have and express their desire to forward a letter to the legislature on any specific proposed legislation. Dr. Dukes assured Board members that there are mechanisms in place for immediate action. In response to a question by Dr. Dukes, Dr. Lowery responded that federal legislation to reauthorize ESEA is very fluid and that the Board will be kept informed if any changes occur.

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## **Student Learning Objectives (SLO) Survey Results**

Mr. Volrath, MSDE, reported that his team created a survey on the current perspectives of teachers and principals on the progress of SLOs and distributed it to associations and LEAs. He provided maps of Maryland depicting the overall response rates of staff and responses to the following questions:

- Is there a common language being used in your district to describe the SLO process?
- Are you being helped to know what quality looks like in an SLO?
- Are you having meaningful conversations about instruction with your evaluator based on your SLO?
- Are you being helped to make the SLO process more manageable?
- Do you know where to go for more help with the SLO process?
- Have you accessed formative assessment website to help with your SLO?

Mr. Volrath reported that there are still counties that are responding at this time. In response to a question by Dr. Lowery, he reported that the SLO Memo of Understanding (MOU) teams from nine LEAs consisted of two teachers, two principals, two supervisors of principals as well as additional members depending on the work to be done.

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## **Race to the Top Update**

Ms. Thornton Talley, MSDE, provided the Board with a written assessment of the current status of the department's RTTT projects with a No Cost Extension (NCE).

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## **Opinions**

The State Board issued legal opinions in the following cases: Sharon Gorenstein v. Baltimore City Board of School Commissioners, affirming the local board's personnel benefits decision; Joan Michalowicz, et al. v. Wicomico County Board of Education, dismissing the appeal; B. J. and Kimberly W. v. Anne Arundel County Board of Education, affirming the local board's student suspension decision; Donald Garner v. Baltimore City Board of School Commissioners, dismissing the employee termination appeal; and Barbara Parker v. Anne Arundel County Board of Education, denying the motion to reconsider.