

June 23, 2015

## MSDE Personnel

The State Board approved a number of personnel items, including the hiring of Dr. Karen Salmon as Assistant State Superintendent for College and Career Readiness.

## Legal Argument

The State Board heard oral arguments in the case of *Tiffany Neal, et al. v. Anne Arundel County Board of Education*.

## National Board Candidate Selection

The State Board confirmed candidates to participate in the 2015-2016 Fee Incentive Program established for public school teachers seeking certification by the National Board for Professional Teaching Standards (NBPTS). The 362 candidates identified by local school systems were approved for participation in the assessment and certification process to achieve National Board Certification.

Board member James DeGraffenreidt requested an in depth analysis of the effectiveness of this program, and raised his concerns with evidence of effectiveness for students and teachers, whether other means of professional development are better investments of state and local resources, and why jurisdictions such as Baltimore City do not participate. Sarah Spross, MSDE, responded that the program is established by state law, local school systems are not required to participate, and there is a local matching requirement for one third of the fee. Regarding Baltimore City's nonparticipation, Ms. Spross confirmed that they have not participated historically. Board member Linda Eberhart and Dr. Lowery also addressed the local decision by the Baltimore City school system to adopt a performance based contract and compensation system rather than the NBPTS certification.

In addition, MSDE staff confirmed that MSDE has not conducted an assessment of the program, and a literature review is underway. Dr. Lowery shared that it is now possible to analyze student performance in classes taught by National Board certified teachers. Board member Andrew Smarick further requested data on evaluations based on observations and other factors. Mr. Volrath, MSDE, responded that there is now the ability to identify the profile of individual teachers based on where they went to school, professional development programs, and their students' performance.

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## Vocational Rehabilitation Regulations

The State Board granted final approval for amended regulations governing the sliding scale used to determine financial participation of eligible individuals in rehabilitation services (COMAR 13A.11.01 Vocational Rehabilitation; COMAR 13A.11.04 Business Enterprise Program for the Blind; and

COMAR 13A.11.08 Workforce and Technology Center). In addition, the amended regulations include updates and technical corrections.

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### **Maintenance of Effort Regulations**

The State Board granted final approval for amended Maintenance of Effort (MOE) regulations (COMAR 13A.02.05). The amendments reflect changes needed to conform the regulations to the legislation enacted in 2012. Maintenance of Effort refers to the longstanding state law requiring local governments to provide at least as much funding on a per pupil basis as was provided in the previous year. The 2012 legislation reinforced the mandated status of MOE, altered the penalty for failing to meet MOE, created an MOE escalator for counties failing to maintain education effort, and refined the MOE process.

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### **State Assessment Program**

Dr. Lowery introduced the topic of providing the State Board with recommendations to revise Maryland's administration of the high school assessments during the 2015-2016 school year; tests created by the and referred to as the PARCC assessments. She introduced Dr. Jack Smith, MSDE's Chief Academic Officer, to share with the State Board the Department's best thinking based on substantial input from local school systems.

Dr. Smith described the transition since 2010 from the Maryland School Assessments to the new PARCC assessments. He shared that school systems have had to quickly turn over their assessment programs,, and that the old system and new system are designed for very different purposes. He emphasized that the former assessment program was to move students toward proficiency and to stay out of adequate yearly progress jail. He stressed that the new assessments are designed through a massive amount of input from educators and field testing in 2014 and administration in 2015.

Mr. DeGraffenreidt commented that he appreciated the clarification that we should not be nostalgic for No Child Left Behind assessments. He also asked for further response to concerns with the implementation of the new assessment program, regardless of the lofty principles. Board member Larry Giammo agreed that there is a needed distinction between the purpose and principles of the PARCC assessments and the execution of the new system. He referred to information provided by the Wicomico County Education Association and his understanding that these experiences are shared across the state.

Dr. Henry Johnson responded, referring to the scheduling of the assessments, by noting that the changes made in the 2015-2016 administration will limit the number of assessments in each subject to one, and reduce the amount of time required for each assessment. In addition, more flexibility will be provided in the time window allotted for the assessments, based on the standard that 80% of the curriculum is taught prior to the assessments being given. Dr. Lowery noted that school systems varied nationally and in Maryland from administering assessments early in the 6 week window, or extending assessments throughout the entire window; and that in response to criticism of interminable testing, the PARCC consortium agreed to limit the window to 30 days and align test administration to a standard of instruction. Mr. DeGraffenreidt requested a clearer presentation of the

problems and best practices in execution and thereby allow the State Board to promote those best practices. Dr. Lowery agreed and described surveys and meetings with local superintendents and educators.

Dr. Smith concluded by noting that when Maryland transitioned to the High School Assessment program predictions were made that the graduation rate would drop, and instead it had risen. Mr. DeGraffenreidt added that these higher graduation rates are occurring under a more rigorous cohort method.

Dr. Johnson then presented the status of student assessments and the proposal to establish the college and career readiness assessment program mandated by 2013 legislation, Senate Bill 740. During the 2015-2016 school year, PARCC assessments will be administered in grades 3-8 and in English 10 and Algebra I to meet federal accountability requirements. By the end of the 2015-2016 school year, the legislation requires that all students be assessed for college and career readiness by the end of eleventh grade. Students who do not pass or satisfy this assessment standard must be enrolled in a transition course in the following school year. Another key factor is that colleges and universities would accept passage as demonstrating college readiness and thereby allow students to enroll in credit bearing classes without a requirement to enroll in non-credit bearing remedial classes.

In high school, additional PARCC assessments may be administered, at local option, including PARCC English 9, PARCC English 11, and PARCC Geometry. One of MSDE's departmental proposals to the State Board is that all of these additional assessments, which were to be required, will be optional for local school systems. Another proposal outlined by Dr. Johnson was to provide local school systems the option to administer the PARCC English 11 and PARCC Algebra II assessments as their college readiness tests, but also to provide local discretion to stick with their existing local assessment of college and career readiness, including the SAT, ACT, Accuplacer, and Compass. Dr. Johnson also confirmed in response to a question from Ms. Eberhart that the state would continue to pay for the use of the PARCC state assessments already included in the budget. Ms. Eberhart asked if locally chosen assessments would be funded as well, and Dr. Johnson responded that they would not. He also responded to a question from student board member Steven Priester regarding what constitutes passing on the SAT; and described a negotiated process involving higher education and local school systems.

Mr. Smarick asked if a local school system may provide a student with the option of taking up to five assessments, whereas another local system may provide only one option. Dr. Smith responded by describing the proposal to provide the state assessments (PARCC English 10 and Algebra II) if a local school system chooses to use them, but otherwise leaving the assessments and standards up to each local school system. Dr. Lowery reiterated that each system will choose whether to use the eleventh grade PARCC assessments or another test. She stated the intent that local school systems agree on a uniform definition of proficiency on each assessment to provide a uniform statewide standard so that we are comparing apples to apples. Mr. Smarick asked for further clarification based on his understanding from the department's memorandum that a uniform standard would not be required. Dr. Smith responded that the department is recommending that local school systems use the cut scores agreed to by the guidance groups for the state assessments, and this work is ongoing. Mr. Giammo requested an update later this fall on what assessments local school systems actually choose, including whether they choose to use the state assessments. Dr. Lowery suggested that the executive committee of the superintendents association could present to the State Board to clarify implementation issues.

The State Board voted to approve the PARCC assessment plan for high school students for the 2015-2016 school year.

Following the vote, Dr. Lowery and Dr. Smith discussed the calendar of upcoming PARCC consortium actions to performance levels and set cut scores, and potential conflicts in the timing of the State Board's September meeting and therefore the opportunity to meet to approve comments or vote on the recommended scores. Dr. Lowery described the potential that if levels 3 through 5 are deemed college and career ready by PARCC, Maryland could still adopt a score of 2. These scores will also inform Maryland's adoption of new high school graduation requirements to become effective for the 2016-2017 school year. Mr. DeGraffenreidt clarified that any PARCC action would not limit Maryland's ability to pursue our own agenda.

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### **Alternative Certification Pilot**

Dr. Lowery introduced MSDE staff to present the recommendation that the State Board create a workgroup to consider, if appropriate, the development of an alternative teacher certification program for areas experiencing critical shortage. The legislation enacted in 2015 (Senate Bill 635) required the collaboration of the State Board, the Professional Standards Teacher Education Board (PSTEB) and two local school systems. PSTTEB agreed at its May meeting to wait for the State Board's action to proceed. Board member Giammo encouraged the looking to other states and even other countries for solutions to the issue, and that no recreating of the wheel should be necessary.

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### **State Plan to Ensure Equitable Access to Excellent Educators**

Mary Gable, MSDE, was introduced as an architect of the state's equity plan to ensure that poor and minority students are not taught by less qualified teachers at higher rates than other students. She outlined the process for developing the plan in accordance with the July 2014 request from U.S. Department of Education Secretary Arne Duncan to do so. Maryland's plan is being developed in two parts, including the collection and analysis of data, to be followed by working with identified school systems to develop and implement equity strategies individualized by local system. The six local school systems include Anne Arundel, Baltimore, Montgomery, Prince George's, and Somerset counties and Baltimore City. Ms. Gable described the process of conducting root cause analyses, and highlighted work that has begun in Montgomery County.

Board member DeGraffenreidt shared his concerns that while one objective of the law could be achieved by reallocating highly effective teachers to certain schools, his worry is that because the decisions will be made at the local level, the State Board should be very clear in the plan regarding what is expected. He voiced his concern that local school systems will pretend to be resource constrained and then limit their response to merely complying with the federal directive; and that we will be worse off than we ever were. Dr. Lowery clarified that this is the plan to develop a plan, and that guardrails can be set toward the goal that all students have effective teachers. Board members engaged in a lengthy discussion of the timing and mechanics of assessing the profiles of effective teachers and the analysis of the equitable distribution of highly effective teachers. Mr. DeGraffenreidt asked for clarification on local decision making on how teachers are assigned, and what are the techniques and how long does it take a teacher who is deemed ineffective to rise to the level of effective, or manage them to a different career path. He stressed that if the plan doesn't have these

elements, then the process won't achieve the goal of raising every teacher's and principal's level of performance. Ms. Gable acknowledged that this is the conversation and work going forward that goes beyond any one report. Mr. Smarick noted that the data alone can be informative and positive, citing a Washington County example of students in schools of high poverty being four times as likely as students in low poverty schools to have highly qualified teachers.

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### **Board Member and Staff Recognition**

Board President Mary Kay Finan recognized outgoing board member Luisa Montero Diaz and student board member Steven Priester. She thanked Steven for his year of service on the board, with board members offering best wishes for his future. Mr. Priester shared that he will be studying Spanish and Environmental Science at the University of South Carolina toward the goal of receiving a secondary education teaching certificate. He thanked the board for their leadership and mentorship and praised Maryland's recognition of the voices of students.

In addition, the board thanked and praised Tony South, Executive Director of the State Board, upon his retirement. Board members praised Tony's mentorship and services to the board, and his national reputation. Tony thanked the board, recounted the many board members he has had the pleasure of working with, and how much he appreciates the governance structure in Maryland which provides for the independence of the State Board. He also noted that he admires the dedicated service of the State Board as being unpaid volunteers.

### **Race to the Top Update**

The State Board received a brief update on the status of the Race to the Top grant program. Ms. Thornton Tally, MSDE, presented that the state has spent \$233 million of the \$250 million allocation, and that the department is generally on track on project status in this, the fifth "extension" year of the four-year program. One exception is the Great Teachers and Leaders initiative, on which Mr. DeGraffenreidt requested additional information. Dr. Lowery, Mr. Volrath and board members then engaged in a lengthy discussion of the status of professional development programs for principals.

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### **Legal Opinions**

The State Board issued legal opinions in the following cases:

- Carolyn B. v. Anne Arundel County Board of Education, affirming the local board's student transfer decision
- Tiffany Neal, et al. v. Anne Arundel County Board of Education, adopting the ALJ's recommended decision and affirming the local board's redistricting decision
- Cedric Brown v. Baltimore City Board of School Commissioners, remanding the employee dismissal case for decision with 60 days
- Jonathan Lasson v. Baltimore City Board of School Commissioners, adopting the ALJ's recommended decision and affirming the local board's employee dismissal decision
- William Morrison v. Baltimore City Board of School Commissioners, adopting the ALJ's recommended decision and affirming the local board's employee dismissal decision
- Nneka O. v. Howard County Board of Education, affirming the local board's student residency and tuition assessment decision