

April 25, 2016

Oral Argument

The State Board heard oral arguments in the case: *Welsh/Pulley/Roof v. Calvert County Board of Education*.

GED Report

Kelly Schulz, Secretary of the Maryland Department of Labor, Licensing and Regulation (DLLR), introduced the Department's annual report on the status of the GED testing program and the National External Diploma Program (NEDP). Assistant Secretary James Rzepkowski briefed the State Board on Maryland's compliance with the federal Workforce Innovation and Opportunity Act. He noted the transition of former Maryland Secretary of DLLR, Tom Perez, to the position of Secretary of the U.S. Department of Labor. Assistant Secretary Rzepkowski highlighted that Secretary Perez had focused on workforce development at the state level and brought this focus to the federal level, resulting in a strong partnership with ongoing efforts in Maryland. He reported on DLLR's development and submission of the federally required state workforce plan, which was filed on April 1.

Patricia Tyler, DLLR, updated the board on the status of the GED testing program and National External Diploma Program. She emphasized that the GED is no longer viewed a terminal degree, but a stepping stone to the next steps in education and employment. Secretary Schulz also praised the work of MSDE's Lynn Gilley in the area of developing and promoting effective apprenticeship programs toward the goal of building a skilled workforce.

The GED is administered as a computer-based assessment through 27 public computer testing centers and available for a \$45 fee. The NEDP Diploma is awarded based on passage of the GED test and meeting additional standards of mastery of NEDP competencies.

Board member Dr. James Gates asked about the challenges of adopting a computer-based testing system, and whether this presents yet another hurdle for participants. The panel responded that the transition from paper and pencil tests began in 2011, and that assessments are accessible and aligned with state standards.

Board member Laura Weeldryer asked about challenges in GED performance and pass rate, which she knows has been challenging in Baltimore City. Ms. Tyler reported a decline in the level of performance readiness of individuals preparing to take the GED and meet the NEDP requirements. In particular, it is less likely that a diploma can be earned with the first year of participating in the program. Secretary

Schulz also responded by highlighting the work of community centers in the City to take on the educational and workforce development challenges.

Board President Guffrie Smith concluded by emphasizing that the vocabulary needs to change to describe the merits of what the agency is doing beyond focusing on compliance with federal requirements.

[Handout](#)

Milken Award Winner

The State Board recognized Angela Malone as the 2015-2016 Milken National Educator Award recipient. Ms. Malone teaches seventh and eighth grade science at Oxon Hill Middle School in Prince George's County. She was joined by her principal, Mr. Coleman and Prince George's County School System CEO, Dr. Kevin Maxwell. Board members praised Ms. Malone for her accomplishments. Ms. Malone gave the State Board members "homework" to remember a teacher who made a meaningful difference in their lives. Board member Gates responded with his example and his deep appreciation as a lifelong classroom professor for the profession of teaching, and Ms. Malone's contribution to her students' futures.

[Handout](#)

Achieve, Inc. Report

Representatives from Achieve presented the "Maryland State Report" on the State's efforts pertaining to college and career ready assessments and outcomes. The panel presented on issues including Maryland's economic indicators and preparation of students for jobs in demand; and the state's assessment program in terms of transparency and alignment with workforce development and college readiness.

Achieve presented ACT, SAT, and PARCC performance results from the 2014-2015 school year. One striking criticism is the lack of information regarding which students took which exams in order to compare outcomes across the different assessments. The panel recommended steps to enhance transparency including the consideration of moving from the current graduation requirements which provide traditional course requirements, to making the college and career course of study the default option expected of all ninth graders. Indiana was identified as a state that has done this and seen marked increases in the percentage of students graduating college and career ready. Secondly, Achieve recommends exit exams including the English 10 and Algebra I assessments as a floor, but no discussion of a college readiness exam on a consistent statewide basis. He noted the not entirely unbiased endorsement of the PARCC tests, acknowledging that Achieve had a major role in developing those tests, but that it is regarded as a high quality rigorous assessment of readiness. In conclusion, the panel recommended setting clear readiness standards, adopting a statewide assessment regimen, and making it difficult for students to opt to take a non-college and career ready course load.

Board member Gates asked for date on the successes reported for Indiana and the opt-out approach. Dr. Gates also referred the "wild west" approach to assessments on the national stage. Achieve responded that there is ongoing work to provide information to assist states in making their decisions on state assessments, including analyses of the ACT, SAT, and PARCC tests. He also noted work on the research of science assessments.

Board member Madhu Sidhu raised her concern that she believes the instruction aligned with the Common Core standards is designed and intended to prepare students to be college and career ready. The response affirmed M.s Sidhu's premise, but also cautioned that accountability is needed to determine whether local curriculum has been aligned to the assessments, and then the question of whether assessment results actually demonstrate the achievement of these standards. For example, the PARCC Algebra II assessment is a good indicator, because it has been designed to prepare students for college level math.

Superintendent Jack Smith responded that this year most eleventh graders will take the English 11 and Algebra II assessments, with some systems opting for the SAT or ACT. The Achieve representatives were impressed by this, and noted that it is not readily available on the state's website. Dr. Smith noted that this is because it is in development as we speak.

Dr. Smith described Maryland as having a relatively low threshold of college prep readiness because the courses required do not have the weight of college courses. He noted that of the 57% of students entering higher education and requiring remedial coursework, most come from the lower half of the student population having taken the college prep course load.

Achieve highlighted the importance of getting students to enroll in the right courses, ensure the courses have the right content, and that assessments demonstrate that the instruction has in fact prepared students for success on the assessments and therefore in college.

[Report](#)

Public Comment

The State Board opened public comment with a statement from Board Counsel Liz Kameen regarding the ex parte communication the State Board was about to hear regarding a case now pending before the State Board challenging the decision of a majority of the Queen Anne's County Board of Education to not renew the contract of the local superintendent Dr. Carol Williamson. She stressed that the comments are not evidence regarding the case.

A Queen Anne's County resident urged the State Board to overturn the vote of the local board to not renew the contract of Superintendent Carol Williamson. A Queen Anne's County principal spoke to the hostile work environment resulting from the actions of the local board, and urged the removal of three of the current board members for cause and the overturning of their decision regarding the superintendent's contract.

A Queen Anne's County resident spoke on behalf of the local business community to the need for a high quality school system. She criticized the local board decision as putting in doubt whether the school system remains committed to quality. Another resident recounted the timeline of the local board's decision and the board's process for meeting and deciding not to renew the superintendent's contract.

A Queen Anne's County resident requested the State Board's action to remove three local board members from office for willful neglect of duty and incompetence. She criticized the local board's failure to hold any forum for public comment or engage in cogent discussion prior to their March 2nd meeting.

A Queen Anne's County teacher spoke to counter the board's claim that the school system is losing staff as not supported by the evidence, and urged State Board action to reinstate Dr. Williamson.

Lastly, a Baltimore County teacher addressed the State Board in support of National Board Certification stipends for the 162 teachers certified in 2014 who are being denied their stipends. He noted that he understands local board action may be underway to do so, and appreciates those efforts.

High School Graduation Requirements

State Superintendent Jack Smith introduced Assistant Superintendent Henry Johnson and Doug Strader to present draft regulations to set the graduation passing scores for the High School PARCC Assessments on the PARCC aligned English 10 and Algebra I Assessments.

Dr. Johnson reviewed the Board's consideration at the February and March meetings of a proposed PARCC score of 725, or level 3, as the initial passing score and graduation requirement starting with the 2016-2017 school year. At the March meeting, this approach was modified to phase in an increased score of 750 by the 2019-2020 school year.

The regulations propose amendments to COMAR 13A.03.02.09 to set the passing scores of 725 (2016-2017); 733 (2017-2018); 741 (2018-2019); and 750 (2019-2020). In addition, Dr. Johnson clarified that the passing score would remain the score set for the first year a student took the assessment, even when reassessments may be required in the next school year. The combined cut score tracks the individual assessment cut scores; increasing from 1450, 1466, 1482, and 1500 by the 2019-2020 school year.

Dr. Johnson addressed concerns with the amount of time students spend being tested, and described that a student taking the English Assessment at the end of their tenth grade year and not passing, could take an alternative college and career ready assessment such as an Advanced Placement Assessment, the SAT, ACT, or International Baccalaureate examination.

Board member Chester Finn asked about the range of low performance on one assessment and high performance on the other, and his concerns with a student with very low performance in one area being able to graduate based on their combined score. Dr. Smith agreed that some plus/minus range may help to ensure competency in both subjects. Dr. Finn also asked if the proposal to allow students to take a variety of college and career readiness assessments conflicted with the recommendation of Achieve earlier in the day. Dr. Johnson responded that it did, and Dr. Smith responded that those alternative assessments are tied to courses aligned with established readiness standards.

Board member Gates criticized the use of the combined score, and asked for a rationale for not setting absolute minimum scores in each of the four subjects. Board members Sidhu and DeGraffenreidt spoke to the merits of retaining the combined score as a benefit to certain students based on strengths and weaknesses in specific subjects. Dr. Smith discussed the challenge of setting high standards in each subject which are attainable by 90% or more of students; while also providing an option for that 8% to 9% of students who have language acquisition or challenges that impact their performance and for whom the combined score is needed.

The Board agreed to approve the regulations for publication.

[Regulations](#)

College and Career Readiness Completion Act Update

Dr. Henry Johnson presented a brief update on the status of state and local school system progress in implementing the College and Career Readiness Act of 2013, including the mandate to administer a college and career readiness assessment to all eleventh graders and, for those who do not pass, a subsequent transitional course and reassessment prior to graduation.

[Handout](#)

Speaking and Listening Requirement under ESSA

Doug Strader, MSDE, presented a request for the State Board's approval to seek a waiver from the U.S. Department of Education from the requirement to assess student speaking and listening, pending an ongoing peer review.

[Handout](#)

Student Record Manual

Assistant Superintendent Kristina Kyles presented the request for final State Board's final approval of the 2016 Maryland Student Records Manual, following initial approval for publication in May of 2015 and a public comment period in November of 2015 following publication in the Maryland Register. Dr. Kyles described the comments received and recommended approval. Board member DeGraffenreidt asked about amendments pertaining to the adopted student discipline guidelines. Dr. Kyles responded that no changes were proposed at this time based on the determination that the guidelines and manual operate effectively separately.

[Handout](#)

Student Arrest Record Data Collection

The Department requested the State Board's permission to implement a new data collection methodology for gathering and reporting data on student arrests in the 2015-2016 school year. Dr. Kyles emphasized that Maryland is a national leader in establishing equitable, fair, and transparent discipline policies and practices for students. The multi-year effort to update and reform state regulations and guidelines on student discipline gave rise to the issue and concern that schools not over utilize student arrests to respond to student behaviors previously managed through expulsions. To address this concern, under COMAR 13A.08.01.12 require the reporting of student arrests.

Michael Ford, MSDE, described the stakeholder process of meeting with local student services directors, school security directors and the state school safety center to determine what methodology could be developed and implemented, including the issue of applying this methodology to the 2015-2016 school year which began on July 1, 2015.

The State Board granted approval of the Arrest Data mandate and Collection Process; and the Student Arrest Data Collection Manual.

[Memo, Report, and Manual](#)

FY 2017 State Budget Update

MSDE's CFO, Christy Michel, briefed the State Board on Governor's State Budget and actions by the General Assembly to modify budget language and adopt legislation with budget implications. She noted that the Governor's budget does require the elimination of 657 positions statewide, which will ultimately

impact MSDE's staffing level in some manner. Regarding Aid to Education, she highlighted full funding of programs and formulas and additional funding being provided for school systems with declining enrollment. Ms. Michel outlined the new BOOST mandate for MSDE to administer a \$5 million student scholarship program for low-income families with students attending private schools. She described the 5 member board which must be appointed in order to administer the allocation of individual student scholarships.

2016 Legislative Session Update

Amanda Conn, MSDE's Legislative Director, presented the 2016 Session Legislative Report. She noted that bill review of many of the passed bills continues, including the Attorney General's review for constitutionality and the Governor's decisions on vetoes. She reviewed the provisions of the legislation creating the Commission on Innovation and Excellence in Education (HB 999/SB 905). She then presented on the passage of the Kindergarten Readiness Assessment bill (SB 794/HB 657) and the department's concerns with the bill's limitations on the manner of administering the assessment.

Board member Andy Smarick asked about the State Board's role and responsibilities to administer the BOOST program including whether regulations are needed to determine the parameters of the program, including which assessments are required. Ms. Conn and Ms. Michel, joined by Ms. Kameen, responded that the set of recommendation regarding regulations and procedures is ongoing, but that this is a program created by budget language intended to govern a program for the coming school year making the timeline for any regulations very tight.

[Report](#)

Opinions

The State Board issued legal opinions in the following cases:

- James R. v. Charles County Board of Education, Affirming the local board's student suspension decision
- Nicole K. v. Charles County Board of Education, affirming the local board's student assignment decision
- Rhiannon W. v. Baltimore County Board of Education, remanding the board's student transfer decision
- K.B. v. Baltimore City Board of School Commissioners, finding that the school system violated state disciplinary regulations (COMAR 13A.08.01.11) and thereby violated the student's due process rights, entitling the student to compensatory education services
- Laura Michelle Johnson v. Queen Anne's County Board of Education, dismissing the appeal for lack of standing
- Eudaimonia Foundation Corporation v. Baltimore City Board of School Commissioners, denying the requested stay of the local board's decision to non-renew the charter of the Maryland Academy of Technology and Health Sciences (MATHS) public charter school
- Elizabeth Galaida, et al. v. Carroll County Board of Education, denying the requested stay of the local board's decision to close Windsor Middle School
- In the Matter of Refusal or Opting Out of State Assessments (Frederick County Board of Education), issuing a Declaratory Ruling concluding that "nothing in state law permits parents to "opt out" their children from state assessments or for students to refuse to take assessments."