

[\(Meeting of the Maryland State Board of Education, Tuesday, June 28, 2016 Agenda – PDF\)](#)

MABE Attendees

MABE Treasurer, Ellen Flynn Giles (Howard); MABE Past President Verjeana Jacobs (Prince George's); and MABE Board of Directors member Tom Carr (Garrett) were present for the meeting representing MABE and were recognized at the beginning of the meeting by State Board President Guffrie Smith.

Oral Arguments - Carroll County School Closing Appeals

The State Board heard oral arguments in the following cases and issued opinions at the conclusion of the meeting. Appellants spoke intensely against the proposed school closings before a room full of Carroll County citizens and students. Ed O'Meally provided oral argument on behalf of the Carroll County Public School System. Multiple questions were posed by numerous State Board members to Mr. O'Meally. The decisions are summarized further below.

- Elizabeth Galaida, et al. v. Carroll County Board of Education
- Don Garmer, et al. v. Carroll County Board of Education
- Erin Spies, et al. v. Carroll County Board of Education
- Harrison W., et al. v. Carroll County Board of Education
- Lori Wolf v. Carroll County Board of Education

Charter Schools

[Charter School Funding Study Reporting Requirement](#)

State Superintendent Dr. Karen Salmon introduced Monica Kerns and Donna Gunning, MSDE, who described the request for the State Board's approval of Superintendent's authority to withhold funding from any school system that failed to provide data required even though all 24 school systems have currently complied with requests to date. The motion passed unanimously.

Senate Bill 595, the Public Charter School Improvement Act of 2015, Ch. 311, Acts of 2015 (the Act) requires local school systems and public charter schools or charter organizations to provide fiscal data to complete the Charter School Funding Study and strengthens the authority of the State Superintendent of Schools, with the approval of the State Board of Education to ensure compliance with the requirements of the study through the withholding of funds.

The State Board learned that the requirements of the Act include the following:

- The operating expenditures made at the central office level by each county board of education;
- The aggregate expenditures made on behalf of individual schools by each county board of education;
- The amount of funding being provided to public charter schools and other public schools by the local school system; and

- The value of services being provided to public charter schools and other public schools by local school systems, including central office expenditures.

The American Institutes for Research (AIR), the firm awarded the contract for the study, has issued requests for data to each local school system and charter organization, and has begun the process of analyzing the data. The Board was informed that as of June 15, 2016, 22 school systems had fulfilled the request and 2 were still outstanding.

[Handout](#)

Maryland Superintendent of the Year

The State Board recognized Dr. David Cox, Superintendent, Allegany County Public Schools, for his selection as Maryland's Superintendent of the Year – 2016. The Superintendent of the Year received congratulations from several State Board members recognizing the accomplishment and having pictures taken for posterity.

[Handout](#)

Early Childhood Assessment

[Code of Maryland Regulations \(COMAR\) 13A.08.01.02-3](#)

(PERMISSION TO PUBLISH - EMERGENCY ACTION)

The State Board granted the department's request to publish as emergency regulations the amended Early Childhood Assessment regulations (13A.08.01.02-3) under the new title Kindergarten Readiness Assessment (KRA). These regulations were proposed as "emergency" regulations because HB 657 – Education – Pre-Kindergarten and Kindergarten Assessments – Administration (Chapter 273 of the Laws of Maryland 2016 and effective July 1, 2016) requires the State Board to adopt regulations to implement the new provisions of law concerning the Kindergarten Readiness Assessment before the 2016/2017 school year.

Judy Walker and Candy Miller, MSDE, presented and spoke to a minor change to the regulations in regard to sample size required under the new title Kindergarten Readiness Assessment (KRA), based upon comments made by the State Board at its last meeting. The details of the revised calculation and supporting data are contained in the written report and PowerPoint presentation accompanying the proposal. Extensive questions about the calculations were raised by several board members.

Under the proposed regulations, and in accordance with the legislation, a "full-census" assessment process is permissible if a local board of education or a principal, in mutual agreement with teachers, decide to assess all kindergarten students in a school. A key provision of the proposed regulations would require MSDE to return to the school system the aggregate results of the "full census" assessment within 45 days after the administration of the assessment, or by November 15th.

If approved by the State Board and the Administrative, Executive and Legislative Review (AELR) Committee, the emergency regulations will be in effect prior to the KRA administration this fall.

[Handout](#)

Physical Education Regulations

[COMAR 13A.04.13 Program in Physical Education](#)

(ADOPTION)

The State Board approved the adoption of revisions to the COMAR 13A.04.13 Program in Physical Education. Staff informed the Board that MSDE's physical education specialists have surveyed the state's physical education supervisors and coordinators three times since the publication of the new standards in 2013, and they overwhelmingly supported the change to SHAPE America's National

Standards. In 2013, the national professional organization, The Society of Health and Physical Educators (SHAPE) America, published National Standards for K-12 physical education. SHAPE America's National Standards define what a student should know and be able to do as a result of a quality physical education program.

These regulations adopt the SHAPE standards as Maryland's physical education standards. SHAPE America standards focus on whether a physically literate individual:

- Has learned the skills necessary to participate in a variety of physical activities
- Knows the implications and the benefits of involvement in various types of physical activities
- Participates regularly in physical activity
- Is physically fit
- Values physical activity and its contributions to a healthful lifestyle.

In addition, the regulations reflect the passage of House Bill 1366/Senate Bill 503 (Breanna's Law) from the 2014 Maryland Legislative Session requires that "Beginning in the 2015-2016 school year each county board shall provide, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator and the use of an automated external defibrillator in every public school." This requirement has been included in the proposed amended regulation.

[Handout](#)

Health Education Regulations

[COMAR 13A.04.18 Program in Comprehensive Health Education](#)

(ADOPTION)

The State Board approve adoption of final revisions to the COMAR 13A.04.18 Program in Comprehensive Health Education (Attached). These regulations are also in accordance with House Bill 1366/Senate Bill 503 (Breanna's Law) from the 2014 Maryland Legislative Session. This legislation requires that "Beginning in the 2015-2016 school year each county board shall provide, as part of the health or physical education curriculum, instruction in cardiopulmonary resuscitation that includes hands-only cardiopulmonary resuscitation and the use of an automated external defibrillator and the use of an automated external defibrillator in every public school." The Board was informed that all Maryland school systems are currently reported to be in compliance with the 2014 law.

[Handout](#)

Math Program Update

The State Board received a briefing from Heather Lageman and Debby Ward, MSDE math staff members; the Worcester County Coordinator of Mathematics Instruction, Rosemary Heher; and Howard County Mathematics Instructional Facilitator, Jon Wray. The Board viewed a Kent County Elementary Instruction video of a math class supported by a written report and PowerPoint presentation. The panel presented on educational programs, projects and initiatives related to mathematics education in Maryland, and responded to questions by various State Board members. The presentation addressed the following questions: (1) Why it is important for all students to reach higher levels of mathematics achievement? (2) What is working and how do we know? (3) What efforts are in place to address challenges in mathematics education?

The presenters emphasized the challenge in mathematics education to change the perceptions about what it means to "do mathematics;" changing the public's perception about the role of mathematics in society; and achieving equity in mathematics education.

Board members engaged in lengthy discussion largely focusing on the issue of teacher training and the role of parent engagement.

[Handout](#)

Lead Higher Update

The State Board received an update on Maryland's selection as the second state to partner with the Lead Higher Initiative to close equity gaps for lower income students and students of color in its high schools' most rigorous courses. A written report and supporting PowerPoint showed Maryland's selection as the second state (following Illinois) to partner with the Lead Higher initiative to close equity gaps for lower income students and students of color in its high schools' most rigorous courses. Montgomery and Howard County school systems will be piloting the program at several identified schools in each jurisdiction.

Lead Higher, through Equal Opportunity Schools (EOS), invited states to compete for a statewide initiative to close access gaps and increase Advanced Placement (AP) and International Baccalaureate (IB) access. Through a competitive national process, Lead Higher chose Illinois as the first state; Maryland, as runner up, will be the second state to commit to closing its gaps by 2020.

The Lead Higher Initiative is a consortium created in April 2015, and includes EOS, College Board, International Baccalaureate, and lead philanthropic partner, the Jack Kent Cooke Foundation. It launched this statewide challenge at the White House's "Next Generation High School Summit" in November 2015. As a Lead Higher state, Maryland will partner with Equal Opportunity Schools to reflect student diversity in AP and IB courses while maintaining the quality of those programs.

[Handout](#)

Work Competencies Regulations

[COMAR 13A.04.10 Program in the World of Work Competencies](#)

(PERMISSION TO PUBLISH)

The State Board granted permission to publish proposed revisions to regulations that govern the Program of Instruction in the World of Work Competencies.

[Handout](#)

Repeal of Adult Education Regulations

[COMAR 13A.05.03 Programs of Adult Education](#) (REPEAL)

[COMAR 13A.05.08 Approved Paid Work-Based Learning Programs](#) (REPEAL)

The State Board approved the repeal of regulations under COMAR 13A.05.03 Programs of Adult Education.

The Programs of Adult Education regulations were in effect when the Programs were contained within the Maryland State Department of Education. The Programs, which provided training or retraining for the individual wishing to update and upgrade skills and technical knowledge in order to keep pace with the changing world of work, were transferred by law on July 1, 2008 to the Maryland Department of Labor, Licensing, and Regulation (DLLR), with an effective date of July 1, 2009.

DLLR has since promulgated current regulations for these programs. Regulations under COMAR 13A.05.03 are no longer needed.

The MSDE regulations for Programs of Adult Education are no longer needed because the state agency where these programs now reside, the Maryland Department of Labor, Licensing, and Regulation (DLLR), already has regulations in place.

[Handout](#) – Adult Education; [Handout](#) – Work Based Learning

Professional Learning Regulations

[COMAR 13A.07.11 Standards for Professional Learning](#)

(ADOPTION - HELD)

The State Board considered the staff request to grant final approval to adopt amendments to regulations that govern Standards for Professional Learning. However, this item was pulled back for further consideration at Dr. Salmon's request based upon questions posed by State Board members regarding the statement of purpose to "provide guidance for school systems."

In 2011, Maryland began a study to upgrade the Maryland Professional Development Standards. Input was solicited from the professional development coordinators and the assistant superintendents of instruction from the 24 state school systems. The resulting recommendation was to move to the practice of employing the Learning Forward (formerly NSDC) Professional Learning Standards in Maryland. A January 2016 survey conducted by the MSDE Division of Curriculum, Assessment, and Accountability to the central office staff in Maryland's 24 school systems revealed that 19 of the state's 24 systems are currently using the Learning Forward Standards for Professional Learning.

[Handout](#)

ESSA Accountability Plan Update

The State Board received an overview of the requirements for a new accountability system under ESSA and provide an update on the progress of the ESSA Accountability Workgroup.

Requirements for a statewide accountability system in ESSA cover, among other things, student groups, the minimum number of students within a group ("n" size), the establishment of long term and interim goals, indicators of the accountability system, requirements for the annual meaningful differentiation of schools, and identification of schools for support and improvement. The accountability system is still required to measure proficiency in mathematics and English/language arts (ELA), graduation rates for high schools, and an additional academic indicator or growth for elementary and middle schools. Changes in accountability include the requirement for an indicator of school quality or student success and an indicator for English Learner (EL) proficiency. Additionally, student group performance on every indicator must be measured.

Maryland enacted a new accountability system as part of the ESEA Flexibility Waiver in 2012. The current College and Career Readiness indicator and the measurements of growth are effective parts of the system. The ESSA Accountability Workgroup is planning to make adjustments to how Maryland measures equity and gaps as well as an effective way to include measurements for each student group while ensuring the new system aligns with ESSA. The planned date for submitting Maryland's state accountability plan to the U.S. Department of Education is March 6, 2017. The timeline leading up to this date will include regular updates to the State Board, local boards and superintendents associations and other groups. In addition, there will be outreach to a broad array

of stakeholders and the submission of the proposed state plan to the Governor and Legislative Policy Committee.

Board members engaged in lengthy discussion of the options available to Maryland to retain a statewide accountability system measuring proficiency, and to investigate strategies being adopted in other states, such as Ohio. Mary Gable, MSDE, and Dr. Salmon emphasized the plan to begin in August to work to develop a great plan for 2017-2018 school year.

[Handout](#)

Public Comment

The State Board heard several individuals offer public comments. Barbara Donnick, a member of Right to Read Maryland, spoke about recent tests showing low proficiency in reading of fourth graders. Lisa Vanbusker from Edgewater, MD and chapter leader for Start School Later, spoke in support of starting school times later. Michelle Johnson spoke to her concerns with the power vested in local boards relating to the local superintendent's contract, a concern arising in Queen Anne's county, and that she supports making the annual formal review of superintendent mandatory. Hope Messinger spoke to her support for improved educational programs and services for children with Dyslexia. Written testimony provided by speakers is provided at the following link. [Public Comments](#)

Commission on Assessments Update

The State Board received a briefing on the final report of the Commission on Assessments, presented by Heather Lageman and Dr. Henry Johnson, MSDE.

Maryland's House Bill 452 was signed into law on May 12, 2015 and became effective June 1, 2015. In 2015, the Maryland General Assembly established the Commission to Review Maryland's Use of Assessments and Testing in Public Schools to make recommendations on how local school systems and the State can improve the process in which local, state, and federally mandated assessments are administered and used to inform instruction.

The Board was informed of the following timeline for actions by the Commission, local boards, and the State Board in the coming months.

- On or before July 1, 2016, the Commission shall report its findings and recommendations to the State Board of Education, each county board of education, and the General Assembly.
- On or before September 1, 2016, each local board shall review and consider the Commission's findings and recommendations; and make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations to the State Board; and make comments and recommendations available to the public on request.
- On or before October 1, 2016, the State Board shall review and consider the Commission's findings and recommendations; make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations; and submit a compilation to the Governor and legislature.
- At the September 27, 2016 State Board meeting, the Board will be asked to review the summary of Local Boards' findings on the Commission's report and make recommendations in order to meet the October 1, 2016 deadline.

Board members asked several questions about the Commission's process; whether consensus had been reached; and the forthcoming review of the recommendations by each local school system.

[Handout](#); and [Link to the Assessments Commission Website](#)

Superintendent's Updates

[Assessment and Accountability Update](#) - Dr. Henry Johnson, MSDE, updated the Board on the robust statewide assessment program to be in place for the 2016-2017 school year. He noted that this summer

the focus is on the use of the data for teachers, educators and administrators with training in the fall and winter for those districts who ask MSDE. He thanked the Board for their support and stressed that he still believes the PARCC is an excellent assessment for our students, and to expect dramatic increases in test scores in response to teacher training.

Leadership Team - Dr. Salmon reported on good news regarding the potential loss of staff positions at the Department and the current status of losing 20 positions verses the 47 originally taken out of the state budget. She introduced the new leadership staff approved under the consent agenda:

- Dr. Sylvia Lawson - Deputy State Superintendent for School Effectiveness (from Charles County)
- Dr. Carroll Visintainer - State Superintendent, Curriculum Assessment and Accountability (from Talbot but retired)
- Gayle Secrist - Chief of Staff to the State Department of Schools (from Talbot County)
- Tiara Booker - Dwyer - Ombudsman, Chief of Staff Office of Communications (from Division of College and Career Readiness MSDE)
- Debbie Pulley - Juvenile Services
- Dr. Lynn Gilli - Acting Assistant State Superintendent

Recognition of Board Member Service

The Board recognized their fellow and outgoing members for their service. Board members James DeGraffenreidt, Larry Giammo and Linda Eberhart are concluding their terms on the Board. Ms. Eberhart, upon being presented with a gift for her services, noted that she would like to see live-streaming of the Board meetings. It was announced that this is already being investigated. Andy Smarick commended Mr. DeGraffenreidt for leading the board well during really tumultuous times; and Dr. Gates agreed that Mr. DeGraffenreidt was an incredible role model.

Opinions

The State Board issued legal opinions in the following cases:

- Elizabeth Galaida, et al. v. Carroll County Board of Education
- Don Garmer, et al. v. Carroll County Board of Education
- Erin Spies, et al. v. Carroll County Board of Education
- Harrison W., et al. v. Carroll County Board of Education
- Lori Wolf v. Carroll County Board of Education

In these cases, the State Board adopted the Proposed Ruling of the Administrative Law Judge (ALJ), with the exception of certain modifications within the separate decisions. The Board granted the local board's Motion for Summary Affirmance and upheld the Carroll County Board of Education's school closing decision. The State Board also dismissed several appellants' cases for lack of standing. In addition, the State Board cautioned the local board on using electronic media to discuss upcoming decisions, and recommended that they review their policy on this practice.