

August 23, 2016

[Meeting of the Maryland State Board of Education, Tuesday, August 23, 2016 Agenda](#) – PDF

MABE Attendees

MABE Treasurer, Ellen Flynn Giles (Howard) was present for the meeting representing MABE and was recognized at the beginning of the meeting by State Board President Andy Smarick.

ESSA Accountability Plan

State Superintendent Karen Salmon introduced Assistant Superintendent Mary Gable and Frederick County Superintendent Terry Alban to present an update and engage the State Board in discussion on the development of the State's Every Student Succeeds Act (ESSA) Accountability Plan. Board President Smarick opened the discussion by describing the State Board's ongoing process of engaging stakeholders to inform the Board's decisions on how to reform the State's accountability system.

Dr. Alban, representing the Public School Superintendent's Association of Maryland (PSSAM), which is represented on the State's ESSA stakeholder group by Baltimore County Superintendent Dallas Dance and Talbot County Superintendent Kelly Griffith, provided her association's perspectives and positions on a number of key issues. She noted that the pending federal regulations appear to try to take away some of the authority the law had given to states, including how to determine the N size (in Maryland, groups of 10 or more students by category), and how a state may determine the 95% participation rate on assessments. Dr. Alban emphasized that the timeline is not realistic, based on the availability of baseline student assessment results, the development of the new accountability system, including the adoption of high stakes cut scores. In addition, she pointed out the interesting mode effect differences in student performance relative to paper and online assessments, and that this and other issues should be studied further before assessments become high stakes.

Dr. Alban also spoke in support of using a customer service survey to show multiple factors such as strong parent engagement and support for improvements ongoing at a school which might otherwise be labeled based on a single score. Therefore, she recommended developing a dashboard approach to showing multiple measures of success, citing achievement, growth, and equity as three components all groups can embrace.

Dr. Alban noted that the new accountability system is likely to have to last a decade or more, based on the longevity of NCLB, and therefore requested that Maryland build in flexibility to allow for adjustments over time. She reiterated that she recognizes using multiple measures can be a heavy lift, but research institutions in the state could be of assistance in developing this system.

Mr. Smarick shared that he loves the idea of embedding a parent, student, and community survey of satisfaction with schools. Dr. Alban responded that many school systems do already conduct such surveys and would want to continue to do so, but she also shared that superintendents, especially in small systems with fewer resources, would appreciate the state having a survey available that is aligned with the tenets and principles of school success.

Mr. Smarick also asked about equity issues. Dr. Alban responded that issues such as access to AP, IB and other higher level courses should be considered as measures of equity and incorporated into the accountability system.

Board Vice President Gates stated that he wanted to push back on some of what Dr. Alban had said. He stressed that for him it is the students to whom we should be accountable, and described the rapidly changing world of self-driving trucks and other automated services impacting the workplace. He connected this to the need for IT instruction and also the need for online instruction and assessments rather than focusing on mode effect issues arising from paper and pencil tests. In addition, Dr. Gates noted his support for using a dashboard, but also that the Olympics points out that the real world cares whether you are first, second, or third place and that students need to understand that.

Superintendent Alban responded that she agrees that we must continue to make progress to prepare students, including utilizing technology. However, we know that we don't yet have the technology in our schools or the professional development and training needed to align instruction with online assessments. Dr. Alban also responded to the reference to the Olympics by asking whether we want to label the "silver medalist", the student who misses the measure college and career readiness by two points, and negatively impact that student's future in college and career.

Board member Madhu Sidhu shared her daughter's experience as a 99 percentile math student scoring 66 percent on an online exam when she had never prepared in that format. And yet, with only weeks of study, her daughter was back in the 90th percentile. Ms. Sidhu stressed her concerns regarding mode effect. Dr. Alban agreed and noted the risk of making that 66 percent score a high stakes test.

Board member Stephanie Iszard questioned why Dr. Alban stated that an accountability system which would apply letter grades to schools is flawed. Dr. Alban responded that a single letter grade does not do the community or ourselves a favor by narrowly defining a school by a single standard.

Board member Chester Finn discussed what other measures are worth including in an accountability system. For example, he criticized the merits of giving credit for providing students with access to AP courses but who do not pass the exam as actually benefitting the students. He shared that he has found no robust research to support that it does. Dr. Alban reiterated support for measuring access, GPA, and longitudinal data as to where students go after graduation. Mr. Finn asked for more information on the availability of longitudinal data. Chandra Haislet, MSDE, responded that such longitudinal data is available.

Dr. Mary Gable, MSDE Assistant Superintendent, opened her presentation by outlining the intent to review stakeholder input, topics included within the context of developing an accountability system, and approaches in other states.

Dr. Gable discussed the pros and cons of the March 6 and July 15 dates by which the State would submit its state accountability plan to the U.S. Department of Education. Board President Smarick asked about the rationales for selecting March 6 or July 15 as the deadline. Dr. Gable responded that July would provide more time, but result in starting a school year without an approved accountability plan. She shared the ongoing debate regarding the baseline student performance data as to whether, as the proposed regulations would require, the 2016-2017 data would inform the 2017-2018 school year, or to wait to use the 2018 data for the following school year.

Mr. Smarick asked about the roles of the Governor and Legislative Policy Committee. Dr. Gable responded that the Governor has 30 days to sign the plan before it is submitted (and that it can be submitted without his signature), and the Legislative Policy Committee's role as an opportunity review and ask questions but not approval authority. Dr. Salmon noted that she is meeting regularly with Adam Dubitski, Director of Policy in the Governor's office.

Dr. Gable described the ESSA stakeholder committee's work as including a Phase I, which involves the gathering and sharing of information, and a Phase II which is more fine-grained and involves developing specific items within the state plan informed by the input of stakeholders reacting to the department's proposals.

Board member Weeldryer shared that she feels the State Board itself is coming to the process late, in that 40 groups have had input but not the State Board. She suggested the state plan may be worthy of an entire daylong work session similar to yesterday's work session on testing issues. Board President Smarick shared that the Monday before next month's meeting is planned as an ESSA accountability plan work session. Board member Finn and others expressed their support for this work.

Assistant Superintendent Gable continued to review stakeholder input including common support for Maryland maintaining a low N size, and the use of multiple measures. She highlighted the support of

superintendents for the use of the graduation rate based on the four-year cohort, but also the five-year cohort as an alternative measure of school performance. She noted the support for a dashboard approach to using multiple measures, and Mr. Smarick asked for a more specific description of that recommendation, noting that 200 measures would make people's eyes glaze over, but selecting one would be viewed as overly bureaucratic. Dr. Alban also responded that PSSAM has yet to identify a specific list of preferred measures.

Dr. Finn suggested a two-tiered approach that would include one dashboard showing many measures, but an accountability dashboard that includes only 6. He noted that this is the direction California appears to be going. Ms. Weeldryer noted that Ohio has taken a similar approach.

Student board member David Edimo asked about the reasons for supporting a five-year cohort graduation rate. Dr. Gable responded that reflecting the fifth year provides for the students receiving special education services and English Language Learners, among others.

Ms. Gable continued to review stakeholder input in support of reflecting additional credit for advanced students, rather than focusing solely on proficiency. She introduced Chandra Haislet, MSDE's Director of Accountability and Data Systems, to present additional information. She reviewed the launch of Common Core and Maryland's College and Career Readiness Standards (MCCRS) which involved multiple years of data and a roll out over several school years. She pointed out that if you start with third graders in the first year of the MCCRS instruction and assessment integration, which was the 2014-2015 school year, the first year the accountability system would impact high school graduation would be the 2023-2024 school year. She observed that this timeline raises questions regarding the tolerance for waiting that long. She described the timeline in terms of moving from a 70% proficiency rate to 95% over a nine year period.

Board member Finn noted that we are actually at a 40% proficiency rate and that this clearly impacts the timeline to move to 95%. Dr. Gable agreed, and asked for the Board's input on the definition of proficiency, and the timeline for goals. She shared that there is broad consensus on using the 2014-2015 school year as the baseline, and questions about using PARCC scores of 4 or 5 to measure proficiency or a score between 3 and 4.

Mr. Finn observed that proficient should mean college and career ready and that the definition should reflect this level of preparedness. Dr. Alban shared that the superintendents' discussions with community colleges have revealed how anxious the colleges are about PARCC as a measure of college readiness. Mr. Smarick asked whether the community colleges' leering to PARCC is regarding the standards of 4 or 5, or the reliability of the test as an indicator. Dr. Alban responded that the lack of trend data is the major concern. Mr. Smarick asked if the community colleges prefer the SAT or ACT or other specific predictor of success. Dr. Alban responded that there is a certain level of confidence with these national exams, but that even these tests are subject to reforms and so it is a fluid process. She also shared that she objects to the use of a score of 4 on PARCC because it is such a big step. Board member Michelle Guyton noted that she sees a PARCC score of 4 or 5 as college ready, and that Maryland's approach should balance the interest in promoting Career and Technical Education (CTE) and the success of students who may not excel on PARCC.

Dr. Gable shared a visual of possible multiple measure, including growth. She noted literature in support of using the mean performance based on scale scores, and the weighting of scores based on an index as in Ohio. Another approach is to use the 1 to 5 scale, but to provide additional points based on other factors. Mr. Finn criticized the use of the mean as similar to the old norm-referenced system, and favored the index as being much more fine-grained. He also noted that the dashboard approach would allow for using both.

Ms. Gable proceeded to discuss non-academic indicators of school quality and student success. She shared that all data must be disaggregated by student group. She highlighted the role of Science and Government assessment results as possible academic indicators, utilized as measures of growth, or incorporated in nonacademic indicators. She then reviewed attendance, suspension rates, access to full curriculum, and other factors. She outlined other options for the Board to consider in adopting an accountability system including factors such as rates of dual enrollment for which we have good data.

Board President Smarick asked for Board member input. Dr. Gates and Finn voiced his strong support for including Science as an academic indicator. Board member Guyton supports the use of data reflecting teacher and student satisfaction with school climate not be overlooked as a factor. Mr. Finn, Ms. Sidhu,

and Mr. Edimo also support using Civics as an academic indicator. He also addressed the role of multiple nonacademic indicators such as school climate, and the challenge to disaggregate such measures. Board member Laurie Halverson shared her support for the use of multiple measures such as numbers of volunteers, levels of teacher preparation, and other quantifiable factors that impact school and student performance.

Board member Guffrie Smith requested more information on the role of surveys and evidence of what has been done in response to surveys that have been conducted. Ms. Sidhu referred to NASBE's study of the issue of student engagement as a resource for staff on this important indicator. Ms. Weeldryer spoke to the concern for avoiding focusing on the bubble students who are near certain thresholds between proficiency lines, and the need to adopt a system that incentivizes rewarding progress and growth within proficiency level.

Board member Jannette O'Neill-Gonzalez shared her support for measures of growth based on providing students and parents a clearer understanding of what is expected of students as they progress from grade to grade and to succeed in college and career. Ms. Gable responded that the five-year cohort helps to address this concern. Mr. Smarick stated his support for surveying parents and families to learn their perspectives on how their schools are doing and what is working. He also noted the current focus on the trees, but the need for clarity on the forest, which is the larger goal the State Board is establishing for students and schools as a statewide education system.

Ms. Gable responded by emphasizing her support for developing core values and beliefs and that this work has been developed by an internal group within MSDE and will be shared with the ESSA stakeholder group and State Board. Dr. Salmon informed the Board that this work and feedback would be part of the report to the State Board at its next meeting.

Other States

Assistant Superintendent Gable reviewed Ohio's accountability system which includes school and school district results and applies letter grades. She presented a detailed outline of Ohio's system and identified strengths in reflecting growth, but also noted the pulling out of the lowest performing special needs students. She demonstrated the merits of online access to data on performance indicators through a dashboard that provides key information. She highlighted the challenge of presenting data in a way that is useful to parents and policy makers, and that this is a strength of Ohio's system.

Board member Finn shared that he is a fan of Ohio's approach, and that they are highly ranked in the Fordham study being released next week. However, he stated that Ohio may be making a mistake of moving toward a single summative grade, and that it might be more communicative to report multiple letter grades which are not summative. Ms. Weeldryer voiced her support for Ohio's use of letter grades for multiple factors, recognizing that parents and others are interested in access to a broad set of factors but also appreciate the simplicity of grading separate baskets of performance indicators.

Ms. Gable then briefly reviewed Nebraska's and Massachusetts's approaches.

Board member Barbara Shreeve shared that she supports developing core beliefs, and also not getting hung up every detail of the plan being developed because while it must be strong, it will certainly be subject to change.

Handout: [Memo and Stakeholder Feedback Report](#)

Personnel Announcement

Dr. Salmon announced the hiring of Dr. Carol Williamson as Chief Academic Officer.

Testing Commission Update

Ms. Tiara Booker-Dwyer, MSDE Ombudsman, reported on the previous day's work session on the recommendations of the Commission to Review Maryland's Use of Assessments & Testing in Public Schools (Testing Commission). She reviewed specific recommendations and summarized the State Board's responses to accept, reject, or modify them.

The Testing Commission released a final report in July 2016 that describes recommendations to improve the process in which mandated assessments are administered and used to inform instruction. The State Board of Education was charged to 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 other stakeholders. On August 22, 2016 the State Board participated in a work session facilitated by Ms. Booker-Dwyer. She reviewed a [table](#) summarizing the discussion and outcomes from the work session.

Ms. Booker-Dwyer highlighted the clear consensus that assessments should not disrupt the entire school day, and that a fully developed timeline for PARCC data dissemination should be provided not only to educators but also parents and other stakeholder groups.

Board members Finn stressed the group's support for requesting legislation to extend the timeline for developing the Social Studies assessment by one year, and Mr. Smarick noted the desire for alignment between technology-based instruction and assessments.

Handout: [Testing Commission Work Session Report](#)

Board Member Updates

Board member Iszard shared an upcoming conference on human trafficking. Ms. Sidhu shared reflections on attending the recent Maryland PTA convention. Ms. Halverson shared her recent attendance at a Montgomery County event for homeless students and the importance of engaging parents.

Mr. Smarick focused on the calendar of upcoming meetings and work sessions, and whether to devote the entire Monday session in September to ESSA implementation. Ms. Weeldryver responded that she prefers focusing first on core beliefs followed by in-depth consideration of specific accountability system issues. Mr. Smarick indicated that the Monday meeting in September would be split between ESSA and the Testing Commission recommendations, and that a separate time for several hours on ESSA may be determined. Ms. Iszard spoke passionately in support of a retreat to allow all board members to have a say on priorities for moving forward on ESSA together on behalf of children. Mr. Smarick agreed to poll the board for availability in September in advance of the two dates already scheduled.

Board President Smarick referred to the formation of the Commission on Education Innovation and Excellence which will be chaired by Dr. Britt Kirwan, former President and Chancellor of the University of Maryland. He reviewed the timeline through the preliminary report due before the 2017 legislative session, and the final report due prior to the 2018 session. Board member Finn reiterated his concern that many of the issues before the commission are arguably within the purview of the State Board.

2017 State Board Calendar

The State Board adopted its 2017 meeting calendar with one modification, changing the September meeting dates from September 25, 2017 to September 18, 2017.

Public Comment

The State Board heard public comments from individuals on topics including: An individual raising concerns about social media practices and policies in local school systems that allow teachers and principals to post on Twitter and Facebook, and in support of policies which establish and opt-in policy and establish other controls for safety purposes. An individual raising concerns with the safety procedures for maintaining a safe distance from the antennas and signals transmitted to and from laptops, tablets, cell phones and other technologies being used regularly in schools. She requested State Board action to warn children of the risks associated with exposure to radiation from electronic devices. MSEA Vice-president Cheryl Bost highlighted the request that her organization's voice be heard on ESSA implementation, and appreciation for the Board's consideration of the testing commission recommendations. She spoke in favor of all boards establishing local assessment committees, but noted that Carroll and Kent have opted not to.

Capital Improvement Plan

The State Board approved MSDE's five year capital improvement plan (CIP) and FY 2018 annual capital budget request.

Regulations

[Recognition of Employee Organizations \(COMAR 13A.02.08\)](#)

Mary Gable, MSDE, reviewed several regulations identified through the 8-year cycle of reviewing and updating, or repealing, regulations. She described the regulation pertaining to recognition of employee organizations based on the transfer of this responsibility to the Public School Labor Relations Board (PSLRB) (COMAR 13A.02.08). Board member Sidhu asked if all of the forms would also be repealed, and Ms. Gable responded that this is the case. The repeal of these regulations was approved for publication in the Maryland Register and public comment.

[Driver Education Program \(COMAR 13A.04.03\)](#)

Similarly, Dr. Gable described the driver education regulations (COMAR 13A.04.03) as now governed by the Motor Vehicle Administration (MVA). Therefore, the MSDE regulations are recommended for approval to be repealed. The State Board also approved this recommendation.

[Seal of Biliteracy \(COMAR 13A.03.07\)](#)

Regulations governing the Seal of Biliteracy Program were proposed for approval for publication following a brief presentation from MSDE staff on the need for rigor in foreign language instruction. Board member Halverson spoke to her concerns about the desire to make this Seal accessible to students who take public school classes in foreign languages and that she understands that most students who do so only score at the intermediate or low level of proficiency and therefore would not be eligible for the Seal of Biliteracy. She stressed that parents and students will presume that taking five years of a foreign language will prepare students to pass the test required to obtaining the Seal of Biliteracy and this is not the case. Student board member David Edimo described his experience beginning in 7th grade and proceeding through Spanish 5. This course of study made him eligible to take the Spanish AP exam, which satisfies the intermediate/high proficiency standards in the proposed regulations.

MSDE staff responded that the department's proposal is intended to ensure that eligibility reflects biliteracy based on much more rigorous standards than seat time or scores at the low or intermediate level. Board member O'Neill-Gonzalez spoke in favor of the Program and her daughter's experience as a Spanish speaker who was challenged by the school's foreign language program. Ms. Padilla responded to questions regarding the American Council of the Teaching of Foreign Languages (ACTFL) levels of performance which include: novice, intermediate, advances, superior, and distinguished. The Board approved the recommended regulations for publication and public comment.

[Student Transportation \(COMAR 13A.06.07.01 - .10\)](#)

The State Board received a brief summary of proposed amendments to the regulations governing student transportation (COMAR 13A.06.07.01-.10). Board members Sidhu and Finn voiced opposition to the provision concerning the qualifications and disqualifications for serving as a school bus attendant. Board members and staff discussed concerns with the distinction between alcohol and drug offenses and the allowance of school bus drivers with records of alcohol violations being permitted to serve as an attendant. Elliott Schoen, MSDE's deputy counsel, reviewed the historic developments since 2006 regarding restrictions based on the prior use of controlled dangerous substances, alcohol and other factors. Dr. Gable noted that the local transportation supervisors developed these requested changes to the regulations and that some questions would be best answered by them. The Board agreed to defer action on these regulations, pending additional information.

Opinions

The State Board issued legal opinions in the following cases:

- Beverly Byrd v. Baltimore City Board of School Commissioners, affirming the local board's personnel decision.

- Danielle Green v. Baltimore City Board of School Commissioners, dismissing the appellant's request for arbitration and request to amend her appeal.
- Cash Williams v. Prince George's Board of Education, denying the appellants request for reconsideration of its May 2016 decision.