

October 25, 2016

[Agenda](#)

Board Member Dr. James Gates Resigns

Board President Andy Smarick opened the discussion of the agenda item by recognizing Board Vice President Dr. James Gates. Dr. Gates informed the Board that he had just sent out a letter to the Governor as well as the Presiding Officers giving his resignation from the State Board.

Dr. Gates reflected on his seven years of service on the State Board and his deep frustration regarding recent events surrounding the executive orders compelling his resignation. He shared that he has derived great pleasure in serving on the Board, and his belief that this is where the future of the State is being constructed. He emphasized that his service has been without compensation, and is done out of dedication to the future of this State.

He cited the "Flexner" Maryland Education Survey Commission Report issued in 1916 which provided a survey of current educational conditions in the state and made clear statements on the value of an independent State Board of Education. He commented on having received communications from the Governor's staff and that for him such actions were intolerable. He feels that his role on the Board is to advocate for children and he could not jeopardize those children. He concluded his remarks by expressing his hope that there is much discussion in the State on the protection of an independent State Board and local board authority.

Board members and Dr. Salmon each shared their respect and admiration for Dr. Gates, and many expressed their sadness in response to his decision. Ms. Iszard thanked Dr. Gates for his example, and the impact he made on her students when he visited her school. Ms. Sidhu stated that when she read the second Executive Order, she felt like someone had boxed her in the front and in the back. The feeling of being boxed in puts her "almost where" Dr. Gates is at this point. She described the State Board as diminished as a body following the executive orders, and in the wake of losing Dr. Gates as a member.

Dr. Gates' [letter of resignation](#) has been posted by the Baltimore Sun.

State Board Resolution

Following Dr. Gates' announcement regarding his resignation, the State Board proceeded to discuss and adopt a resolution on the issues surrounding the Board's role in developing school calendar waiver regulations and regarding education policy generally. Board member Laura Weeldreyer described the intention to pull together points on which there is consensus among board members to make a statement and proceed accordingly based on the authority the Board does have.

The Board approved the statement that under constitutional, statutory and judicial precedent, it is invested with “the last word on any matter concerning educational policy or the administration of the system of public education.” The Board agreed to direct staff to proceed expeditiously to develop regulations including the waiver criteria for the 2017-1018 school year that faithfully execute the provisions of the second Executive Order. In addition they staff agreed to direct staff to prepare a report on the statute regarding innovative school schedules. Board President Smarick referred to pivoting off the executive order’s reference to this section of the Education Article to address the much larger issues surrounding the school calendar. Board member Barbara Shreeve shared her concerns with the impact of the calendar restrictions on dual enrollment programs offered in conjunction with colleges offering classes either in public schools or on college campuses. Board member Gates shared that his letter of resignation addresses this concern regarding the negative impact on students most at risk for academic failure and those accelerated achievers who are dually enrolled.

[Executive Orders issued on August 31 and October 11](#)

Oral Argument

The State Board heard oral arguments in the case *Ruth Johnson v. Prince George’s County Board of Education*.

The Every Student Succeeds Act (ESSA) Accountability Plan

[MABE Statement & Materials](#)

The State Board provided the opportunity for representatives from the Maryland Association of Boards of Education (MABE) to present the association’s perspectives on the Every Student Succeeds Act (ESSA) and the development of Maryland ESSA Accountability Plan. Board President Andy Smarick welcomed MABE’s representatives, and noted that the State Board had afforded the same opportunity to other major stakeholders including the Public School Superintendents Association of Maryland (PSSAM) and the Maryland State Education Association (MSEA).

MABE’s President-elect Joy Schaefer, who chairs MABE’s Committee on ESSA and is a Frederick County board member, presented MABE’s statement. She was joined by Ellen Flynn Giles, MABE’s representative on the MSDE ESSA Stakeholder Committee, and a Howard County board member, who participated in the morning’s dialogue with the State Board.

Ms. Schaefer opened her remarks by thanking the State Board for the opportunity and thanked Dr. Gable for meeting recently with MABE’s Committee on ESSA. She directed the State Board’s attention to MABE’s Core Values and the shared values and vision that guide the work of the MABE, the State Board, and local boards across the state in building collaborative relationships to support our collective efforts to create and maintain excellent public schools for all of Maryland’s children. She stressed that the State Board and local boards share and are accountable to the same stakeholders; and that this accountability demands clarity in terms of defining expectations for all students to graduate college and career ready.

Ms. Schaefer noted that major education reform initiatives have been undertaken through the collaboration of the State Board and the twenty-four local boards of education. She shared that MABE believes that it is time to renew our commitment to collaboration based on our shared core values and complimentary governance roles

and responsibilities. She encouraged the State Board to consider that ESSA provides Maryland with a welcomed and long overdue opportunity to re-envision our approaches to establishing, communicating, and administering our local and state student performance accountability systems.

MABE has identified opportunities as including:

- Continued alignment with Maryland’s College and Career Readiness Standards;
- Optimal flexibility for local school systems and local boards to pursue excellence in accordance with these standards;
- State support for innovative local approaches to teaching and learning;
- The ability to consider the “whole child” in the context of a balanced and well-rounded set of state standards and local curriculum;
- Focus on equity of opportunity for all students;
- Setting high expectations early for all students;
- A more comprehensive consideration of teacher quality and effectiveness; and
- An accountability system which clearly communicates performance standards, both in terms of meeting standards and also progress of schools and students toward meeting standards.

In addition, Ms. Schaefer reminded that State Board that just as they must adopt a state accountability plan, each local board must adopt its own local plan. A local school system’s plan must be “developed with timely and meaningful consultation with teachers, principals, other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), administrators ..., other appropriate school personnel, and with parents of children in schools served under this part.”

In light of these shared roles and responsibilities, she concluded that MABE and the boards we represent want to be continuous thought partners in a collaborative process to ensure the successful implementation of ESSA and a high quality education for all Maryland students. And that MABE is committed to the collective goal that every student has the opportunity to graduate from high school as college, career, and civic ready with the skills needed to meet the challenges of a rapidly changing world. She thanked the State Board for its leadership and vision in engaging MABE and all local boards in the process of transforming Maryland’s state accountability plan and statewide accountability system.

Board member Dr. Chester Finn asked for MABE’s position on accountability measures for schools already above state standards. Ms. Schaefer responded that local boards know that all students can grow and schools can continue to make progress based. She noted that PARCC provides opportunities to show improvement on items within subject areas. Ms. Giles also noted that high performing students can be offered access to other programs and the use of other assessments to set expectations that all students make progress.

Board member Dr. Michelle Guyton asked about the reference to the “whole child” and MABE’s position on the role of school culture and climate. Ms. Schaefer responded that MABE is open the discussion of academic and non-academic indicators which should be taken in account in measuring school performance. She also

highlighted the need to consider career technology education (CTE) certifications, internships, and other student experiences as valuable indicators of student success.

Board President Andy Smarick asked about MABE's position on the respective state and local roles in responding with interventions to the lowest performing schools, and on what timeline. Ms. Schaefer responded that school systems are already relying on proven methods of intervention and that these successful strategies should be available as a basket of options for school systems to choose from, and not specifically mandated. Similarly, she urged support for an approach that provided resources to school systems which are already working mightily to turn around low performing schools and address achievement gaps, rather than imposing punitive measures.

Student board member David Edimo asked Ms. Schaefer what she would consider to be a punitive measure. She responded that MABE and local boards are very concerned with the negative, stigmatizing consequences of labeling a school a "failing school", as opposed to providing the resources and tools needed to be successful. Board member Laura Weeldreyer sought clarification on the distinction between the label and need for resources, and the need for transparency for parents to facilitate informed school choice. Ms. Schaefer emphasized the need for resources to ensure that schools addressing performance issues should receive supports so that they can improve and remain in place as the public school resource for that community.

MSDE Presentation on ESSA

[MSDE Presentation](#)

Following MABE's remarks and responses to questions from the State Board, Assistant Superintendent Dr. Mary Gable presented an update on the work of MSDE's Internal ESSA Committee, and requested the State Board's guidance on specific elements of the ESSA Accountability Plan, in the area of Accountability, Support, and Improvement for Schools." She outlined her objective to discuss the following topics of accountability: two Achievement Indicator Measures, including the approaches of using Proficiency Goals and an Index; and two Progress or Growth Indicator Measures, including the Value approach and Student Growth Percentile (SGP) approach. Specifically, she requested the State Board's guidance on the determination of proficiency levels, long-term goals and the timeline.

Dr. Gable shared that student achievement measurers are described in three ways:

1. Status: A measure that compares student achievement to a target (long term and interim goals).
2. Improvement: A measure that compares student achievement across time using different groups of students (e.g., 3rd grade math achievement in 2015 vs. 2016)
3. Growth: A measure that compares student achievement across time using the same students (e.g., 3rd grade math achievement in 2015 vs. the same students' 4th grade math achievement in 2016)

She described the optional approaches to determining long term goals under Option A (Annual Measurable Objective); or Option B (state determined target over time, e.g. a long-term goal of 90% proficiency). Option A would involve adopting long term and interim goals toward cutting in half the proficiency gap to target over time (AMO). She and the board engaged in a lengthy discussion focusing on the strengths and weaknesses of using Option A or B; the use of the 16 year timeline; and the table displaying student academic growth over time

across the 5 proficiency levels on the PARCC exams. MABE's representatives, Joy Schaefer and Ellen Flynn Giles, were also asked to respond to questions throughout the discussion.

Board President Smarick asked Ms. Schaefer to share her thoughts on the academic standards discussion. She responded that local boards would apply the standards adopted by the State Board in order to determine where improvements and corresponding resources were needed. Mr. Smarick shared that what haunts him is the responsibility of the State Board to set these standards given the impact they will have on local school systems.

Teacher Induction, Retention, and Advancement Act of 2016 Workgroup Update

The State Board was provided with an update by Assistant State Superintendent Sarah Spross on the interim recommendations of the Teacher Induction, Retention, and Advancement Act of 2016 Workgroup. She outlined the workgroup's interim recommendations:

Recruitment

- Expand Quality Teacher Stipends
- Explore different options for the basic skills assessment for the Conditional Certificate
- Add an adjunct certificate to the continuum of professional certifications in Maryland
- Determine if National Board Certification cash be used as a route to professional certification
- Link loan forgiveness to high needs schools with a service component
- Expand Teacher Academies

Preparation

- Explore the alignment between districts and the methodology of classroom discipline
- Determine whether alternative preparation programs should be held to the same standards as traditional preparation programs
- Revise the Instructional Performance Criteria (IPC)
- Assure that national specialized professional area standards are sufficient for Maryland

Induction

- Abandon the notion of incorporating induction best practices into professional eligibility certificates
- Establish minimum requirements for a mentor teacher in the LSS
- Explore the possibility of using a performance assessment to determine if an individual is ready to enter the teaching profession
- Determine the feasibility of transferring the Growth Plan used by some IHE's to the LSS mentor

Retention

- Consider a "Career Lattice" that reflects a teachers expertise in both rural and urban settings
- Review mentoring models for beginning teachers that are differentiated from the mentoring offered to second and third year teachers
- Review independent assessments on the benefits and limitations of National Board Certification
- Establish a link between the IHEs and MSDE in regards to issuing a certificate

- Survey teachers regarding desirable incentives to increase retention in and commitment to challenging settings

Education Article 11-208

- Create two pathways for IHEs to receive approval of programs that would certify a graduate to teach: (1) national accreditation; or (2) MSDE approval
- Alter the definition of "national accreditation" to mean an accreditation agency recognized by both MSDE and MHEC
- State explicitly that the pathway for approval is determined by the IHE
- Require MSDE and MHEC to consider national professional standards that are comparable to the standards used by MSDE when determining whether to recognize an accrediting agency

[Handout](#)

Teacher Staffing Report, 2016-2018

The State Board approve four recommendations for the identification of teacher shortage areas in Maryland:

1. Identified teaching content areas of shortage (music, theater, early childhood, elementary education and all areas of foreign language;
2. Geographic areas of shortage (all 24 Maryland jurisdictions of projected shortage of certified teachers in computer science, technology education, ESOL, mathematics, chemistry, earth/space science, physical science, physics, and all special education areas. This may include shortages in any content area, in the ability to recruit minority teachers, or unlisted and specialized areas of teaching such as nanotechnology, diesel mechanics, etc.).
3. Gender and diversity shortage areas (MSDE declares a shortage of teachers who are males and teachers who are members of minority groups); and
4. Certain non-classroom professional categories deemed critical shortage areas (MSDE declares a shortage of the non-classroom professional positions of library/media specialist, school psychologist, and speech/language pathologist.

[Handout](#)

Elementary and Secondary Principals of the Year

Scott Pfeifer, executive director of the Maryland Association of Secondary School Principals (MASSP) introduced this year's honorees as Principals of the Year. The Principals offered compelling remarks

The State Board recognized the following individuals to represent Maryland as the 2016 National Distinguished Principal and Assistant Principal of the Year at the elementary level.

- Mrs. Kristin Shields, who was principal of Mt. Hope/Nanjemoy Elementary School in Charles County, and is currently the Director of Title I Programs in Charles County; and
- Mr. Justin McConnaughey, who was the Assistant Principal at Spring Ridge Elementary School in Frederick County, and is currently the Principal at Brunswick Elementary School in Frederick County.

The State Board recognized the following individuals selected by the Maryland Association of Secondary School Principals (MASSP) at the middle and high school level:

- Ms. Lisa Hastings, Principal of Bennett Middle School in Wicomico County; and
- Dr. Annette Wallace, Principal of Pocomoke High School in Worcester County.

[Handout](#)

Local Financial Reporting Requirement

The State Board was briefed on the status of audit reports of local school systems and granted the staff request to authorize the State Superintendent to withhold funds from local school systems that are not in compliance with the provisions of 5-114 of the Education Article. It was reported that MSDE has already received 22 of the 24 school system audits and anticipates receiving the other 2 in advance of the deadline.

[Handout](#)

Kindergarten Readiness Assessment (KRA) Regulations

The State Board granted final approval for regulations governing the Kindergarten Readiness Assessment (KRA) under COMAR 13A.08.01.02-3 as emergency regulations. The regulations establish newly defined terms regarding the KRA; policies for administering a representative sample assessment; policies for administering census administration; and the deadline for publication of the assessment results. [Regulations](#)

Student Transportation Regulations

Following a brief discussion and clarification of issues and concerns raised at the previous meeting, the State Board granted approval for the publication in the Maryland Register of proposed regulations governing the Student Transportation, including the qualifications disqualifications of bus drivers and attendants, under COMAR 13A.06.07. [Regulations](#)

Education that is Multicultural Regulations

Following a lengthy discussion, the State Board granted approval for the publication in the Maryland Register of proposed regulations governing Education that is Multicultural under COMAR 13A.04.05. [Regulations](#)

Board member Laurie Halverson expressed her concerns with the definition of “diversity” and suggested that political affiliation should be added. She also suggested that the regulations could be amended to include a reference to patriotism or civic responsibility. In addition, she proposed removing “linguistically” from the objective to promote a school climate which is “racially, culturally, and linguistically diverse.”

Board members Guffrie Smith and Stephanie Iszard responded by raising their concerns with any delay in publishing the proposed regulations, and the need to be consistent on the issues of equity and opportunities for all students. Ms. Guyton clarified that she is not opposed to the Education that is Multicultural regulations overall,

but has concerns that warrant further discussion before the regulations are published. Mr. Smith assured the Board that these regulations would generate considerable response and pushback once published, and that the Board would consider that input prior to final approval. Similarly, MSDE staff and Dr. Salmon reassured the Board that the regulations had been in development for two year, including the engagement of all 24 school systems, consultants, and other groups.

Graduation Requirements Regulations

After lengthy discussion both on the regulation approval process and the content of the graduation requirements, the State Board granted final approval for regulations governing Maryland's high school graduation requirements under COMAR 13A.03.02.

The amended regulations establish the passing scores for the Partnership for the Assessment of Readiness for College and Careers (PARCC) assessments in Algebra I and English 10 as a graduation requirement, with planned incremental increases to the passing scores in future school years. The regulations establish the cut scores on the two PARCC assessments at the point level equivalent with a 3 out of 5. This level increases incrementally over a three year period. In addition, the graduation requirement to pass the HSA in Biology would be suspended for the 2016-2017 school year.

Board members Michele Guyton, Madhu Sidhu, Laurie Halverson, and Stephanie Iszard voiced concerns regarding the proposed cut scores and the potential for negatively impacting outcomes for students based on the PARCC results to date. Board President Smarick stressed that it is incumbent on the State Board to push local school systems to improve on those results and that the proposed set of standards is the appropriate way to proceed. State Superintendent Dr. Karen Salmon emphasized that the provisions of the these regulations including the cut scores will be subject to the State board's annual review, with the clear opportunity to modify prior to the next school year if necessary. [Regulations](#)

School Administrator Regulations

The State Board approved the publication in the Maryland Register of proposed regulations under COMAR 13A.12.04.04B(3)(a) to align the regulatory language governing the certification of assistant principals and supervisors of instruction with the current Professional Standards for Educational Leaders (PSEL). PSEL would replace the Maryland instructional leadership framework. MSDE staff highlighted that PSEL is well-received through Maryland's local school systems and that these regulations were approved by the Professional Standards and Teacher Education Board (PSTEB) in May, 2016. [Regulations](#)

Automated External Defibrillator Program Regulations

The State Board approved the publication in the Maryland Register of proposed regulations under COMAR 13A.05.10 governing the Automated External Defibrillator Program in High Schools. The proposed amendments expand the requirements of the Automated External Defibrillator (AED) Program to be implemented by each local school system in each high school and middle school in the county. This change defines an "authorized

site” as a public high school or middle school and meets the requirements of the Emergency Medical Services Board. [Regulations](#)

Cosmetology and Barber Regulations

The State Board granted approval for the publication in the Maryland Register of proposed regulations governing the Program in Cosmetology under COMAR 13A.04.19 ([Regulations](#)); and the Program for Barbers under COMAR 13A.04.20 ([Regulations](#)).

Public Comment

The State Board heard public comments from two individuals regarding limiting student access to social media in schools; and limiting student use of cell phones in a manner that poses a health risk due to radiation.

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PARCC Update

Dr. Salmon indicated that the PARCC update was included in the Board's materials and that in light of the late hour she would be available to for questions and discussion at a future time.

[Handout](#)