

August 22, 2017

Agenda

Every Student Succeeds Act (ESSA) State Plan Discussion and Decisions

Dr. Salmon introduced the topic of reviewing and putting the finishing touches on the State Board's adoption of the accountability plan required by the Every Student Succeeds Act (ESSA), informing the board that following presentations from staff the ESSA plan would be open for Board discussion and decisions on recommendations.

Dr. Mary Gable, Assistant State Superintendent, and Dr. Dara Shaw, Director of Research, then presented an overview of the department's activities including the posting of the draft plan, plan overview, and survey. Dr. Gable noted the overview was translated into Spanish, and summarized the analysis of the nearly 40 letters and 450 survey responses. She outlined the areas of input, including the proposed 5-Star summative rating, definition of chronic absenteeism, selection of indicators for comprehensive and targeted intervention schools, the climate survey, and other items.

Dr. Shaw presented on the feedback on the State Plan, and the department's recommendations, for the Board's consideration. The Board and staff worked from a newly revised version of the state plan, dated September 18, with proposed changes and State Board action items indicated throughout. Board member Justin Hartings requested that the presenters clarify issues relative to the law, since several of the comments focused on whether the plan is aligned with the relevant state and/or federal law.

Link to Materials: [Public Comment Summary/Analysis & Decision Slides \(p. 63-76\)](#)

Decisions

- Summative Rating System: 5-stars system depicting percentile ranking and the use of directional arrows to depict the performance metrics (criteria to be determined for number of stars)
- Chronic Absenteeism: Use of federal definition (10%)
- Credit for completion of: Include the Seal of Biliteracy
- Access to a well-rounded curriculum: MSDE to study
- Selection of Comprehensive (CSI) and Targeted (TSI) Schools: Use both sets of academic and nonacademic indicators (as required by the state Protect Our Schools Act)
- Growth Measures: Use student growth percentile (SGP), but also begin to study the use of the growth-to-standard measure.
- School Climate Survey: MSDE working with Mathematica and Regional Educational Lab to develop state-administered set of questions.
- Graduation Rate: Use 5-year adjusted cohort (not 5-year plus still enrolled)
- Other Academic Indicators at High School Level: Use readiness for postsecondary success as required by the Protect Our Schools Act (although may be impermissible under ESSA)
- The State Board voted unanimously in favor of approving the revised State ESSA Plan.

Discussion

Dr. Shaw described the criticism of the State Board's proposed 5-star rating system, and MSDE's recommendation to accommodate these concerns with the use of 6 levels, with the lowest tier reserved to schools identified for comprehensive support. Board President Smarick stressed that the law only prohibits an A through F system, not a 5-star system. Mr. Smarick also spoke in favor of further describing the basis for each tier of the rating given. Dr. Shaw emphasized that the summative score must be calculated and reported on a percentile score. She raised the concern that if the board adopts a rating system that uses other criteria, then one 75th percentile school could receive a different rating than another 75th percentile school, if other criteria are allowed to affect the final rating. Board members Steiner and Smarick asked whether such a system is permitted under the law, and Board counsel Liz Kameen responded that using additional standards as a basis for the percentile score would likely not comply with the state law, the Protect Our Schools Act.

Board members discussed the merits of using a more nuanced description of factors, primarily performance and growth. Board member Steiner distinguished between recognizing a 40th percentile school for making growth, but not labeling it a commendable school because that defies common sense. Board member Guyton voiced support for parents understanding school performance and growth via a clear rating system. Dr. Shaw offered that descriptors of performance and growth could be reflected in a rating system that remains based solely on performance, such that one school would be a 4-star school with high performance and high growth, and another with high performance and low growth. The board and staff also discussed the interplay of the rating system and the additive value of a dashboard which could provide much more information on a broad array of factors and indicators.

Board member Steiner outlined his strong concern that it is extremely easy for a school to be ranked higher than another school based solely on the enrollment of English Learners (EL) which account for 10 percent of the accountability system. His concern is that for many schools without significant numbers of EL students, only the remaining 55 percent of the rating system is based on academic indicators and that the combined academic and nonacademic indicators will determine those schools' scores.

Board members next discussed at length the concern that the State law, the Protect Our Schools Act, is not aligned or in compliance with ESSA, and questioned the forthcoming U.S. Department of Education's response to the State's plan.

Board President Smarick outlined his support for conceding the point to move away from the 5-star rating system, and the other decision points including the actual categories to be used, and differentiation within the categories. Dr. Salmon spoke to her support for a dashboard to complement the summative rating system, and the need for a balance of more information for parents, and the need to always be clear and concise in providing information. New board member Dr. Irene Zoppi Rodriguez spoke in favor of using dashboards when done well.

Dr. Shaw offered the use of mini-dash boards customized for each school to accompany the summative score and the desire to honor each of the other indicators, such as EL proficiency, high school graduation rate, among others. She distinguished between the discussion and intention to develop a more robust evaluation and reporting system, and ESSA's narrower requirement to show a summative rating system, and the state law's requirement that it be on a percentile basis.

Dr. Steiner stated that he would not support the proposed ESSA plan, and push it back to the legislature, because a powerful case can be made that the state law does not permit the State Board to do what is right for children, in terms of identifying and supporting the students who are most in need of the investment of valuable federal resources. Board member Iszard responded that she disagreed it would be wise to defer decision-making on the plan. Dr. Steiner clarified he had meant that he would oppose amending the plan.

Board President Smarick made a motion to agree with the Attorney General's advice to use all of the categories included in the Protect Our Schools Act, and incorporate all data called for under the law as available.

Dr. Gable described that only the lowest 5 percent of Title I schools and of all high schools with graduation rates below 67 percent will be comprehensive support schools receiving significant federal dollars and MSDE oversight. She described the local responsibility to address targeted support schools, including the 20-some lowest performing Title I schools, and the larger group of 70-some schools in the lowest 5 percent statewide. She stressed that school systems will always concentrate on far more schools than these, because of the recognized needs of many lower-performing schools, in addition to the lowest-performing schools, for additional local interventions and supports to benefit students.

Student board member Kyle Smith requested clarification on the motion to reverse the proposed plan's provision to base the identification of comprehensive and targeted support schools on all of the indicators included in the Protect Our Schools Act. President Smarick confirmed this, and the import of the motion in light of the Board's work to develop a very different plan. Board members Steiner and Finn stated they would oppose the motion. Board members Iszard and Guyton spoke in favor of the motion in light of the mootness of resisting the legislature's and Attorney General's input and advice. The final vote was 7 in favor, 2 opposed, and 1 abstention (the board currently has 2 vacancies).

Following the vote, the board briefly discussed the PARCC data, the subject of the afternoon portion of the meeting, and the State Board's responsibility to set goals and hold school systems accountable for student performance.

President Smarick returned to the discussion to the ESSA plan and the number of categories, the prohibition on a letter grade system, but no limitation on the type or quantity of categories. Board members discussed the merits of using a 5 or 6 star system. President Smarick spoke in favor of 5-stars as providing clarity for parents and empowering them to apply pressure to their local school system. Board member Steiner supported the use of arrows, and the position of arrows up, down and flat, for further description of factors such as growth. Board member Iszard spoke as an educator in support of the 6-star system.

Staff clarified that most input strongly opposed the use of a 5-star system. President Smarick and new board member Dr. Zoppi Rodriguez discussed the use of stars or arrows with the additional benefit of descriptors of growth and other factors to provide clarity for parents. However, board member Steiner reiterated that all a star system can depict, under the state law, is a percentile ranking based largely on nonacademic factors that have little to do with the school's academic outcomes for students. President Smarick proposed that the board could determine that to receive 5 stars a school must have 60 percent proficiency, and more broadly set the cut points for each star. Board counsel and Dr. Steiner countered that the state law makes that proposal impossible to execute given the many other factors that will determine the overall percentile score, which will be the basis of the summative score reflected by the stars.

The Board adopted the 5-stars system depicting percentile ranking and directional arrows depicting the performance metrics, with one member opposing in favor of a 6-star system.

Next, the Board addressed and approved the staff recommendation to align the definition of chronic absenteeism with the federal definition (10 percent) and reporting standards, emphasizing the inclusion of legally absent in the calculation, and exclusion of medically fragile students receiving instruction.

Next, the Board discussed and approved amending the section of the plan on “credit for” and “access to” a well-rounded curriculum to include the Seal of Biliteracy as a “credit for” high school indicator, and to study the inclusion on of additional “access to” metrics. Board member Hartings confirmed that CTE certification had been included, and Board member Li asked about financial literacy. Staff confirmed that CTE has been added, but that financial literacy is embedded within the curriculum and not mandated as a stand-alone course requirement.

Dr. Gable next addressed the selection of indicators for the determination of CSI and TSI status, beginning with the use of “participation” (referring to no less than 95 percent of students participating in the state assessments) as an indicator in identifying TSI status. Stakeholder feedback and staff recommended not only removing the 95 percent participation rate from the TSI system but also as an accountability factor in assigning summative ratings. The board discussed the distinction between the percentage of students required to have a reported score under ESSA, which is 95 percent, and the pending proposal to use a 95 percent participation rate as a separate accountability measure for identifying TSI schools.

Next, the Board discussed the staff proposal to reflect “growth-to-standard” in the growth measure, but only if doing so would “do no material damage.” This language and issue was discussed as arising at a prior meeting, and was intended to reflect the concern that the double reporting of proficiency and growth-to-standard could negatively impact underperforming schools. The Board agreed to remove the reference to doing “material damage” and to reflect the intent to measure and report on student growth to standards.

Staff proceeded to address the administration of school climate surveys at the state and local levels, and clarified that the state questions would be uniform but may be embedded within local surveys. The survey questions are being developed in collaboration with the Regional Educational Laboratory and Mathematica. Board members discussed the desire for uniformity and the distinction between teachers and administrators. Other issues discussed included the weighting of the categories of survey responses from the groups of responders, including teachers, administrators, parents, and students.

The feedback on the plan also requested that the accountability system reflect the comparison of similar schools. Staff opposed this suggestion in favor of reflecting comparisons through dashboards, as was done under the previous accountability system, but that ESSA requires a uniform accountability system. Board member Hartings spoke in favor of the dashboard making these comparisons available based on his experience in using it as a board member and the value it adds to the collaboration of staff at similarly situated schools.

On graduation, staff recommended dropping the inclusion of the five-year-plus-still-enrolled cohort, and defer to the federal definition of the five-year cohort. Dr. Shaw noted that U.S. Department of Education feedback would allow using the proposed standard but only if included as an academic accountability measure, and Maryland is prevented from doing so under the Protect Our Schools Act.

Regarding “other academic indicators”, Dr. Gable highlighted a conflict between ESSA and Maryland’s state law, and that using other academic indicators, is not permissible under ESSA at the high school

level. This federal limitation impacts how the state plan describes the use of other academic measures and readiness for post-secondary success.

Lastly, the plan as initially proposed included a consultation section that is no longer included in the revised federal template. Staff emphasized that stakeholder consultation is reflected in an appendix and that MSDE and the State Board would continue to engage stakeholders throughout implementation of the state plan.

Board members Smith and Li discussed their interest in responding to feedback supporting the identification of gifted and talented students as a separate category of students for reporting requirements. Board President Smarick agreed, and highlighted the benefit of doing so for many low-income students who should be identified for additional services. Board member Iszard stressed her support for early education supports for students to develop into scholars, and Dr. Salmon agreed, sharing that she intended to focus on early education in the coming year. Board member Zoppi Rodriguez spoke to the interrelation of educating gifted and talented students and providing access to CTE programs.

The board then engaged in extended discussion of prekindergarten and grade 1 through 3 student assessments at the state and local levels. Dr. Williamson shared that the master plans are a vehicle used for local reporting and accountability for student performance in grades K-2. President Smarick noted the role of state law in limiting the statewide administration of the kindergarten readiness assessment (KRA) and early learning assessment (ELA), and the law limiting the amount of student testing by grade level. Board member Steiner shared his serious concerns with the false positive results reported in the last administration of the KRA and enormous gaps between those results and the proficiency levels of third graders.

Following the mid-day break for lunch and executive session, the Board returned to the topic of the state ESSA plan. Board member Finn offered two amendments relating to gifted and talented education programs and assessing prekindergarten readiness and growth of performance to third grade. The board approved these amendments.

Student member Smith asked about the comments received which criticized the same goals being set for all students, regardless of equity. Dr. Shaw responded that ESSA requires a uniform system of statewide assessment and accountability. However, she further clarified that while the same mathematical function will be applied to all groups of students, the application of this methodology to different groups of students will reflect their different starting points, and still comply with ESSA.

Student member Li reiterated her concern with how ambitious the student performance goals are within the plan, and whether more ambitious goals shouldn't be set for students who are further behind. Dr. Gable responded that ESSA requires the setting of uniform targets and that the U.S. Department of Education would not accept two sets of targets. President Smarick responded that while he recognizes how ambitious it actually is to reduce achievement gaps by half, he has concerns that it is not ambitious enough in terms of actually closing the gaps.

Dr. Gable described the process and timeline for securing the Governor's signature on the State Board's final ESSA plan prior to submitting it to the U.S. Department of Education by September 18.

The State Board voted unanimously in favor of approving the revised State ESSA Plan.

Following the meeting, MSDE will post on the department's [ESSA webpage](#) the revised State ESSA Plan reflecting the State Board's decisions.

Board Calendar Note

Board President Smarick asked members to plan to meet on September 7, not to further discuss the ESSA plan as previously planned, but instead to meet at noon to discuss State Board and departmental relations.

State Board Meeting Calendar for 2018

The State Board adopted its meeting calendar for 2018.

[2018 Meeting Calendar](#)

PARCC Results

[MSDE Presentation](#)

Dr. Carol Williamson, joined by Dr. Dara Shaw and Chandra Haislet, presented the statewide results on the 2016-2017 PARCC assessments for English Language Arts and Mathematics in grades 3 through 8, and the high school assessment results for Algebra I and II, Geometry, and English 9, 10 and 11. Dr. Williamson reviewed the results for English Language Art for grades 3-8 disaggregated by student groups including Special Education, English Language Learners, and students eligible for Free and Reduced Price Meals.

Regarding English Language Arts results for students in grades 3-8: 6.9 percent of students with disabilities, 3.6 percent of EL students, and 21.7 percent of FRPM students scored proficient. In addition, 55 percent of white students, 25.8 percent of Hispanic students, and 24.7 percent of African American students scored proficient.

For English 10: 9.7 percent of students with disabilities, 2.7 percent of EL students, and 27.6 percent of FRPM students scored proficient. In addition, 67.5 percent of white students, 34.3 percent of Hispanic students, and 29 percent of African American students scored proficient.

The board engaged in a lengthy discussion of the depiction of student group outcomes for students assessed in 2017 and students who have exited the student groups in the previous 2 school years. Board members criticized the addition of the performance in prior years to the same columns showing the low percentages of students proficient in English Language Arts in 2016-2017. Dr. Salmon decided to have the presentation proceed with only the raw data, to avoid the confusion caused by the transitional data for prior years. Staff emphasized that overall student performance improved across the board, for all categories of students. At the same time, English Language Arts 10 results show persistent low performance among students with disabilities and English Language Learners. Results for English Language Arts for grades 3-8 were reported on a state map, highlighting the highest performance in Cecil and Queen Anne's counties. MSDE inquired about the strategies being employed in the most successful districts. Board members Smarick, Finn and Steiner questioned the merits of focusing on the positive outcomes, given the high numbers of districts showing no gain, including those with the highest numbers of economically disadvantaged and low-performing students. Generally, President Smarick urged staff to present not only good news but also the bad news. Staff agreed, while noting that the data does show

improvement, and that these results will drive the needs for local school systems to provide additional instructional interventions to ensure that students gain proficiency before graduation.

Before proceeding to the Mathematics assessment results, the State Board, Dr. Salmon, and staff discussed the relationship of these results to the high school graduation requirements, use of Bridge Plans for Academic Validation, and measures of College and Career Readiness.

Regarding the math results for students in grades 3-8: 7.3 percent of students with disabilities, 7.3 percent of EL students, and 16.3 percent of FRPM students scored proficient. In addition, 48.7 percent of white students, 20 percent of Hispanic students, and 16.4 percent of African American students scored proficient.

For Algebra I: 8.2 percent of students with disabilities, 5.6 percent of EL students, and 16.6 percent of FRPM students scored proficient. In addition, 56 percent of white students, 18.5 percent of Hispanic students, and 16.9 percent of African American students scored proficient.

Transportation Regulations

The State Board granted permission to publish amendments to the state regulations governing student transportation (COMAR 13A.06.07.01-.10). On April 11, 2017, the National Transportation Safety Board (NTSB) released its Safety Recommendation Report in response to a collision between a Baltimore City school bus and a Maryland Transportation Authority transit bus that occurred in Baltimore City on November 1, 2016. The NTSB identified areas of concern, MSDE convened a taskforce of directors of pupil transportation and worked with the attorney General's office to develop the proposed regulatory changes.

[Memo and Regulations](#)

Nutrition Regulations

The State Board granted final approval for regulations governing the Nutrition Appeal Procedures for Local Educational Agencies (LEAs) and other agencies participating in the federal Nutrition Programs (COMAR 13A.06.01.02 and .03).

[Memo and Regulations](#)

Hearing Impaired Regulations

The State Board granted final approval for regulations governing the content specific coursework required of educators of hearing impaired students (COMAR 13A.12.02.21). The proposed changes were developed by a workgroup and approved by the Professional Standards and Teacher Education Board (PSTEB) and State Board.

[Memo and Regulations](#)

Length of School Year Regulations

The State Board granted final approval for regulations to reduce from five to three the number of days by which school systems must extend their calendars in order to obtain a waiver of the 180-day school year requirement when necessary (COMAR 13A.02.01.04).

[Memo and Regulations](#)

Persistently Dangerous Schools

The State Board placed Friendship Academy of Engineering and Technology in the Baltimore City Public School System on Probationary Status in accordance with the regulations governing Probationary and Persistently Dangerous School Designation (COMAR 13A.08.01.19) and Unsafe School Transfer Policy (COMAR 13A.08.01.20).

[Memo and Regulations](#)

Opinions

The State Board issued opinions and orders in the following cases:

- *Pastor Almena C. (Re: R.C.) v. Cecil County Board of Education*, affirming the local board's student suspension decision
- *Almena Q.C. (Re: J.J.) v. Cecil County Board of Education*, affirming the local board's student suspension decision
- *Ralph and Tremaine N. v. Montgomery County Board of Education*, affirming the local board's student transfer decision
- *Ashley Towle v. Carroll County Board of Education*, affirming the local board's bus route decision
- *Xiomara C. v. Montgomery County Board of Education*, dismissing the appeal for timeliness
- *Bruce Hartley and Kathleen Sample v. Montgomery County Board of Education*, dismissing the appeal for timeliness
- *Kristine Lockwood v. Howard County Board of Education*, dismissing the challenge of the Interim Superintendent's contract and the hiring of in-house counsel for lack of standing
- *Lee Thomassen v. Baltimore County Board of Education*, transferring the case to the Office of Administrative Hearings for review.