

December 4, 2017

Bridge Plan for Academic Validation

On December 4, 2017 the State Board held an information/study session on the Bridge Plan for Academic Validation program. In addition, the Board discussed the development of the Social Studies Middle School Test required by legislation. The State Board was joined by State Superintendent Dr. Karen Salmon, Dr. Carol A. Williamson, Chief Academic Officer, Joy Schaefer representing the Maryland Association of Boards of Education (MABE), and Frederick County Superintendent Dr. Terry Alban and Cecil County Superintendent Dr. D'Ette Devine representing the Public School Superintendents Association (PSSAM).

Following an introduction by Dr. Salmon, the Board asked the MABE and PSSAM representatives to explain the role and functioning of the Bridge program in local school systems. Dr. Devine described the program as requiring the student's demonstration of the knowledge required to satisfy the Maryland State diploma's rigorous requirements. She emphasized that not all students learn at the same pace or in the same manner. Dr. Alban noted that the content standards are not modified in the Bridge program, and that the first objective is for students to retake the test. Ms. Schaefer addressed the role of the Bridge program in providing all students with equitable access to pathways to graduation. She noted the ongoing focus of MABE on "Excellence through Equity" and recognition that additional instructional supports must be provided equitably throughout a student's education.

Board President Andy Smarick, Board Vice President Chester Finn, and Board member Justin Hartings focused on whether the State should be doing more in the area of policy governing Bridge programs to ensure content rigor. Board member David Steiner questioned the alignment of standards in light of the Bridge program passing rate of 92% as compared to a much lower success rate on the corresponding PARCC exams.

Board member Michele Guyton spoke in support of the role of the Bridge program for students with disabilities, and her belief that the program does adhere to high academic standards.

Board member Rose Li questioned the small numbers of Bridge plan administration in Montgomery County and others compared to the Prince George's and Baltimore City school systems.

Board member Michael Phillips voiced his concern regarding the disproportionate use of the program in systems serving a majority of students who are African American.

Superintendent Alban agreed that to determine how the Bridge programs are being administered MSDE could conduct an audit for alignment and comparability to PARCC standards. Superintendent Devine pointed out that the state standards, and the Bridge program, have been revised so that this year's results will not be comparable to past years.

Ms. Schaefer took issue with the assertion that school systems, teachers and principals are not dedicated to the success of all students and that Herculean efforts are being made on behalf of struggling students

every day. Board member Stephanie Iszard spoke favorably concerning the role of the Bridge program to assist many students who need additional support master content, but also urged consideration of reviewing the Bridge programs in the school systems identified as using it the most.

Dr. Salmon agreed that she sees the need to review the accountability of Bridge programs, and only in those jurisdictions which are using it at a high level. In conclusion, President Smarick outlined agreement that no one is opposed continuing the Bridge program, Bridge program and state assessment standards should be aligned, and the state reviews should be focused.

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Social Studies Middle School Test/Review Standards

Following the morning's discussion of the Bridge program, the State Board discussed Social Studies standards and the development of a new middle school level assessment in accordance with a legislative mandate to do so.

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December 5, 2017 Meeting of the State Board of Education

On December 5, the State Board opened the meeting with the Pledge of Allegiance. Board members in attendance included: Board President Andy Smarick, Vice President Chester Finn, Stephanie Iszard, Michael Phillips, Rose Li, Michele Guyton, David Steiner, Justin Hartings, and student member Kyle Smith.

Board President Andy Smarick recognized representatives from the Maryland Association of Boards of Education (MABE) in attendance, including: MABE Past President Warner Sumpter (Somerset County), and MABE President Elect Tolbert Rowe (Caroline County).

Oral Argument

The State Board heard oral arguments in the case: *Christine Smith v. Baltimore County Board of Education*.

Public Comment

The State Board received public comments from individuals on issues including the procurement of education technology, school choice vouchers, and locating cell towers on school property. Baltimore County board members Ann Miller and Kathleen Causey requested a state audit of the school system's contracts since 2012 based on their concerns with the conduct of former superintendent Dallas Dance. Professor Jerry Dancis spoke to his concerns with the findings of a recent state contracted review of Prince George's County School System's graduation rate and requested a more thorough audit.

MSDE Grants Process Overview

Dr. Mary Gable, MSDE's Deputy Superintendent, presented an overview of the department's administration of state and federal grants. She reviewed federal grants under Title I, II, IV and V, and state grants for programs such as adult high school, next general scholars, public school opportunities enhancement, and P-TECH. She emphasized the legal and financial requirements associated with grants applications, administration, and audits.

The board engaged in lengthy discussion about their concerns and interests in having more input on

grant RFPs from a policy perspective. Board member Hastings described the appropriate board role in considering the policies underlying specific grant applications and programs. Board President Smarick, Vice President Finn and Board member Steiner focused on their interest in the RFP and intended operation of the federal charter school expansion grant recently awarded to MSDE.

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Financial Literacy

The presentation highlighted Maryland's financial literacy standards, monitoring and reporting of local programs, and awards for excellence. All 24 school systems are implementing personal financial literacy education in courses required for graduation. Seven systems have a stand-alone financial literacy education graduation requirement, and seventeen integrate personal financial literacy education in a course required for graduation (typically Social Studies/Government).

Financial literacy standards were adopted in 2010, are organized by grade bands (3-5, 6-8, 9-12), and were most recently updated in 2016. The standards focus on the following instructional outcomes:

1. Make informed financially responsible decisions
2. Relate careers, education and income
3. Plan and manage money
4. Manage credit and debt
5. Create and build wealth
6. Manage risks and preserve wealth

Board members questioned the accountability among local school system approaches to ensure that students are learning financial literacy skills. Staff explained that MSDE annually surveys local school system staff and high school seniors on financial literacy implementation and instruction. The results are included in a report that is prepared for the State Board and General Assembly. Additionally, for five consecutive years, MSDE partnered with the Maryland Cash Campaign and the Maryland Council on Economic Education to sponsor the Financial Education and Capability Awards.

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Anne Arundel County Robotics Utilization Program

Anne Arundel County Superintendent Dr. George Arlotto and staff presented on the school system's robotics utilization program to allow students outside the school setting to participate in classroom instruction and school-based activities remotely via a mobile robot. The mobile device is integrated with an iPad to enable a student to maneuver the device remotely and participate visually and orally through the iPad. A student participated in the presentation through the robot and answered questions from board members. The Board asked questions regarding the costs and scale of the program, and engaged with the student participating through the device.

Blue Ribbon Schools Recognition

The State Board recognized the 2017-2018 Maryland Blue Ribbon Schools and presented representatives from the schools and school systems with a Maryland State Board Citation and a Maryland Blue Ribbon School Flag. The 2017-2018 Blue Ribbon Schools are:

- West Towson Elementary School, Baltimore County Public Schools – Principal: Susan Hershfeld
- Urbana Elementary School, Frederick County Public Schools – Principal: Tess Blumenthal

- Fallston Middle School, Harford County Public Schools – Principal: Dr. Anthony Bess
- Waterloo Elementary School, Howard County Public Schools – Principal: Sean Martin
- Bannockburn Elementary School, Montgomery County Public Schools – Principal: Kathryn Bradley
- Luxmanor Elementary School, Montgomery County Public Schools – Principal: Ryan Forkert

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2017 Kindergarten Readiness Results

The State Board received a briefing on the 2017 Kindergarten Readiness Results for the state.

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Teacher Induction, Retention, and Advancement Committee

The State Board received a report on the department’s proposed Action Plan for Educator Preparation Programs, Certification, Incentives, and Professional Development and Induction. The plan arises from the recommendations from the Teacher Induction, Retention, and Advancement Act of 2016, as well as the Maryland State Department of Education’s action plan to provide a comprehensive plan to increase the rigor and accountability of educator preparation programs and certification.

Action items include:

- Revising certification regulations to include initial certification options, types of certificates, and the requirements to advance to an advanced professional certificate, specific requirements for trades and industry and advanced technology educators, and reviewing the requirements of the conditional certificate used when qualified individuals cannot be hired by local schools systems;
- New regulations pertaining to the approval of educator preparation programs leading to certification in Maryland;
- Reviewing all testing requirements pertaining to the issuance of Maryland educator certificates;
- Identifying meaningful incentives to attract and retain high quality teachers to Maryland;
- Implementing individualized professional development aimed at improving teacher effectiveness; and
- Exploring avenues for elevating the teaching profession.

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ESSA Update

MSDE staff updated the Board on the status of the Every Student Succeeds Act (ESSA) Consolidated State Plan submitted by the State Board to the U.S. Department of Education on September 18, 2017. Maryland’s ESSA Plan is undergoing peer review, and staff described the entities involved in the process and the department’s responses to specific organizations, such as the Thomas B. Fordham Institute, Alliance for Excellent Education, and Bellwether Education Partners. Staff shared that they will continue to analyze and be responsive to organizational reviews of Maryland’s ESSA Plan, as they await USDE approval.

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Superintendent Certification Workgroup

Board President Smarick and Sarah Spross, MSDE, provided a status report on the workgroup on superintendent certification requirements. Board members discussed whether Maryland's current requirements are too restrictive regarding educational and administrative credentials and experience. Board member Hartings referenced MABE as a potential resource regarding the consideration of superintendent qualifications and local board experience with performance evaluations.

Regulations

Special Instructional Programs for Students with Disabilities - COMAR 13A.05.02.04 (Publication)

Marcella Franczkowski, Assistant State Superintendent for Special Education, led the staff presentation on Maryland's approach to monitor and address significant disproportionality under the Individuals with Disabilities Education Act (IDEA) in the areas of student identification, placement, disciplinary removals, and suspensions/expulsions. She described that federal regulations were revised and finalized in 2016 to address disparities in the identification and treatment of students with disabilities based on race or ethnicity. Dr. Franczkowski provided a comprehensive review of the stakeholder processes involved in developing the proposed state regulations to implement the new federal requirements. The revised regulations provide that MSDE will collect and examine data to determine if significant disproportionality based on race and ethnicity is occurring in a school system or other public agency. In making a determination of significant disproportionality, MSDE will use the following criteria:

- a risk ratio threshold of 2.0;
- a minimum cell size of 5; and
- a minimum n-size of 20.

The State Board granted permission to publish the proposed amendments.

[Handout](#)

Emergency Plans – Persons with Disabilities - COMAR 13A.02.02.03-.04 (Publication)

The purpose of this item is to request permission to publish the amended regulation for COMAR 13A.02.02.03-.04 – Emergency Plans, to update the reference to the October 2017 version, which was updated, in part, to reflect legislation concerning emergency evacuation plans for students and other persons with disabilities. This revised regulation incorporates by reference the [Maryland State Department of Education Emergency Planning Guidelines for Local School Systems and Schools \(October 2017\)](#). The State Board granted permission to publish the proposed amendments.

[Handout](#)

Student Behavior Interventions – Restraint and Seclusion - COMAR 13A.08.04 (Publication)

The State Board granted permission to publish the proposed amendments to regulations governing the use of seclusion and restraint as behavioral interventions. The proposed regulations are intended to add and clarify definitions, and strengthen provisions which require a continuum of behavior interventions to be a part of a student's behavior intervention plan (BIP) or individualized education program (IEP). The proposed regulations retain the requirement that restraint and seclusion are to be utilized in emergency situations and add a requirement to ensure that any contraindications based on medical history or past trauma are considered. If restraint or seclusion are included in an IEP or BIP, parental consent is required consistent with Education Article §8-405, Annotated Code of Maryland.

In 2017, the Maryland General Assembly enacted Senate Bill 786 – Education – Restraint and Seclusion – Consideration and Reporting (2017 Md. Laws, Chap. 611). The legislation required the MSDE to submit proposed regulations to the State Board by December 2017. The legislation also required the MSDE to

convene a Task Force on Restraint and Seclusion. The Task Force on Restraint and Seclusion completed its report, which was shared with the State Board at its meeting on September 19, 2017.

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Child Care - COMAR 13A.15 - .18 (Publication)

The State Board considered amendments to state regulations governing Family Child Care, Child Care Centers, Letters of Compliance, and Large Family Child Care Homes. Staff described the overall intent of child care regulations, and the proposed amendments, to ensure the health, safety and welfare of children when in an out of home setting. More specifically, state regulations comply with the Federal Child Care Development Block Grant (CCDBG) provisions, which have been updated. The CCDBG establishes the requirements and processes for states and territories to receive Federal funding through the Child Care Development Fund (CCDF).

The State Board engaged in a lengthy discussion concerning how to ensure the comprehensive amendments being proposed will address the safety issues raised by the operation of child care facilities in which students have been harmed. The State Board granted permission to publish the proposed amendments.

[Handout](#)

Student Disciplinary Actions – Suspensions and Expulsions - COMAR 13A.08.01.11 (Publication)

The State Board granted permission to publish the proposed amendments. On July 1, 2017 Senate Bill 651 (2017 Md. Laws, Chap. 843) was enacted to prohibit a child enrolled in a public prekindergarten program, kindergarten, first or second grade from being suspended or expelled from school, subject to exceptions. The bill allows a student in the specified grades to be expelled if required by federal law. It also allows a student to be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. The bill specifies the interventions and supports that must be provided to students who are suspended from prekindergarten, kindergarten, first grade, or second grade and to any other students in those grades who are disruptive or commit an act that would otherwise be grounds for suspension.

Senate Bill 651 requires that on or before May 1, 2018, MSDE must adopt regulations to carry out requirements of the law.

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Student Transportation - COMAR 13A.06.07 (Republication)

The State Board granted permission to republish the revised proposed amendments. MSDE staff explained the request arising from the need to revise the proposed regulations. After reviewing the comments received by The Maryland Association of Pupil Transportation (MAPT), The Maryland School Bus Contractors Association (MSBCA), and three local school system Directors of Pupil Transportation, MSDE is modifying the inclusion of “assault in the second degree” to “a conviction of assault in the second degree within the past 10 years” for both School Vehicle Drivers and School Vehicles Attendants. This revision constitutes a substantive change to the regulation as previously published; therefore, the MSDE requests that the amended regulation be published.

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OPINIONS

The State Board issued legal opinions in the following cases:

- Frederick Classical Charter School v. Frederick County Board of Education, reversing the local board decision, consistent with the Court of Appeals decision, and remanding to the local board for its revised funding calculations and a report to the State Board within 60 days.
- Kristine Lockwood v. Howard County Board of Education, affirming the local board decision to convene an attendance area committee.
- Christine Smith v. Baltimore County Board of Education, affirming the local board decision regarding employee compensation.
- Nakia S. v. Baltimore City Board of School Commissioners, dismissing the appeal of the local board's early kindergarten entry decision as moot.