

March 20, 2018

## [Agenda](#)

The State Board held a meeting of on March 20, 2018 and called the meeting to order at 9:00am with the adoption of the [Agenda](#). Board President A. Smarick, Vice President C. Finn, Board Members S. Iszard, M. Guyton, J. Hartings, R. Li, D. Steiner, and Student Member, K. Smith. It was noted that Board member M. Phillips, would not be present; a quorum was present. MABE Immediate Past President Joy Schaefer (Frederick Co.), was in attendance and recognized at the beginning of the meeting by State Board President Smarick.

## **Consent Agenda**

The State Board unanimously approved the Consent Agenda consisting of the February 27, 2018 State Board Minutes, [Personnel Items](#), and [Budget Adjustments](#) for February, 2017.

## **Public Comment**

No Public Comment was offered to the State Board.

## [Definition for At-Risk School](#)

The State Board received a report and a PowerPoint explaining the staff recommendation for defining At-Risk School for purposes of the Governor's Post-Labor Day Executive Order, regarding the eligibility of low performing or at-risk schools for waivers to open before Labor Day in order to implement innovative school schedules. The State Board approved the following Low-Performing and At-Risk School definition: "Schools where 61% or more off students earn a performance level of one or two on the state assessment for mathematics or English Language Arts (ELA)."

The Board suggested that once identified that schools remain eligible for the waivers for three years and recommended that methods be explored to find a way to identify other schools such as K-2 schools that do not have state testing. A discussion followed and it was noted that the Kindergarten Readiness Assessment (KRA) could possibly be used to accomplish the suggested modifications. The State Board and MSDE staff agreed with the Board's suggestions and will bring back the appropriate language. A list of the schools that would qualify under the new definition was also to be provided to the State Board following the meeting.

## [Mental Health Committee Update](#)

The State Board next received a report from the Board created Mental Health Committee to explore student mental health issues and best practices for supporting students and local school systems. Areas of focus for the committee were suicide prevention and human trafficking. MSDE has developed a three-year plan to implement the recommendations and proposed actions of the committee. Next steps include collaboration with the Maryland Center for School Safety and the Maryland Department of Health to address student mental health and trauma issues.

**COMAR Changes** - The State Board next approved Permission to Publish changes to [COMAR 13A.07.11 Student Suicide Prevention and Safety Training](#) and [COMAR 13A.08.01.11 Disciplinary Actions – Suspension and Expulsion](#).

**Calendar Waiver Requests** – The State Board considered requests from [Chesapeake Public Charter School](#), and the [SEED School](#) to grant calendar waivers. The State Board unanimously approved those waiver requests. A request from [Baltimore City Public Schools](#) to waive the 180-day instructional requirement was denied by the State Board although permission was granted to open on Easter Monday in order to make up their one day shortfall. Dr. Salmon requested and the State Board approved authorizing her to grant subsequent waiver requests to hold school on Easter Monday, in light of the forecast snow and additional school closings that were anticipated prior to the April State Board meeting.

### **Recognition of Maryland Superintendent of the Year**

The State Board heard PSSAM Executive Director, Renee Spence, introduce the 2018 Maryland Superintendent of the Year, Dr. D'Ette Devine, Cecil County Public Schools Superintendent and current President of PSSAM. Dr. Devine offered a brief thanks and spoke of the strength of Maryland public schools.

### **Every Student Succeeds Act (ESSA) State Plan Update**

The State Board received an update on the timeline for the approved State Every Student Succeeds Act (ESSA) Plan by Dr. Mary Gable and Dr. Dara Shaw, who shared a written report and a PowerPoint presentation on two required school quality/student success measures: the school climate survey and chronic absenteeism. The planned 2018-2019 school climate survey was noted to contain the domains and topic areas covered by existing school system satisfaction surveys that exist in approximately half of Maryland school systems. The State Board requested to see the proposed satisfaction survey during their April executive session as the questionnaire will not otherwise be publically released in advance. The proposed point assignment for assessments of chronic absenteeism is based upon a scale that ranged from 60% to 96% rates of chronic absenteeism with some point gains for even small measures of improvement. State Board members requested a reconsideration in favor of higher scoring increases on the upper end of the absenteeism range. MSDE staff will look into the possibility, although there was not clear consensus on the Board for such a change in recommendation.

### **Maryland High School Graduation Task Force**

The State Board heard a brief report on the Maryland High School Graduation Task Force which has three committees Content, Assessment, and Graduation Rates. The PowerPoint presentation reported on the charge and the purpose of the Task Force, selection of members and structure, timeline and work to date of the Task Force.

**Legislative Update** – Patrick Fleming provided the State Board with a written legislative update on items of interest to the State Board including various school safety bills, the Kirwan Commission, and Knott Commission legislation pending. The State Board and MSDE is still generally only providing information to the legislature and not taking positions on pending legislation. Board member Guyton moved that the State Board oppose the proposed legislation that would authorize the arming of teachers and the Board agreed to oppose that bill. Board member Hartings suggested that the State Board oppose the legislation establishing an alternative path for teacher discipline to go to an arbitrator and avoid both local and State Board review, there was consensus among the Board to oppose the bill.

## Opinions

Opinions and Orders were announced in the following cases by the State Board:

- Bash Pharoan v. Baltimore County Board of Education, Opinion no. 18-07, affirming a local board school calendar (religious holidays) decision.
- Cindy Rose v. Frederick County Board of Education, Opinion No. 18-08, affirming the application of a testing policy established by the local board.
- M.S. v. Prince George's County Board of Education, Opinion No. 18-09, affirming the local board's decision to expel M.S. on the ground of imminent threat of harm; but reversing the local board decision that found no due process violation and directing PGCPs:
  1. To establish an agreed plan for compensatory educational services for the student.
  2. To share the Opinion with all high school principals along with a cover memo on timelines for long-term suspension or expulsion decisions at the end of a school year.
  3. To report to the State Board on or before April 24, 2018 on the accomplishment of each of the above described actions.
- T.G. v. Prince George's County Board of Education, Opinion No. 18- 10, declining to review T.G.'s expulsion because he failed to exhaust administrative remedies by appealing to the local board; but also directing the local board to locate T.G., put a plan in place to return T.G. to school, to report on the accomplishment of these steps to the State Board by April 24, 2018, and to review the enrollment policies for Annapolis Road Academy and to report on the steps the school has taken to address the issues identified in the State Board Opinion.
- Veronica H. v. Anne Arundel County Board of Education, Opinion No. 18- 11, affirming a four-day suspension of Appellant's son.
- Teresa P. v. Anne Arundel County Board of Education, Opinion No. 18-12, affirming the local board's decision upholding two separate three-day suspensions of Appellant's son.
- Jonathan Wrublewski v. Charles County Board of Education, adopting the ALJ's Proposed Order and affirming the local board's decision that the Appellant's challenge of the termination of his teaching position was untimely filed.

## Adjournment

The State Board went into closed session and the public meeting was adjourned at 11:45am.