

April 24, 2018

[Agenda](#)

The State Board held a meeting of on April 24, 2018 and called the meeting to order at 9:00am with the adoption of the [Agenda](#). Members in attendance included: Board President Andy Smarick, Board Vice President Chester Finn, Stephanie Iszard, Rose Li, Michele Guyton, David Steiner, Justin Hartings, Michael Phillips, and student member Kyle Smith. Board President opened the meeting by welcoming new member Dr. Joan Mele-McCarthy.

Public Comment

The State Board heard public comments on topics including opposition to school systems promoting the HPV vaccine, opposition to PARCC testing, requests for changes to early kindergarten admission standards, and the need for additional oversight and accountability in the Prince George's County public school system.

Teacher Certification Assessments

Sara Spross, MSDE, presented and requested approval for a new Praxis subject matter assessment for elementary educators. The recommended new assessment is the Elementary Education: Content Knowledge for Testing (CKT). She highlighted the merits of the CKT assessment based on its four components and required subtests in each content area: Reading/Language Arts, Math, Science and Social Studies. Therefore, the CKT will require the demonstration of higher levels of both subject matter and pedagogical knowledge to ensure that teachers are able to analyze student work and errors to inform instruction. Ms. Spross concluded by also recommending adoption of specific cut scores for each subtest.

Board President Smarick asked why the recommended cut scores are lower than the test developer's qualifying scores and Ms. Spross responded by describing several options, but emphasizing that as a new assessment a lower score is recommended initially.

The State Board approved the new assessment and voted to modify the staff recommendation and adopt the higher cut scores identified by ETS, the test developer.

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Charter School Grants

Dr. Mary Gable, MSDE, presented and made recommendations regarding the department's administration of the federal U.S. Department of Education's charter schools grant program. She described the federal program and procedures as enabling MSDE to award subgrants to eligible

applicants to open and prepare for the operation of charter schools. Specifically, the recommendation is to cap the amount of grant funding prior to final local approval at 10% of the total grant award.

Board President Smarick asked about the mechanics of the timeline relative to the availability of subgrant funding and the local school board's approval of the charter. Dr. Gable responded that the federal requirements are strict regarding the total of 36 months with only 18 for planning.

The Board engaged in lengthy discussion focusing on the concern that local school systems could delay action on charter approval and thereby diminish the value of the initial 10% start-up portion of the total grant.

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Milken National Educator Award

The State Board recognized Ms. Allison Felton, a mathematics teacher at Annapolis High School in Anne Arundel County, as the 2017-2018 winner of the prestigious \$25,000 unrestricted cash prize provided by the Milken Family Foundation. This year the Foundation recognized 44 educators from across the country. Superintendent Dr. George Arlotto and Principal Sue Chittim praised Ms. Felton and her success in raising the math achievement levels of many students.

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Regulations

Grading and Reporting (COMAR 13A.03.02.08)

The State Board discussed but did not grant permission to publish amended regulations governing the requirement that each school system have a written policy on grading and reporting, including specific areas such as grade changes, numerical value of a failing grade, the role of attendance, and the appeals process for parents/guardians.

Board member Hartings and other board members questioned whether the proposed regulations, which include a detailed set of reporting requirements, are stringent enough. Board member Li suggested including a penalty provision and Dr. Gable responded that such a provision could be added. In addition, board members discussed strong interest in aligning the PARCC test scores and course grades, and greater consistency among local grading policies on a statewide basis. Board counsel Liz Kameen noted the need to consider the balance of state and local authority and who to include in stakeholder discussions on recommended amendments.

Board members agreed to have staff make requested changes, and to include the revised regulations for publication approval at the Board's May meeting.

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Educational Programs for Pregnant Girls (COMAR 13A.08.01.06)

The State Board granted permission to publish the proposed repeal of regulations requiring school systems to provide appropriate education for pregnant girls. The State's regulations are described as

very outdated and the student services described in the regulation are addressed in other regulations applying to all students.

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Interscholastic Athletics in the State (COMAR 13A.06.03)

The State Board granted permission public amended regulations governing how the Maryland Public Secondary Schools Athletic Association (MPSSAA) classifies schools and defines equitable participation for schools regarding separate sports.

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Superintendents (COMAR 13A.12.04.03)

The State Board granted permission to publish amended regulations regarding the qualifications for holding the office of local superintendent, and the offices of deputy, assistant, and associate superintendent. Ms. Spross described the recommendations of the workgroup to study the superintendent certification regulations. She noted key recommendations reflected in the proposed regulations, including separating the regulations governing Superintendent I and Superintendent II certification standards.

Board members Steiner and Finn voiced strong opposition to requirements proposed which would exclude many highly qualified candidates for superintendent positions. They cited their experience in other States without such requirements and the high quality of leadership in many instances by individuals who would meet none of Maryland's requirements. Ms. Spross noted that the proposed regulations would expand the applicant pool by being less restrictive in defining the educational and professional experience criteria. She highlighted the input of Bill Middleton, MABE's representative on the workgroup and his wealth of experience in the superintendent search and selection process.

Board member Li spoke in favor of allowing business leaders to serve as superintendents, and that a health care company can be led by an executive with beverage industry experience. Board member Iszard spoke to her experience as an educator and administrator in strong support for the recommended regulations. She countered that the business model is not analogous and that the educational leadership environment is completely different.

Board member Smarick, Li and others discussed the potential for adopting much simpler regulations allowing greater local board discretion to hire non-traditional candidates. Ultimately, the Board agreed to request that staff draft revised regulations that provide greater flexibility, and to present them at the Board's May meeting.

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Length of School Year (COMAR 13A.02.01.04)

The State Board granted permission to publish amended regulations adding a new reporting requirement for school systems whenever schools are closed for natural or civil disasters or weather. The new regulation would require local school systems to provide notice to MSDE within 10 days of such closures, including the local school system's plan for making up the missed day(s).

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School Calendar Waiver/Modification Requests

The State considered and decided on several school calendar waiver requests submitted by local school systems.

- The Caroline, Howard, Queen Anne's, and Somerset County Public School Systems requested waivers of two days of student attendance for the 2017-2018 school year.
- The Kent and St. Mary's County school systems requested waivers of one day of student attendance for the 2017-2018 school year.
- The Cecil County school system requested a waiver of one day of student attendance for the 2017-2018 school year.
- The Baltimore County school system requested a waiver of eight of the required 1,170 hours of high school instruction for the 2017-2018 school year.

Dr. Salmon and staff presented the recommendation for the approval of the waivers for Kent and St. Mary's. The Board granted these waivers.

Next, Dr. Salmon presented the requested waivers from Caroline, Howard and Somerset and her recommendation to deny these waivers. Board member Guyton referred to denying these waivers as patently unfair and unreasonable in light of the reasonable expectations of parents and teachers and punishes them for what may be poor planning on the part of the school system. The State Board denied the waiver requests by a vote of 6 to 4.

Next, Dr. Salmon presented the waiver requests for Cecil and Queen Anne's. Board member Guyton requested that these requests be separated, and moved to deny Cecil County's waiver, which was denied by the Board. Regarding Queen Anne's, also recommended for denial, the majority of the Board also voted to deny this waiver request.

Dr. Salmon recommended that the Board approve the Baltimore County requested waiver of the minimum number of high school hours of instruction, with the caveat that the school system add hours to the 2018-2019 school year to ensure that this situation never occurs again. The Board voted to approve the waiver request.

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School Safety Update

Ed Clarke, Director of the Maryland Center on School Safety, and Dr. Scott Smith, Superintendent of the St. Mary's County school system briefed the State Board on the recent, tragic events at Great Mills High School and the work ahead to address school safety issues under the recently enacted Safe to Learn Act.

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ESSA Implementation Update

MSDE staff presented on the 7% set-aside requirement under Title I of the Every Student Succeeds Act (ESSA). ESSA requires each State to reserve 7% of its overall Title I, Part A allocation for school improvement efforts. This set-aside is in addition to the school improvement grant allocations and therefore described as an “innovative school improvement fund.”

Staff described the Protect Our Schools Act enacted in 2017 as prohibiting Maryland from administering the 7% set-aside funding as a competitive grant program or in any manner other than by formula. Therefore, MSDE intends to allocate the funding based on a two-part formula including a fixed per pupil allocation and additional funding for schools in which annual measurements of interim progress have been met. Board members Smarick, Finn and Steiner expressed surprise and concern with the restriction imposed by State legislation.

Board member Steiner queried whether the second tier of eligibility is not in fact a competitive process and therefore in conflict with the Protect Our Schools Act. Board Counsel Liz Kameen stated that she would look into this question.

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Opinions

The State Board issued opinions in the following cases:

- *Wallace and Marlene D. v. Anne Arundel County Board of Education*, concluding that the local board’s denial of the school transfer request was arbitrary and unreasonable and directing that the student be transferred.
- *Mercy I. v. Howard County Board of Education*, reversing the local board’s student residency decision.