

May 22, 2018

[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, Joan Mele-McCarthy, Jean Halle, and student member Kyle Smith. In addition, Warner Sumpter attended his first meeting as the newest appointee to the State Board.

Mr. Smarick recognized MABE Board of Directors representatives in attendance including Nancy Reynolds (Harford County), Michael Garmen (Talbot County), Martha James-Hassan (Baltimore City), and Mike Durso (Montgomery County).

Public Comment

The State Board heard public comments from Melissa Willey, the mother of Jaelynn Willey who was killed in the school shooting at Great Mills High School in St. Mary's County on March 20, 2018. Following her statement, members of the State Board's mental health subcommittee and others joined Mrs. Willey for a discussion of her thoughts on needed reforms and improvements to addressing student mental health and other school safety issues. In addition, a teachers' association representative spoke in support of the State Board's consultation with PSTEB on superintendent qualification and certification regulations; and a representative of principals and supervisory employees in Baltimore County spoke in support of the appointment of Verletta White as permanent superintendent of the Baltimore County Public School System.

Regulations

Child Care Subsidy Regulations

Dr. Mary Gable, MSDE, requested and the State Board granted approval for emergency regulations (COMAR 13A.14.06.03H), which would take effect for 180 days pending permanent regulations, to update income eligibility regulations that were described as preventing families from qualifying for early childcare subsidies. Steven Hicks, MSDE, explained that the subsidy was set many years ago at an income level that over time has seen the number of eligible subsidy recipients dropping from about 27,000 to 13,000. Board members urged more routine and timely departmental review and updates to such regulations in the future.

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Child Care Inspection Regulations

The State Board approved publication of proposed comprehensive updates and revisions to regulations governing family child care and child care centers (COMAR 13A.15, .16, .17. and .18). The changes are aligned with requirements of the recently reauthorized federal

Child Care Development Block Grant program.

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Superintendent Certification Regulations

Sara Spross, MSDE, reviewed her findings per the State Board's discussion and request at the prior meeting on issues arising under current Maryland regulations (COMAR 13A.12.04.03) and standards adopted in other States regarding the qualifications and certification of local superintendents. She noted that Hawaii and Florida are the only two states having no educational background requirements, with the vast majority having significant requirements, and also provided several examples of States providing exceptions for nontraditional candidates who are deemed otherwise exceptionally qualified.

Board President Smarick outlined his position, shared by other board members, that perhaps the State should grant greater flexibility to local boards in selecting superintendents who may otherwise be highly qualified. He also referred to a letter from the Professional Standards and Teacher Education Board (PSTEB) and the prospect of a conference committee to discuss these regulations as they are developed.

Board Vice President Finn spoke in favor of regulations that are reduced to the statutory language which is much less prescriptive than the current regulations. Mr. Smarick and Mr. Hartings spoke in favor of giving some measure of greater flexibility to local boards within the context of amending and adding to the current regulations.

Following discussion, the Board directed Ms. Spross to draft regulations for further discussion which should include: 1) the [regulations](#) previously discussed at the April meeting; 2) reciprocity for individuals having served as a superintendent in another state; and 3) otherwise exceptionally qualified individuals.

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Emergency Plan Regulations

State Board approved without discussion final adoption of amended regulations on local school system emergency plans and evacuation plans (COMAR 13A.02.02.03-.04). The regulation incorporates by reference the MSDE Emergency Planning Guidelines for Local School Systems and Schools which were updated in October, 2017.

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Special Education Disproportionality

The State Board adopted final regulations (COMAR 13A.05.02.04) governing the identification of significant disproportionality under the Individuals with Disabilities Education Act (IDEA). The regulations are aligned with proposed federal regulations and are intended to promote equity by eliminating disproportionality in the discipline of students receiving special education services. MSDE proposes a significant disproportionality "risk ratio threshold" of 2.0. This means that if a local school system has a risk ratio above this number, it may be identified as having significant disproportionality. On addition, the minimum cell size for monitored actions will be 5, and the minimum N size for student groups included in the analysis will be 20. Dr. Gable and Board member Hartings discussed the Montgomery County school system's request for an increase in the cell and N-sizes. Staff recommended rejecting those requests and approving the proposed regulations. The State Board approved the final regulations.

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School Calendar Waiver Requests

MSDE staff reviewed all of the requested waivers from the post-Labor Day start-date for the 2018-2019 school year. All waiver requests were approved.

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NAEP Overview and Results

Dr. Dara Shaw, MSDE, presented a comprehensive overview of the National Assessment of Educational Progress (NAEP). She noted that while it is euphemistically referred to as the Nation's Report Card, it is not administered to all students, and in fact only to 3% of Maryland students. She also described a voluntary program in which many urban school districts participate, including Baltimore City. She stated that although Baltimore City's system wide results are included in Maryland's statewide results, that they are weighted in proportion to the system's share of statewide enrollment.

The Board discussed with Dr. Shaw Maryland's past practice of excluding half of the students with disabilities and the resulting inflation of Maryland's comparative performance on NAEP. Board member Steiner reiterated the observation that while Maryland was excluding large numbers of special education students we were in the top group of states; and once all special education students were included we dropped to the middle group of States. Dr. Shaw emphasized the statistical analysis of Maryland relative to other states, the close proximity of many state results which makes state comparisons over time, and the difficulty in identifying specific state rankings given these factors.

Dr. Shaw then presented Baltimore City's results, with board discussion on the results showing that the City's results are below the overall results for all participating large urban systems.

Board discussion included Dr. Steiner's observation that on both PARCC and NAEP, wealthy students are performing better and low income students, many of who are minority students, are doing worse, with 85% of urban students performing below proficient levels on these assessments.

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ESSA Implementation

MSDE staff provided an update on the State's implementation of the Every Student Succeeds Act (ESSA), the role of competitive grants in other states in supporting the school improvement efforts for local school systems in implementing comprehensive and targeted school reforms.

Staff informed the State Board that, for the 2018-2019 school year, the state will administer a per pupil allocation, in strict compliance with the State's enacted Protect Our Schools Act's prohibition on competitive grants. Then, in the 2019-2020 school year, the state will implement a two-part process for determining allocations of funding not only based on a per pupil distribution but also based on the identification of systems which demonstrate the strongest commitments to improvement. The board discussed whether and how this approach could be developed in compliance with the state law.

In addition, the ESSA presentation included the proposed definition of economically disadvantaged students for accountability purposes, as distinguished from free and reduced meal eligibility or funding purposes. Dr. Gable described the community eligibility program (CEP) and resulting lack of per pupil FRPM data for those systems. Therefore the state proposes to utilize the CEP direct certification process through which all students are

identified as eligible for FRPM, which includes Baltimore City, Somerset and Dorchester Counties. The CEP process is also used in individual schools in 8 other Maryland school systems. Dr. Gable described the pros and cons of using direct certification, with the pros including establishing a new baseline and reducing the administrative burden for local school systems. She described the process for school systems to match the county data for individuals residing in the local jurisdiction who are age 1 to 21 with their enrolled students.

Board President Smarick raised the question of the impact of the change for Prince George's County schools in no longer being ranked for accountability purposes as the system with the third highest percentage of economically students but rather the 13th highest. Dr. Gable responded that PARCC results will be reported in the aggregate, for each student group, and based on economic disadvantage under this new CEP direct certification process. Kristy Michel, MSDE, clarified that systems utilizing the CEP direct certification process are no longer collecting FRPM forms, and therefore a proposal would either have to require them to do so, or pursue a different method, which is what is being proposed.

[Handout](#)

Teacher of the Year Recognition

Dr. Salmon and the State Board recognized Maryland's newly named 2018-2019 local Teachers of the Year. These teachers will represent their school systems in the state's Teacher of the Year program and competition for Maryland and National Teacher of the Year. Dr. Salmon noted that Maryland is very proud that in the past eleven years, Maryland has had three National Teachers of the Year and an additional two who were one of four national finalists.

Darla Strauss, MSDE, the long-time coordinator of the Teacher of the Year selection process and program, recognized the Teachers of the Year and local school system representatives including superintendents and board members for photos with the State Board. The State Board meeting recognition was followed by a recognition luncheon.

[Handout](#)

Educator Preparation and Certification Plan

Board member Dr. David Steiner introduced the set of key recommendations of the Department informed by the participation of Dr. Steiner and board members Finn and Iszard in their capacity as a Teacher Preparation Subcommittee of the State Board. Ms. Spross thanked the board members for their contributions and outlined recommendations in the following areas:

- All Preparation Program Recommendations
- Undergraduate Recommendations
- Nontraditional Recommendations
- Teacher Competency Recommendations
- Clinical Internship Recommendations
- Performance Assessments
- Educator Program Approval and Accountability

The State Board reviewed and discussed the revised action plan focused on teacher certification and the approval of educator preparation programs that lead to certification in Maryland. The plan provides specific action items for completing the necessary steps to develop policy and/or regulations related to activities identified by the MSDE, the SBOE, the PSTEB and recommendations of the Teacher Induction, Retention, and Advancement Act of 2016

Workgroup. Board members, Dr. Salmon and Ms. Spross emphasized that the main goal of the plan is to increase educator effectiveness in Maryland.

The State Board engaged in lengthy discussion on the areas covered in the report and the relationship of these recommendations to the ongoing work of the Kirwan Commission.

[Handout and Presentation](#)

Prince George's County Performance Audit

Dr. Salmon shared the department's intent to approve an emergency sole source RFP for a follow-up performance audit of the Prince George's County by the same firm that conducted the recent audit regarding grade changes and graduation rates. The forthcoming audit was described as reviewing school system responses to the initial audit findings, focusing on a review of 2018 grade and graduation records, gathering stakeholder input, and a review of local policies and procedures in light of the initial audit findings.

Board President Smarick shared that he views the change in county leadership as an opportunity for a clean slate.

State Board Mental Health Subcommittee Update

The State Board watched a video recently placed on the homepage of the MSDE website. The following description of the video reads: "Mental health is a growing concern in Maryland and throughout the nation. The Maryland State Board of Education has placed a special focus on mental health awareness, reminding students who may be suffering in silence that they are not alone and that help is available."

[Link to MSDE Homepage and Video](#)

2018 Legislative Session - Budget and Bill Report

Ms. Kristy Michel, MSDE, presented an overview of the budgetary items included in the adopted FY 2019 state operating budget and the outcomes of key budget related legislation. She focused on House Bill 1415, the Kirwan Commission on Innovation and Excellence in Education bill, and the following outline:

The bill requires the State Dept. of Education, in collaboration with certain entities, to establish an outreach program and a digital recruitment platform to make use of media and online resources to implement a marketing campaign to encourage individuals to pursue a Maryland professional teacher's certificate; establishing the Maryland Early Literacy Initiative to assist up to 50 schools to implement an evidence-based literacy program; establishing the Learning in Extended Academic Programs (LEAP) grant program; etc.

- This bill extends the deadline for the Commission on Innovation and Excellence in Education to complete its work by one year.
- It also establishes or alters several programs and mandates funding for them beginning in fiscal 2019, including: A comprehensive teacher recruitment and outreach program; The Maryland Early Literacy Initiative; The Learning in Extended Academic Programs (LEAP) grant program; The Public School Opportunities Enhancement Program (PSOEP); The Teaching Fellows for Maryland scholarship program, and; The Career and Technology Education (CTE) Innovation grant program.

- Includes \$7M, in FY 2019, for an LEAP grant program and an early literacy initiative. • Includes \$3M, in FY 2019, for the PSOEP.
- Includes over \$200M, in FY 2020, for the Teaching Fellow for Maryland scholarship program, the CTE Innovation grant program and for final recommendations of the Commission on Innovation and Excellence in Education (to be determined).
- Beginning in fiscal 2020, the Governor must annually appropriate to the Prekindergarten Expansion Fund an amount that is at least equal to all revenues received in prior fiscal year.
- Finally, the scope of a study of the individualized education program (IEP) process in Maryland is expanded and the due date for the study is extended.

Ms. Michel also highlighted the legislation to mandate increased funding levels for child care subsidies (House Bill 430/Senate Bill 379). She shared that child care subsidy funding increases are to be phased in to move Maryland from covering 9% of the costs, to more than 20%, toward the longer term goal of 60%. In response to questions, Ms. Michel responded that the State is expecting \$30 million in additional federal funding to support this initiative.

Patrick Fleming, MSDE, presented the highlights of several other bills enacted in 2018, including the Maryland Safe to Learn Act (Senate Bill 1265), Knott Commission 21st Century School Facilities Act (House Bill 1783), and the bill to add 2 new teacher association members and 1 PTA representative to the State Board of Education (Senate Bill 739).

[Handout](#)

Opinions

The State Board issued opinions in the following cases:

- Chris K. v. Anne Arundel County Board of Education, affirming the local board's decision to enforce the school system's dress code.
- Mandy V. v. Anne Arundel County Board of Education, reversing the local board's residency decision.
- Kathy Tamburo v. Baltimore County Board of Education, affirming the local board's employment termination decision, but reversing the calculation of damages and awarding back pay.