

June 20, 2018

Members in attendance included: Board President Andy Smarick, Board Vice President Chester Finn, Stephanie Iszard, Michael Phillips, Michele Guyton, David Steiner, Justin Hartings, Jean Halle, Warner Sumpter, and student member Kyle Smith. Mr. Smarick recognized MABE Board of Directors representatives in attendance including Charles McDaniels (Baltimore County), and Martha James-Hassan (Baltimore City).

[Agenda](#)

Public Comment

The State Board heard public comments from local transportation directors and representative of the school bus contractors association opposing the proposed regulation to disqualify school bus drivers who have been convicted for second degree assault; a parent supporting reforms to student discipline policies to improve school climate; and a special education attorney commenting on concerns with the pending student behavior intervention seclusion and restrain regulations.

Regulations

Student Transportation

The State Board considered final approval of regulations governing student transportation and school bus driver qualifications (COMAR 13A.06.07.01-.10). Gabe Rose, MSDE, presented an overview of the findings contained in the National Transportation Safety Board's (NTSB) 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.

At the December 5, 2017 meeting, the State Board granted the republication amendments (with a change of "assault in the second degree" to "has been convicted of assault within the past 10 years from the date of conviction"). During the open comment period, MSDE received comments from the Maryland Association of Pupil Transportation (MAPT), the Maryland School Bus Contractors Association (MSBCA), six local school system Directors of Pupil Transportation, and 23 school bus contractors. All letters received were in opposition to the conviction of assault within the past 10 years from the date of conviction being an automatic disqualification.

Board members engaged in lengthy discussion on the concerns raised by opponents of the addition of second degree assault as a disqualifying factor, and the distinction that no other public school employee would be automatically disqualified on this basis. Mr. Rose responded to questions by clarifying that the NTSB report did not request this specific action. The board directed agreed to direct staff to redraft the regulations by removing second degree assault as a disqualifying factor.

[Handout](#)

Grading and Reporting

The State Board received a report on proposed revised regulations regarding local school system grading policies (COMAR 13A.03.02.08). Dr. Mary Gable presented an overview on the process of reviewing local school system grading policies and procedures.

The Board clarified that the current regulations require only that each local school system shall develop a written policy on grading and reporting that complies with the State's student record requirements, and annually file its policies on grading and reporting with State Superintendent of Schools.

The proposed amendments describe in much greater detail the requirements that local school systems must incorporate in their grading and reporting policies. These requirements include: grading scales, calculation of final grades, explanation of weights for honors and other courses, how attendance factors into the grade, information on grade changes procedures, and audit and appeal procedures. Local school systems will be required to file its policy on grading and reporting, include an assurance on course grades for transfer students, and submit a copy of the grade change validity audit to the State Superintendent of Schools. MSDE will then provide feedback to the local school systems.

The Board approved the regulations for publication, with an amendment offered by Board member Justin Hartings to clarify that regulations explicitly require local school systems to recognize and provide full credit for courses completed in other Maryland public school systems.

[Handout](#)

Superintendent Qualifications

MSDE Staff provided an informational report on the development of revised superintendent certification requirements based on requests for additional information requested at the May 2018 meeting of the State Board (COMAR 13A.12.04.03).

On April 24, 2018, MSDE presented the workgroup's recommendations to the State Board which established two distinct superintendent certificates as well as provided multiple pathways for certification. Members of the State Board at that time expressed concern that the proposed regulations were too restrictive and requested additional modifications.

Sara Spross, MSDE, presented an update on the consideration of the proposed regulations by the Professional Standards and Teacher Education Board (PSTEB), and their request for a conference committee discussion with representatives of the State Board. The State Board engaged in extensive discussion on the merits of authorizing local boards of education to advertise for and select a superintendent who qualifies for "Extraordinary Career Leadership Certification."

Under the draft regulations: At the request of a local school board, the State Superintendent of Schools may issue a Superintendent II certificate to an individual who has demonstrated extraordinary career leadership expertise, but who has not met the requirements for either Traditional or Reciprocal certification. The local board would be required to submit a formal request letter which includes: (a) Local board decision noting approval of the request; (b) The job description; (c) Rationale for requesting such certification of the individual; (d) A statement identifying the exceptional qualifications of the candidate demonstrating extraordinary career leadership that compensates for lack of experience in prekindergarten-12 schools; (e) The

individual's completed application for certification; and (f) Vitae and official transcripts of collegiate study demonstrating the conferral of a master's, its equivalent, or higher degree.

The State Board agreed to appoint members to meet with PSTEB members to confer on the draft regulations.

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Test Administration and Data Reporting

The State Board granted final approval of regulations regarding student assessment administration and security (COMAR 13A.03.04). The amendments clarify that test security regulations apply to special schools and certain nonpublic schools that administer tests on behalf of the MSDE; prohibit the use of electronic devices during testing; specify what information must be archived by a local school system following a test administration and for how long; require local school systems to accurately and timely deliver assessment results to parents and guardians; allow for the use of electronic signatures on forms and agreements used by the MSDE for testing purposes; and direct local school systems to designate a Local Accountability Coordinator and a School Testing Coordinator, as well as explain their general duties.

[Handout](#)

Student Behavior Interventions

The State Board granted final approval of regulations governing the use of restraint and seclusion as student behavior interventions (COMAR 13A.08.04). The proposed regulations 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.

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Options for Obtaining Initial Maryland Certification

The State Board granted final approval of amended regulations to provide both a direct pathway for initial certification for individuals who have achieved National Board Certification, as well as those content experts seeking an adjunct teacher certificate (COMAR 13A.12.01.04).

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General Requirements for Professional Certificates

The State Board granted final permission to approval regulations governing requirements for professional certificates (COMAR 13A.12.01.05). Amendments were proposed to allow those individuals seeking certification who do not hold a bachelor's degree (i.e. specialized professional areas and professional technical education candidates) to have the ability to present credit bearing coursework to fulfill the basic skills requirement in lieu of an assessment.

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Adjunct Certificate Requirements

The State Board granted final approval of regulations governing the issuance of Adjunct Teacher Certificates. The amendments will provide local school systems the ability to request an adjunct certificate for individuals with highly specialized content expertise (e.g., engineers, physicists, medical providers, artists) interested in teaching on a part-time basis in the classroom as a teacher of record (COMAR 13A.12.01.08-1).

[Handout](#)

Pupil Personnel Workers

The State Board granted final approval for regulations intended to conform the certification requirements for pupil personnel workers with the current departmental practice (COMAR 13A.12.03.04).

Currently regulations require that an applicant have three years of satisfactory teaching experience or, at the recommendation of a local superintendent of schools, two years of related experience may be substituted for two years of teaching experience. The applicant must also have a master's degree in pupil personnel or a related field such as education, counseling, or social work. This requirement became effective on January 1, 1989.

The proposed amendment allows pupil personnel candidates the ability to use their experience as a specialist (e.g., school counseling, social worker) in lieu of teaching experience.

[Handout](#)

MHEC Presentation on Educator Certification and Educator Preparation Program Standards

Dr. James Fielder, Secretary of the Maryland Higher Education Commission (MHEC), addressed the State Board on the plan for reforms to teacher certification and educator preparation programs in Maryland institutions of higher education. He discussed the need for 6 of Maryland's 8 programs set to move forward with CAPE certification. Therefore he urged the State Board to act promptly to adopt any changes to program requirements given the need for congruent standards and CAPE accreditation applications as the programs prepare for the extensive time and cost commitments required by the certification process.

Governor's Recognition of Board President Andy Smarick

Governor Hogan's Deputy Chief of Staff Tiffany Robinson presented a Governor's citation to President Smarick for his four years of service.

Board Recognition of Student Member Kyle Smith

Board President Smarick thanked and commended Kyle Smith for his year of service on the State Board.

ESSA Implementation Update

The State Board heard a brief update from Dr. Mary Gable on the implementation of Maryland's Every Student Succeeds Act (ESSA) Consolidated State Plan. This update focused on the status of the State Board's inclusion in the plan of the requirement to identify gifted and talented students as an accountability and reporting student group. Additionally, the update provided information and

options for recommendations on how to determine the scoring of academic progress for elementary and middle schools and readiness for post-secondary success measures for high schools.

Gifted and Talented Accountability Measure

Dr. Gable explained the department's intent to utilize the current terms and definitions contained in the statute and COMAR to move forward with implementing this element of the State's ESSA plan. She noted that the first report cards reflecting the ESSA plan will be published either this August or September. For example, current regulations require that "Each school system shall provide different services beyond those normally provided by the regular school program in order to develop the gifted and talented student's potential. Appropriately differentiated programs and services shall accelerate, extend, or enrich instructional content, strategies, and products to demonstrate and apply learning. Each school system shall review the effectiveness of its programs and services."

Board member Finn stressed his concern that the regulations also provide local discretion in the provision that states " Each school system shall consider implementing programs and services for gifted and talented students ..."; and this provision provides little basis for statewide comparability and therefore accountability.

Dr. Salmon agreed that the concern warranted further review and revisions by staff for future consideration by the State Board.

Student Growth Percentile

Dr. Dara Shaw, MSDE, presented the department's recommendation that points be assigned at regular intervals for low/mid-range/high median student growth percentiles (mSGPs), with a collapsed scale at the very low and very high ends. Board member Hartings spoke in favor of the rationale and methodology and the board accepted the recommendation.

Regarding the scoring of high school "credit for" completion of a well-rounded curriculum, the department recommended a methodology for allocating points. Dr. Shaw noted that the proposed framework does not yet include students completing apprenticeships, the ASVAB standard, the Seal of Biliteracy, or the Certificate of Completion. Regarding elementary schools and the "credit for" a well-rounded curriculum as including social studies, fine arts, physical education, and health, the department recommended allocating points using the "percent of the whole" methodology. Dr. Shaw shared that this method is similar to the how points are assigned for the academic indicator and sets the goal that all schools should achieve 100%.

[Handout](#)

National Assessment Update

Dr. Dara Shaw provided a comprehensive report on data related to the National Assessment of Educational Progress (NAEP), Advanced Placement (AP), SAT, and ACT examinations.

[Handouts](#)

Principal Evaluation System Improvements

Tiara Booker-Dwyer, MSDE, provided a comprehensive update on the work of the department's Office of Leadership Development and School Improvement to collaborate with stakeholders to inform improvements to the principal evaluation system. She emphasized that reforms to the system were needed to improve the quality of data collected so that they may be used to inform

professional learning experiences that foster the growth of effective school leaders and student learning. She outlined the following improvements already made in the process:

- Removed the “default effective” reporting option.
- Added a “developing” tier to evaluation ratings.
- Defined “effective” tiers.
- Developed a rubric to support the evaluation of principals in alignment with the Professional Standards for Educational Leaders (PSEL).
- Provided the option for principals to be placed on a three-year evaluation cycle.

[Handout](#)

Online Course Overview

The State Board deferred until the next meeting the staff presentation of an overview of the online courses offered through the department’s Virtual Online Program.

[Handout](#)

Opinions

The State Board issued opinions in the following cases:

- Rita Bailey v. Somerset County Board of Education, affirming the local board’s decision not to renew the school bus contract.
- Louis Long v. Calvert County Board of Education, affirming the local board’s employee termination.
- Kristine Lockwood v. Howard County Board of Education, dismissing the challenge of the local board's hiring practices and approval of the Superintendent's contract for lack of standing.