

July 26, 2018

## [Agenda](#)

Members in attendance included: Board President Chester Finn, Stephanie Iszard, Michael Phillips, Michele Guyton, Rose Li, David Steiner, Justin Hartings, Joan Mele-McCarthy, Jean Halle, Warner Sumpter, Vermelle Greene, and new student member Bryce Awono (Prince George's County).

Dr. Finn recognized MABE Board of Directors representatives in attendance including Martha James-Hassan (Baltimore City) and Nancy Reynolds (Harford County).

## **Election of Officers**

Board President Chester Finn introduced the nominations of Justin Hartings for President and Stephanie Iszard for Vice President of the State Board for the 2018-2019 term. Both recommendations were unanimously approved by the Board.

## **Public Comment**

The State Board heard public comments from parents and a student supporting reforms to student discipline policies to improve school climate by addressing the underreporting of incidents of sexual assault and bullying; and Dr. Henry Johnson on behalf of the Public Schools Superintendents Association, and an automobile dealers association representative, supporting regulations to reduce barriers and enhance opportunities for highly qualified professionals to serve as teachers in career and technology courses.

## **Regulations**

### **Student Transportation**

The State Board reconsidered and granted approval of republication of regulations governing student transportation and school bus driver qualifications (COMAR 13A.06.07.01-.10). Gabe Rose, MSDE, presented a brief 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.

In December, 2017 the State Board approved the publication of proposed regulations which would have added the conviction of assault in the second degree within the past 10 years from the date of conviction as an automatic disqualification for school bus drivers. 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 addition of second degree assault as an automatic disqualifying factor.

At the June, 2018 meeting the Board 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 staff to redraft the regulations by removing second degree assault as a disqualifying factor.

In this context, the Board granted permission to republish revised regulations to provide for the professional judgement of the local school system student transportation director regarding the criminal backgrounds of school bus driver job applicants, including second degree assault convictions.

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### Professional Certificates

The State Board granted permission to publish regulations (COMAR 13A.12.01.05) proposed to eliminate the basic skills test requirement for those individuals seeking certification who do not hold a bachelor's degree (i.e., specialized professional areas and professional technical education candidates). Sara Spross, MSDE, outlined the purpose of the proposed regulations and responded to questions.

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### Adjunct Certificates

The State Board granted permission to publish new regulations under COMAR 13A.12.01.08-1, governing the issuance of Adjunct Certificates. Sara Spross, MSDE, described the purpose of the regulation to provide local school systems with the ability to request an adjunct certificate for individuals with highly specialized content area expertise (engineers, physicists, medical providers, artists) interested in teaching on a part-time basis in the classroom as a teacher of record. Based on the public comments received and discussion that ensued during the June 20, 2018 State Board meeting, MSDE is proposing amended regulatory language that removes the bachelor's degree requirement of the adjunct certificate.

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### Early Literacy Grant Program

Dr. Mary Gable, MSDE, outlined the requirement included in House Bill 1415, the Kirwan Commission legislation enacted in 2018, to establish a new Early Literacy Initiative and grant program within MSDE, including the promulgation of regulations under COMAR 13A.06.09. The Initiative is a competitive grant program for up to 50 qualifying schools (Title I) to develop an evidence-based early literacy program in the school to work with participating students to meet literacy proficiency targets by the end of eighth grade or other literacy targets as determined by the Department.

The State Board engaged in discussion, including whether and how to define evidence-based literacy instruction, and agreed to include the definitions of evidenced-based programs included in the Every Student Succeeds Act (ESSA) in the regulation, and the findings of the National Reading Panel in the grant application criteria.

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### Grading and Reporting

The State Board granted permission to publish amendments governing the grading and reporting policies of local school systems (COMAR 13A.03.02.08). This regulation came before the State Board on April 24, 2018 and was again discussed at the June 20, 2018 meeting. Based on comments from the State Board, this regulation is coming back to the State Board with additional revisions.

Under current regulations, school systems are required to develop a written policy on grading and reporting and to file its policies annually with the State Superintendent of Schools. Under the proposed regulations, local school systems would be required to incorporate the following specific elements into their grading and reporting policies: grading scales, calculation of final grades, explanation of weights for honors and other courses, how attendance factors into the grade, information on grade change procedures, and audit and appeal procedures. Local school systems would be required to file its policy on grading and reporting and submit a copy of the grade change validity audit to the State Superintendent of Schools. Upon submission, the MSDE will verify that the school system met the requirements of the regulation or direct the school system to develop a corrective action plan.

The Board engaged in discussion of the implementation timeline including the timeline for the department's review and oversight of recommended revisions to local grading policies.

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### Student Suicide Prevention and Safety Training

The State Board approved proposed regulations as required by legislation enacted in 2017 (Senate Bill 920) to require that all certificated school personnel who have direct contact with students on a regular basis to complete training, on or before December 1 of each year, in: (1) understanding and responding to suicide risk; and (2) identifying professional resources to help students in crisis (COMAR 13A07.11). The method would be determined by the local county board and is required to be delivered during an in-service program or professional development. The legislation also states that training cannot be construed to impose a duty of care on the certified school personnel who complete training. Further, a person cannot bring action against a county board for injury or wrongful death caused by an act resulting from lack of training or implementation of training.

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### Computer Science Teacher Certification Assessment

The State Board approved the Educational Testing Service (ETS) Praxis subject assessment for Computer Science (5652) and set the established qualifying score for the test based on staff recommendations. This assessment is designed to assess the computer science knowledge and competencies necessary for a beginning teacher of secondary school computer science.

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### Interscholastic Athletics

The State Board granted final approval of regulations governing interscholastic athletics to amend the provisions ensuring for equity of competition throughout the state (COMAR 13A.06.03.06). The proposed change amends the section regarding how schools are classified for parity and equitable participation in interscholastic athletics.

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### Adult High School Pilot Waiver Request

Dr. Carol Williamson, MSDE, presented the request of an adult high school program, the Goodwill Excel Center, for the State Board's approval of a waiver of the service learning high school graduation requirement.

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## **ESSA Implementation Update**

The State Board heard a brief update from Dr. Mary Gable and Dr. Dara Shaw on the implementation of Maryland's Every Student Succeeds Act (ESSA) Consolidated State Plan. This update focused on how MSDE will incorporate equity into the State's accountability system. Dr. Gable provided a comprehensive overview of the department's implementation of ESSA.

Dr. Shaw presented the department's approach to implementing the ESSA requirement that a state's system of annual meaningful differentiation be based on all that the accountability system and for all students and for each student group. She presented the minimum requirement that school system report cards disaggregate all indicators by student group, and the recommendation that school systems report the gap between students in and out of each student group by indicator. The recommendation is based on the concern that the minimum requirement does not adequately identify performance gaps between student groups. Gaps will also be available by measure, so that schools and other stakeholders can better see and target areas for improvement. Measures include: ELA achievement composite (percent proficient and average performance level); Math achievement composite (percent proficient and average performance level); ELA median student growth earning credit in social studies, fine arts, PE, and health; Percent on track to English proficiency; Percent of students chronically absent; School climate; and Percent enrolled in science, social studies, fine arts, PE, and health.

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## **Kirwan Commission Updates**

Board member Finn updated the Board on the work of the Kirwan Commission's workgroup on College and Career Readiness Pathways and Career Technology Education. Board member Steiner updated the Board on the recommendations of the workgroup on High Quality Teachers and Leaders. Board member Guyton updated the Board on a recent presentation to the State Board's subcommittee on Equity by Joy Schaefer, MABE's representative on the Kirwan Commission and chair of the workgroup focusing on More Resources for At-risk Students.

## **Lead Higher**

Dr. Salmon introduced Reid Saaris, CEO & Founder of Lead Higher, who provided a comprehensive overview and update on the implementation of the Lead Higher initiative to close equity gaps for lower income students and students of color in Maryland's Advanced Placement (AP) and International Baccalaureate (IB) programs.

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## **Online Courses**

Dr. Carol Williamson, MSDE, and Val Emrich, MSDE, presented an overview of online courses, the process, and the status of MSDE's Virtual Online Program. She reviewed legislative requirements enacted in 2012 (Senate Bill 674) which required MSDE to: Review online credit-bearing student and PD courses based on set timelines; Review courses and courseware to assure quality alignment with MD standards; Establish a fee structure; and Develop guidelines for teachers and other school system employees to follow regarding courses. She also outlined legislation enacted in 2013 (Senate Bill 461) which further required MSDE to assess credit-bearing online courses to ensure accessibility for students with disabilities; and authorizes MSDE to contract with a third party to develop and conduct certain assessments.

The Board engaged in lengthy discussion about the rates of statewide enrollment, local school system discretion, the laws pertaining to charter schools, and strategies for enhancing student access to high quality blended and online courses. Board President Hartings solicited board members to participate in a workgroup to explore the policy issues surrounding online learning.

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## **Safe to Learn Act**

Ed Clarke, Executive Director of the Maryland Center on School Safety, presented an update on implementation of the Safe to Learn Act enacted in the 2018 legislative session. He described the members of the Governor's Subcabinet on School Safety, which is chaired by Dr. Salmon, and the members of the Subcabinet's Advisory Board, which is chaired by Anne Arundel County Superintendent Dr. George Arlotto. Mr. Clarke outlined the key provisions of act, including the funding streams, and the responsibilities for the School Safety Center, He highlighted the development of a curriculum for school resource officers (SROs), which was recently approved by the Maryland Police Training Commission.

Mr. Clarke also outlined the new responsibilities for local school systems, including the identification of designated staff to lead school safety and a staff person to coordinates student mental health services. He stressed that the new law does not mandate SRO coverage, but does require reporting on how adequate law enforcement coverage is being provided in schools without SROs.

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## **Professional Standards for Educational Leaders Rubric**

The State Board heard a presentation from Tiara Booker-Dwyer, MSDE, and William Slotnik with the Community Training and Assessment Center (CTAC). In 2015, the Professional Standards for Educational Leaders (PSEL) was released. MSDE participated on the PSEL's Workgroup for Completing the Standards. The PSEL maintains the priority of instructional leadership while elevating the focus to the overall success and well-being of each student. In February 2017, the Maryland State Board of Education adopted the PSEL. These standards replace the Maryland Instructional Leadership Framework and ISLLC Standards to guide administrator preparation, licensure, and evaluation in Maryland. The rubric identifies standards for ineffective, developing, effective, and highly effective leadership across 10 areas.

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## **Opinions**

The State Board issued opinions in the following cases:

- Alexander and Arlene A. v. Harford County Board of Education, reversing the local board's student suspension decision
- Shahla F. v. Montgomery County Board of Education, affirming the local board's student assignment decision
- Coldstream Homestead Montebello Community Corporation, et al. v. Baltimore City Board of School Commissioners, adopting the ALJ's decision and affirming the local board's school closure decision
- Beverly G. Kelley v. Queen Anne's County Board of Education, overturning the local board's censure decision

- Angela Wakhweya v. Prince George’s County Board of Education, granting the appellant’s request for leave to amend her appeal
- Gregory Sutton v. Somerset County Board of Education, dismissing the appeal as moot