

**September 25, 2018**

## **MABE Monitor for the September 25, 2018 Meeting of the Maryland State Board of Education**

Members in attendance included: Board President Justin Hartings, Board Vice President Stephanie Iszard, David Steiner, Michele Guyton, Rose Li, Jean Halle, Warner Sumpter, Joan Mele-McCarthy, Vermelle Greene, and student member Bryce Awono (Prince George's County). President Hartings recognized MABE Board of Directors representatives in attendance which included MABE President Chuck McDaniels (Baltimore County), and Wayne Ridenour (Washington County).

### [Agenda](#)

#### **Public Comments**

The State Board received public comments from parents speaking in opposition to the state's promotion of the HPV vaccine based on health concerns; parents in opposition to current student discipline policies at the state and local levels based on safety concerns; and opposition from MSEA and PSSAM to amending pending superintendent qualification regulations and in support of continuing to require educational experience.

#### **Regulations**

##### **Superintendent Qualification Regulations (COMAR 13A.12.04.03) and Extraordinary Career Leader Certificate Regulations (COMAR 13A.12.01.06-1)**

Assistant Superintendent Sara Spross, MSDE, outlined the proposed regulatory changes, and provided a brief overview of the process leading up to the proposed amendments to the proposed regulations. She described the meeting of the Joint Conference Committee formed between the State Board and the Professional Standards Teacher Education Board (PSTEB) and reiterated PSTEB's opposition to the proposed regulations. She then described the proposal to establish a one year provisional certification for a superintendent hired on the "extraordinary leadership" basis and that this individual could then be offered a four-year term as superintendent. The State Board engaged in lengthy discussion on the ramifications of adopting the set of regulations containing this provision. Board member Sumpter, joined by board member Guyton asked why the State Board is considering to provide an avenue of qualification for local superintendents without educational backgrounds when local boards have not experienced a shortage of qualified candidates.

Board members Steiner, Finn, and President Hartings expressed their opposition to the amended regulations containing the conditional requirement that candidates under the extraordinary leadership standard be required to fulfill a one-year provisional period. Board President Hartings and Dr. Finn also expressed frustration with the organization representing local boards opposing the proposal to provide them with the tool to hire non-educators as local superintendents. President Hartings noted that if that

provision is stripped from the regulations, the proposed reciprocity provision would nonetheless allow the hiring of such a candidate if previously employed as a superintendent in another state.

The board voted favorably on the proposed regulations which include the provision creating the new certificate for superintendent qualifications based on extraordinary leadership, and which also contains the one-year provisional certificate requirement (7 in favor, 4 opposed, 1 abstention). The board then voted favorably on the proposed stand-alone provision creating the new certificate for superintendent qualifications for four-year contracts based on extraordinary leadership (8 in favor, 3 opposed, 1 abstention).

Board members Hartings, Guyton, Iszard, and Sumpter voted against the first motion, and board member Greene abstained. Board President Hartings joined the majority in supporting the motion to create the extraordinary leadership certificate.

These proposed regulations will now be considered by PSTEB and, if not approved, would require a three-fourths majority of the State Board to approve over PSTEB's objection.

### [Handout](#)

#### **Educational Equity (new) and Education that is Multicultural Regulations (repeal) (COMAR 13A.01.06)**

The purpose of this action is to request the repeal of COMAR 13A.04.05 Education that is Multicultural and request permission to publish a new regulation, COMAR 13A.01.06, Educational Equity, which replaces COMAR 13A.04.05. The new regulation requires that equity and access to educational rigor, resources, and supports for all students are requirements for all local school systems and the Maryland State Department of Education.

State Superintendent Salmon spoke in strong support of the proposed Educational Equity regulations. She described the distinction between equality (everybody gets a pair of shoes) and equity (everybody gets a pair of shoes that fits) and the need to provide more supports for students who have the benefit of less preparation when they arrive at school. Dr. Salmon also noted the prevalence of equity in the State's Every Student Succeeds Act (ESSA) state plan and all of the work of MSDE. She also described the Equity Network comprised on many groups supporting a common definition and initiatives to enhance educational equity.

Dr. Mary Gable described the rationale for repealing the longstanding Education that is Multicultural regulations in support of reforming and heightening the priority of the new Educational Equity regulations. She also highlighted the new responsibility for local boards in being held accountable for complying with and implementing the Educational Equity regulations through the local ESSA master plans.

Board member Finn asked if these regulations signal a move toward individualized teaching and learning, a policy opposed by teacher organizations in other states. Dr. Salmon responded in the affirmative, and spoke positively about the potential for the use of technology and other tools to enhance individualized approaches to student learning.

Board member Steiner identified the failure to adopt policies to evaluate effective teachers, prohibit ineffective teachers from teaching in low-performing schools, requiring the firing of ineffective teachers, and otherwise allow the State to close low-performing schools. Board member Phillips requested

amendments to the staff development section regarding cultural proficiency. Board member Finn requested an amendment to require an annual report to the State Board from the State Superintendent.

The board agreed to defer action on the regulations until amendments are made to add accountability and specificity. Dr. Salmon agreed that specificity could be added to the monitoring provisions and highlighted that she believes school systems will be held accountable through the ESSA plans. She urged action to approve the regulations with these changes at the next meeting.

[Handout](#)

### **School Calendar Waiver Request**

The State Board voted to grant the school calendar waiver request from Montgomery County to permit individual schools to open before Labor Day in 2019.

[Handout](#)

### **PARCC 2018 State Assessment Results Update**

Dr. Dara Shaw, MSDE Research Director, presented the results of the 2018 administration of the Partnership for Assessment of Readiness for College and Careers (PARCC) tests, including supplemental analysis requested at the previous State Board meeting. The board discussed the data represented by the graphics provided regarding the performance of students relative to gender and ethnicity and the performance of test re-takers.

Highlights of the presentation included:

- Results by grade level, Algebra 1 and 10, 2018 change over time
- Results by gender, 2018 change over time
- Comparison, 2018 repeat exams to prior years' reported data
- Demographics, 2018 repeat exams (data pending)

Board member Vermelle Greene spoke passionately about the need for greater attention to equity based on gender to ensure better outcomes for African American boys. The State Board concluded the discussion by noting that other States require literacy by the end of third grade as a bar to progressing to fourth grade and directed staff to pursue how this type of initiative could be pursued in Maryland.

[Handout](#)

### **ESSA Update**

Dr. Mary Gable presented an update on the implementation of Maryland's Every Student Succeeds Act (ESSA) Consolidated State Plan. This update will include information on communication strategies to support the implementation of ESSA; an explanation of the standard setting process; an update on Gifted and Talented identification; and information on School Level Expenditures as required to be reported by ESSA.

Dr. Gable referenced the ESSA stakeholder group, which has met every other month since 2016, as meeting on September 27<sup>th</sup> to recommend approaches to standard setting for determining the cut points for the designation of stars and other factors. The State Board will be presented with recommendations at its October 23<sup>rd</sup> meeting.

## [Handout](#)

### **Gifted and Talented Regulations (COMAR 13A.04.07)**

Dr. Gable also briefed the Board on the proposed Gifted and Talented regulations, which arise from State Board action on the ESSA plan.

The purpose of this action is to provide an update on the identification of gifted and talented students as an accountability and reporting student group in Maryland's Every Student Succeeds Act (ESSA) Consolidated State Plan. An additional purpose is to request permission to publish amended language to COMAR 13A.04.07 Gifted and Talented Education. The following language was included in Maryland's consolidated ESSA plan: "The State intends to take steps to add 'gifted and talented students' as an additional student group by the end of the school year 2017-18." The proposed regulations were described as strengthening the regulation to include mandates and accountability with the goal of more equitable and consistent identification, programs, and services for gifted and talented students in the State. She emphasized the change from "shall consider" to "shall" and the mandate to screen all students, not selected students, on an MSDE-approved assessment for identification as Gifted and Talented by grade 3. Dr. Gable also stressed the intent to monitor disproportionality and compliance with the other amended COMAR provisions. In addition, she noted the nearly \$1.6 million federal Javits Gifted and Talented Students Education Act that is contributing to the department's development of an online portal for use by educators.

Board member Finn praised the regulations but described them as moving Maryland from a grade D to a B in our efforts to identify and serve Gifted and Talented students. Board members' comments focused on the desire for greater consistency among local school systems in identifying both the academic and nonacademic gifted and talented students.

Board President concluded that there was consensus to send the draft regulation back to staff for revisions reflecting the Board's concerns.

[Handout](#); and ESSA presentation [Handout](#) – beginning on page 11.

### **ESSA Plan Fiscal Reporting**

Amalie Brandenburg, MSDE CFO, and Donna Gunning, MSDE, presented the background and proposed methodology and implementation of data collection and reporting consistent with ESSA's financial reporting requirements. Ms. Brandenburg described the genesis of the methodology as the charter school funding study mandated by legislation enacted in 2015 and the methodology developed by a workgroup of local school system CFOs. Ms. Gunning described the work of the Edunomics Lab at Georgetown University and local CFO work group to develop a statewide methodology to assure consistency in reporting the expenditures directly connected to students at the school level.

Board member Finn queried whether the statutory chart of accounts and the 14 budget categories are consistent with modern education reform. Board member Halle asked for clarification on the large category of Other Charges, and Board President Hartings and Vice President Iszard both supported the more detailed approach to presenting parents and others with financial data. Board President Hartings concluded by requesting further revisions and clarifications from staff and the local CFO work group.

[Handout](#) – Beginning on page 18.

## **Board Members Updates**

- Board member Finn provided a brief update on the Kirwan Commission.
- Assistant Superintendent Carol Williamson provided a brief update on the High School Graduation Workgroup and informed the Board that workgroup recommendations would be presented at the October meeting of the State Board.
- Student Board member Bryce Awono updated the Board on the activities of the Maryland Association of Student Councils including an upcoming joint event with the Maryland Youth Advisory Council.
- Board member Guyton updated the board on the work of the Maryland Adult Learning Access Commission and progress toward developing adult high schools; and the first graduates of the new cyber security apprenticeship program.
- Board member Halle provided a brief update on the department's collection of data on virtual learning and the State Board subcommittee's plan to meet in the coming weeks.

## **Budget Approval**

Amelie Brandenburg, MSDE CFO, presented a brief and nonsubstantive overview of the FY 2020 departmental budget requests by the State Board, including MSDE Headquarters and Aid to Education among others.

[Handout](#)

## **Student Discipline Reports**

Liz Kameen, State Board Counsel, presented a historical perspective on the school discipline reform that occurred from 2009-2014 and a foundation for moving forward to study school discipline, both in terms of the legal landscape and the current research and data. She reviewed the state law, and state regulations, and described the State Board's regulatory authority as broad, but noted that administering student discipline is a uniquely local decision. Ms. Kameen outlined events that led the State Board to embark on years of policy reform, including an appeal from a student expulsion in 2009 at the time when no educational services were required in such cases. She highlighted the major components of reform as:

- A. Eliminating zero tolerance discipline;
- B. Creating a foundation for discipline policies based on rehabilitative principles; and
- C. Addressing disproportional discipline of students of color and students with disabilities.

She concluded by referencing the ongoing work of the Maryland Commission on the School-to-Prison Pipeline and Restorative Practices.

Board President Hartings and board members discussed their interest in revisiting the appropriate balance between school safety, enforcing student discipline to ensure that all students have access to a safe educational environment, and the desire to continue to address issues of disproportionality.

Dr. Mary Gable, joined by Walter Sallee and Dr. Deborah Nelson, presented an update on the rate of suspensions and expulsions for the past four years, data on bullying, harassment, or intimidation, and updates on Maryland initiatives to improve school climate. Specifically, the report included suspension

and expulsion rates over four years by grade level, racial groups, and male/female. Additional data on bullying rates, descriptions, and corrective actions is provided for a three-year period.

Mr. Sallee provided a detailed overview of the ongoing meetings and coordination between MSDE and local school system staff on student discipline issues, practices, and challenges in implementing student discipline reforms. His report focused on bullying reporting and rates.

Dr. Deborah Nelson, MSDE, presented findings on suspension rates and the positive behavior intervention supports (PBIS) program. She highlighted that Maryland is one of only three states in which 70% or more of all schools are implementing PBIS. She outlined MSDE's support to local school systems for a wide array of programs and described the Project Advancing Wellness and Resilience in Education (AWARE) grant which MSDE has used to train over 4,200 individuals in mental health first aid including over 2,000 in 2018.

Board members Guyton, Iszard and others highlighted their concerns with the lack of data on unreported or underreported incidents, such as incidents for which reports were not filed.

[Handout on background](#); [Handout on rates of suspension/expulsion](#)

### **Computer Science**

Dr. Lynn Gilly, MSDE, presented the request for the Board's acceptance of the Maryland K-12 Academic Standards for Computer Science. She highlighted Maryland leadership role in the work of the Association for Computing Machinery, Code.org, Computer Science Teachers Association (CSTA), Cyber Innovation Center, and the National Math and Science Initiative to partner with stakeholders from across the country to develop the K-12 Computer Science Framework. The five major concepts of the framework include: 1. Computing Systems 2. Networks and the Internet 3. Data and Analysis 4. Algorithms and Programming 5. Impacts of Computing. Board members voiced support for the initiative and inquired about ways to mandate computer science classes being offered. Dr. Gilly responded by describing the legislation enacted in 2018 to require each public high school to offer at least one high-quality computer science beginning in the 2021-2022 school year. Dr. Salmon spoke to her support for this initiative and the enormous needs and opportunity for jobs in the cyber security field.

[Handout](#)

### **Legal Opinions**

The State Board issued legal opinions in the following cases:

- Watershed Public Charter School, Inc. v. Baltimore County Board of Education, reversing the local board's denial of the charter application as arbitrary, unreasonable and contrary to sound education policy.
- Ahmed H. v. Montgomery County Board of Education, affirming the local board's denial of an early kindergarten admission.
- Sheree L. v. Prince George's County Board of Education, dismissing the appeal as moot but also directing the local board to file a report on or before Nov. 1, 2018.
- Fanny Q. and Shadrack A. v. Howard County Board of Education, affirming the local board's denial of an early kindergarten admission.