

October 23, 2018

Members in attendance included: Board President Justin Hartings, Board Vice President Stephanie Iszard, David Steiner, Michele Guyton, Rose Li, Jean Halle, Michael Phillips, 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 Tolbert Rowe (Caroline County), and former MABE President and Kirwan Commission member Joy Schaefer (Frederick County).

[Agenda](#)

National Board Certification Incentive Program

As a consent agenda item, the State Board confirmed the roster of candidates approved to participate in the 2018-2019 Incentive Program established for public school teachers seeking certification by the National Board for Professional Teaching Standards (NBPTS).

[Handout](#)

Public Comments

The State Board received public comments from a teacher and parents speaking in opposition to the PARCC testing, and a teacher requesting an investigation of the due process available to grievances filed with the Public School Labor Relations Board.

Regulations

Superintendent Certification Regulations

Sara Spross, MSDE, provided a summary of the actions by the Professional Standards and Teacher Education Board (PSTEB) in voting unanimously (with one abstention) against the State Board's proposed regulations to establish a separate certification for non-educators qualifying as extraordinary career leaders, either as a stand-alone regulation or in conjunction with other amendments to the certification standards for the Superintendent I and II positions.

Board President Hartings described the procedural status of the pending regulations, including the opportunity to override PSTEB's actions by a three-fourths majority vote of nine members, or to proceed with the State Board's alternative regulations.

The board engaged in lengthy discussion on the vote to override PSTEB's veto and approve the regulation for publication. Board members Awono, Steiner and Finn spoke in favor of the regulations as a means of providing an option for school boards which may in the future choose to hire a non-educator as superintendent. Board member Guyton reiterated her opposition, and concern for the board's posture relative to the broad opposition from education stakeholders. Board member Sumpter highlighted the opposition of the 24 local boards of education and the need for educational leaders in the fight for public

education. Following the discussion, the board voted 8 to 4 in favor of the regulation, which failed to override the PSTEB action to reject the regulation.

Next the board voted to approve the alternative regulations to establish certification requirements for the positions of Superintendent I and II, including more liberal reciprocity for superintendents and assistant superintendents who have held those positions in other states for multiple years. Ms. Spross emphasized that the regulations also include the option for the State Superintendent to waive the educational background requirements for these positions. Following brief discussion, the motion passed by a vote of 7 in favor, 4 in opposition, and 1 abstention. The simple majority was sufficient to allow these regulations to proceed to publication in the Maryland Register for public comment prior to final action by the State Board.

[Handout](#)

Gifted and Talented Regulations

Dr. Mary Gable, MSDE, presented an overview of the background and content of the proposed regulations governing Gifted and Talented education, and requested approval to publish the proposed regulations in the Maryland Register for public comment.

The proposed regulations would require local school systems to:

- Implement universal screening of all students based on multiple indicators of potential;
- Use an annually approved list of assessments and checklists;
- Identify 10 percent of students as gifted and talented by grade 3;
- Provide ongoing professional learning on identification procedures and the social emotional learning needs of gifted and talented students; and
- Report on all program requirements and implementation in the annual consolidate local ESSA plans.

Under the regulations, MSDE would develop model policies and procedures, and conduct a peer review of local programs on a three-year basis.

Board member Finn spoke in support of the regulations and urged continued consideration of more detailed regulations to require that school systems implement the universal screening requirement based on the grade 3 PARCC tests.

The board engaged in lengthy discussion on the method of identifying students, quality assurances for programs offered to identified students, and the lack of designated funding for gifted and talented students. The board voted to approve the regulations for publication.

[Handout](#)

Child Care Subsidy Program Income Eligibility Regulations

The State Board voted to adopt final regulations setting the Child Care Subsidy Program Eligibility Scale, for the first time since 2002. The amendments call for the removal of the outdated income eligibility scale tables and replacing them with a directive for the Department to establish the income eligibility scale on an annual basis. The new scale will be based on family size and co-payment amount and guided by the income eligibility recommendations from the U.S. Department of Health and Human Services.

[Handout](#)

Maryland Integrated Science Assessment (MISA) Standards

MSDE staff provided an informational overview of the department's approach to standard setting on the Maryland Integrated Science Assessment (MISA). Staff described the cut scores established for performance levels of exceeded expectations, met expectations, approached expectations, and partially met expectations. Board member Steiner and Finn requested immediate action to adopt the standards being presented. The motion passed.

[Handout](#)

Financial Withholding of State Funding

Amelie Brandenburg, MSDE, requested and received state board approval to withhold 10 percent of the November State Aid payment to the Allegany County Public School System, and future payments pending compliance, for failure to comply with the audit requirements under section 5-114 of the Education Article.

[Handout](#)

MSDE Plan for Certification and Educator Preparation Programs

Sara Spross, MSDE, presented a comprehensive overview of the department's initiative to increase the rigor and accountability of Maryland's educator preparation and certification programs. She reviewed the recommendations of the Teacher Induction Retention and Advancement Act of 2016 Workgroup, the recommendations of the State Board's teacher preparation subcommittee, and provided preliminary information to prepare the Board for its consideration of an action plan at its December meeting. She reviewed seven pathways to obtaining initial certification including completion of a Maryland Approved Program or Out of State Approved Program, or certification based on standards for the following routes: Experienced Professional, Transcript Analysis, National Board Certification, Maryland Resident Teacher Program, and Adjunct Teacher.

[Handout](#)

ESSA Summative Assessment Cut Scores and Assignment of Stars

Dr. Mary Gable and Dr. Dara Shaw, MSDE, presented recommendations for the State Board's approval of the policy regarding the categories of schools to be assigned percentile ranks (elementary, middle and high schools), what criteria should be used when making assignment of percentile ranks (bands of uniform width or non-uniform widths), and the separate question of how comprehensive support and improvement (CSI) schools should be assigned stars.

Dr. Shaw led the presentation and responded to Board questions on the options presented. The State Board agreed unanimously to establish percentile ranks for the three categories of elementary, middle and high schools separately.

The board discussed the relative merits of adopting uniform widths across school levels, ensuring that all schools receive from 1 to 5 stars. For example, one option would be to assign 1 to 5 stars based on ranges including the 0-10th percentile, 10 to 30th percentile, 30-70th percentile, 70 to 90th percentile, and

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90 to 100th percentile. Other options set different percentile thresholds but would also ensure a set of schools in each of the 5 categories.

The other type of recommendation, and the option recommended by staff, would assign stars based on the percent of points earned. The options under this approach included setting equally spaced bands of points earned (0-20%/1 star, 20-40%/2 stars, etc.) or adjusting the band widths to align with overall comparative school performance. This approach has wider bands at the lowest and highest ends (0-30%/1 star, 30-45%/2 stars, 45-60%/3 stars, 60-75%/4 stars, and 75-100%/5 stars. In response to board questions, this latter approach was recommended by Dr. Shaw.

On the question of how CSI schools should be assigned stars, the recommendation was to assign stars independently of a school's CSI status. The Board adopted this recommendation.

[Handout](#)

High School Graduation Task Force Recommendations

Dr. Carol Williamson and Dr. Dara Shaw, MSDE, presented an overview of the formation and background on the High School Graduation Task Force and the adopted recommendations in the task force's final report. Drs. Williamson and Shaw served as co-chairs of the task force, and outlined the membership and charge to make recommendations on the credit and program requirements for graduation, assessment requirements, and options for awarding the high school diploma.

Dr. Williamson highlighted recommendations to increase the total number of credits from 21 to 22; increase the required number of math credits from 2 to 4; increase the health credits from a ½ credit to 1 full credit; and reduce technology education from 1 credit to a ½ credit. In addition, recommendations would eliminate the option for 2 credits in Advanced Technology, while retaining the options for 2 credits in world languages or CTE program completion.

Specific recommendations would require:

- All students must take and pass a math course each year in high school, which may include the substitution of 1 computer science credit, and with a limited exception for the 4th credit requirement;
- Increase the health credit requirement to 1 full credit to accommodate the mandated curriculum which now addresses mental health and suicide prevention, opioids and drug prevention, and sexual abuse assault instruction; and
- Decrease the mandated technology credit but also infuse technology education throughout the curriculum.

The state board discussed concerns with the impact of expanding the health credit requirement, the delivery of technology education, and the impact of the math credit requirements. In addition, they discussed whether the recommendations are aligned with the ongoing Kirwan Commission recommendations on college and career readiness and career and technology Education.

Dr. Shaw outlined the recommendation to maintain a single Maryland high school diploma, based on the state's enrollment, credit, and service requirements, while allowing local school systems to add local requirements. Board members Finn and Hartings voiced support for establishing state criteria for the Maryland diploma, while allowing for local endorsements that would not function as additional requirements.

The panel described the two recommended pathways for endorsements in addition to the Maryland high school diploma effective for the class of 2023, including the College Ready Endorsement and the Career and Technical Education Endorsement. The board discussed concerns with appearing to establish a general diploma and college ready diploma, and the role of the MOU process between the Public School Superintendents Association of Maryland (PSSAM) and the Maryland Association of Community Colleges.

Dr. Shaw presented on the recommendations to decouple high school exams from exit requirements; and to make the end of course tests in Algebra, English, and Government worth 20% of final course grades. She described studies showing the disproportionate negative impact of exit assessments as graduation requirements on students of color and economically disadvantaged students. Board member Finn and Steiner voiced strong opposition to a move away from using state assessments as exit exams. Dr. Steiner advocated for maintaining and increasing the PARCC assessment requirements including a score of 4. Board member, and task force member, Dr. Guyton, explained her support for reducing the role of exit exams, but support for increasing the percentage of the end of course exams. Board President Hartings outlined his support for the Kirwan Commission's approach to establishing college and career readiness assessments using the PARCC tests at the end of 10th grade, but with major reservations about the value to the student of strictly enforcing the retaking of the Algebra PARCC test or Bridge Plan requirements as opposed to offering a math course more suited to the student's individual needs.

The final task force recommendation was to retain the Bridge Plan for Academic Validation program unless the State Board eliminates the exit exam system.

[Handout](#)

Legal Opinions

The State Board issued legal opinions in the following cases:

- In Re: Baltimore City Public Charter Schools Mandatory Fees, declaring the mandatory fee for school police services to be illegal.
- The Davinci Collaborative, Ltd., v. Baltimore City of School Commissioners, reversing the local board's denial of the charter application as arbitrary and unreasonable and remanding to provide the charter school the opportunity to answer questions raised by the school system.
- Turning Point Foundation, Inc. v. Prince George's County Board of Education, Denying the charter school's petition for declaratory ruling and directing the parties to enter into negotiations of the charter contract and report progress within 30 days.
- N.Z. v. Montgomery County Board of Education, affirming the local board decision denying early kindergarten admission.
- Joey and Kristin H. v. Charles County Board of Education, affirming the local board's decision denying the student transfer request. The board also stated in this opinion (and the two following student transfer cases) that it "will be examining transfer policies across the State at a future State Board meeting to determine whether we should adopt regulations concerning student transfers."
- Keith and Venera J., v. Montgomery County Board of Education, affirming the local board's decision denying the student transfer request.
- Angela S. v. Harford County Board of Education, reversing and remanding for reconsideration the local board's denial of a student transfer request.

- Janis Sartucci v. Montgomery County Board of Education, dismissing the complaint regarding a turf field contract for lack of standing.
- Janis Sartucci, et al., Montgomery County Board of Education, dismissing, in part, for lack of standing; and affirming the local board's turf field contract award.
- Matthew Feldman v. Montgomery County Board of Education, dismissing the employee's appeal of termination for untimely filing of the appeal.