

December 4, 2018

[Agenda](#)

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, Vermelle Greene, Joan Mele-McCarthy, and student member Bryce Awono (Prince George's County).

President Hartings recognized MABE Board of Directors representatives in attendance which included MABE President-Elect Martha James-Hassan (Baltimore City), and Mary Washington (St. Mary's County).

Public Comment

The State Board received public comments from an individual representing the Gifted and Talented Advisory Council testifying in support of the proposed Gifted and Talented regulations, with specific amendments; an individual representing the National Federation of the Blind of Maryland testifying in support of a specific professional braille competency assessment for teachers; an individual testifying in support of math textbooks used in Singapore; a local school transportation director testifying in support of proposed school bus safety and driver qualifications regulations, raising concerns about the level of MSDE staffing dedicated to student transportation; and MSEA President Cheryl Bost testifying in support of greater local school system and school-based decision making on how to turn around low performing schools rather than the planning document developed by MSDE.

[Handouts](#)

Oral Argument

The State Board heard oral arguments in the case: Lee Thomassen v. Baltimore County Board of Education

Recognition of Elementary, Middle and High School Principals of the Year

The State Board recognized the principals and assistant principals of the year selected by Maryland Association of Secondary School Principals (MASSP) and Maryland Association of Elementary School Principals (MAESP).

- Elementary School Principal of the Year is Mrs. Tracy Hilliard, Principal at Centerville Elementary School in Frederick County.
- Assistant Elementary School Principal of the Year is Mrs. Melissa Freistat, Assistant Principal at Pocomoke Middle School in Worcester County.
- Middle School Principal of the Year is Ms. Cindy Dillon who was the Principal at Patapsco Middle School in Howard County last year and is currently the Principal of Centennial High School.
- High School Principal of the Year is Ms. Mildred Charley-Greene, Principal of Northwood High School in Montgomery County.
- Assistant Principal of the Year is Mr. John Seibel, Assistant Principal at Hammond High School in Howard County.

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Educational Equity Regulations

The State Board granted permission to publish in the Maryland Register for public comment proposed regulations establishing educational equity as a priority in state and local school system policies (COMAR 13A.01.06). The Board's action includes the repeal of the Education that is Multicultural regulations (COMAR 13A.04.05).

Dr. Mary Gable presented the proposed regulations and Board President Hartings shared his appreciation for the collaboration of many stakeholders and the Board's work to develop these regulations. The State Board cited the use of the Council of Chief State School Officers' (CCSSO) document, *Leading for Equity: Opportunities for State Education Chiefs*, and the State Superintendent's collaboration with the Network for Equity and Excellence in Education (NE3) to develop new regulations.

The regulations include the following definition:

- "Educational equity" means that every student has access to the opportunities, resources and educational rigor they need throughout their educational career to maximize academic success and social emotional well-being and to view each student's individual characteristics as valuable. The characteristics of each individual student include but are not limited to ability (cognitive, social emotional and physical), ethnicity, family structure, gender identity and expression, language, race, religion, sexual orientation, and socio-economics.

Examples of policy requirements include:

- Providing tailored and differentiated professional learning to build capacity for cultural responsiveness to address areas of inequity identified by the school system.
- Ensuring equitable access to effective teachers for all students.
- Requiring that an equity lens be used in reviews of staff, including administrators, teacher and instructional leader candidates, curriculum, pedagogy, professional learning, instructional materials, and assessment design.
- Providing the access and opportunity for all students to successfully read on level by the end of grade 2.

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Grading and Reporting Regulations

The State Board considered and granted final approval of regulations governing requirements for local school systems to adopt grading policies and provide those policies annually to MSDE (COMAR 13A.03.02.08). The regulations specify the components of local policies and require annual audits by each local school system of the administration of their grading policies and the reporting of the results of the audits.

The amended regulations include requirements that local school systems must incorporate into their grading and reporting policies, including: 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.

Dr. Mary Gable cited the numerous comments submitted on the published regulations, and the recommendation to amend the regulations to extend the proposed 30-day timeline for final decisions on grade change requests to 45 days. This provision of the regulations reads: "A timeline for final grade changes that cannot exceed 45 school days following the last day of the grading period. For a change of grade for the 4th marking period, the timeline would begin on the first day of school in the new school year."

Board President Hartings emphasized that at this time the State Board is not dictating local school system policies regarding grading or how attendance is considered, but that it is the State Board's responsibility to ensure the integrity of the Maryland State Diploma.

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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.

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Student Transportation Regulations

The State Board granted final approval of regulations governing school bus driver qualifications (COMAR 13A.06.07.01-.10).

The regulations arise from concerns raised in the National Transportation Safety Board (NTSB) Safety Recommendation Report issued in April 2017 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. The NTSB identified areas of concern including the role of the criminal record of second degree assault in disqualifying a school bus driver.

Dr. Mary Gable presented the proposed regulations. Following more than a year of deliberation and consideration of local school system concerns with proposed regulations, the language adopted by the State Board provides discretion to local school system transportation directors to disqualify an individual as follows: "Has evidence of a criminal history, including second degree assault, which in the option of the supervisor of transportation, makes the individual unfit for employment. Evidence of second degree assault is not deemed to be an automatic reason for disqualification."

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Maryland Early Literacy Initiative Program Regulations

The State Board granted final approval of regulations governing the new Early Literacy Initiative Program (COMAR 13A.06.09). The program was established by legislation passed in 2018 (House Bill 1415).

This is a competitive grant program for up to 50 qualifying Title I schools 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 third grade or other literacy targets as determined by the Department.

The board discussed its concerns with regulations, including the reference to "evidence based" programs. Dr. Salmon responded in favor of Dr. Steiner's suggestion to use ESSA's definition of evidence based, and asked counsel for clarification on whether this is a substantive change requiring republication for comment. The board tabled final action pending this revision.

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Baltimore City Schools Calendar Waiver Request

The State Board granted the conditional waiver request from the Baltimore City school system for the 2018-2019 school year. Specifically, the Board approved the request to open school on February 18, 2019, Presidents' Day for Baltimore City Public Schools, if needed for the 2018-2019 school year. President Hartings thanked Baltimore City schools for being proactive in addressing their school calendar concerns.

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Prince George's County Public Schools Performance Audit Review

The State Board received a report on the responses to the audit. Based on allegations of grade manipulation to alter/increase promotion and graduation rates, MSDE issued an emergency procurement for an independent performance audit of PGCPs' graduation rates, awarded to Alvarez and Marsal (A&M), and completed on October 31, 2017.

Based on A&M's Audit Report, the State Board requested a second audit, which was completed in October 2018. This audit consisted of three phases; an Action Plan Assessment, a follow-up Performance Audit, and a consolidation of Best Practices and Lessons learned from the 2017 and 2018 audits. As a result of this audit, the Office of Compliance and Monitoring has developed a Graduation Rate Validation Checklist to ensure all LEAs are in compliance with applicable State and federal graduation requirements. Amelie Brandenburg, MSDE CFO, presented the audit findings and recommendations, including several "areas of further enhancement."

The Board engaged in lengthy discussion of the scope of the recommended follow-up, including the substantial reporting requirements. Board President Hartings emphasized the enormous amount of progress that has been made and commended the school system for doing so, while also raising his strong concerns with the lack of any grades entered for certain students during the marking period, and the high rate of student absences.

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ESSA Report Cards

The State Board and Dr. Salmon recognized the dedication and contributions of MSDE staff through the internal stakeholder group, and the many outside stakeholders on the external group. A panel including Dr. Mary Gable, Dr. Dara Shaw, and Chandra Haislet, MSDE, presented the format, contents, and online accessibility of the new Maryland Report Card accountability reporting system under the Every Student Succeeds Act (ESSA). Ms. Haislet provided an overview of the website, the implementation timeline, and highlighted the need to complete pending work relating to analysis tools, equity, and other accountability data.

Dr. Shaw then presented on the accountability system, including total earned percent, stars, and percentile rank for all elementary, middle, and high schools and grade spans. Dr. Shaw noted that in each grade span, several schools did not receive stars based on the minimum number of 45 points.

Statewide, for elementary schools, 698 received 3-5 stars, and 67 received 1-2 stars; for middle schools, 196 received 3-5 stars, and 20 received 1-2 stars; and for high schools, 167 received 3-5 stars, and 35 received 1-2 stars. Overall, for all schools receiving stars, 89.6 percent of all schools received 3-5 stars.

Regarding percentile ranks for schools, they reflect grade spans, not schools, because many schools include multiple grade spans, e.g. K-8 schools (elementary and middle grade spans) and 6-12 schools (middle and high school grade spans). For these schools, there is a star rating for the entire school, and 2 percentile ranks. Ms. Haislet also described the first ever aggregation of statewide data on courses to determine the well-rounded curriculum component of the accountability system.

Board President Hartings stressed his focus in working with Dr. Salmon to ensure that school ratings reflect the requirements of ESSA, the Protect Our Schools Act, and also reflect the most accurate data based and clear communication between the state and local school systems.

Dr. Gable presented the communication materials including the website, videos, one-pagers, user's guide, toolkit, and more technical background. Dr. Salmon concluded by expressing her sincere thanks to her staff and all stakeholders for the delivery of an accountability system that provides a reliable, valid and good measure of how schools are performing on behalf of students.

[Handout](#)

Kirwan Commission

Board President Hartings led a discussion of the State Board's positions and role relating to the recommendations of the Kirwan Commission, and particularly the recommendation to create a separate governing board to oversee the implementation of the Commission's recommendations and legislation over the next 10 years.

Board members raised their concerns with Dr. Finn advocating for this separate body, as the member of the Kirwan Commission representing the State Board. Dr. Finn described his position as advocating for the best interests of students, in contrast with other Kirwan Commission members who represent special interests. He posed that the Thornton Commission recommendations lacked accountability measures, and that under Thornton MSDE had failed to exercise its accountability authority.

Board members spoke to their interest in being able to exercise their role in ensuring the accountability of local school systems through the work of the State Superintendent and MSDE staff. Board member Steiner presented his support for the separate body in order to achieve the degree of accountability for implementing controversial recommendations seen in Massachusetts in the years following their adoption of education reforms similar to those being recommended by the Kirwan Commission. Other board members articulated their frustration with current budget constraints on the Department and their opposition to a Kirwan Commission recommendation to create a new bureaucracy with an executive director and staff.

Student Discipline

Board President Hartings opened the discussion on the issue and questions surrounding the implementation of the State Board's student discipline reform regulations adopted 5 years ago. He cited numerous events and personal experiences which have alerted him to concerns with negative impacts on schools and student learning, while recognizing that the root causes could relate to resources, use of best practices, and many other factors. He outlined his proposal to create a stakeholder group and outlined the organizations to be represented.

Board members suggested potential additional members representing special education, mental health, and juvenile justice issues, among others. Dr. Salmon suggested that broader stakeholder and practitioner insights could also be shared through panels presenting to the workgroup. The board approved President Hartings proposal.

Factors that Impact School Transfers

Board President Hartings introduced the topic and Dr. Salmon described the array of information provided to facilitate the Board's discussion, including student transfer data on requests approved and denied, and copies of local policies.

Board member Finn outlined his belief that it is not fair to families and students to not be able to attend any school in the State based on available space. Student board member agreed that the issue should be studied, but raised the underlying issue of inequity in the quality of education being offered in lower income communities. Board member Sumpter raised concerns with funding and transportation, and described several successful agreements between counties. Board Vice President Iszard highlighted that most requests are approved, and local appeals are granted, with only a few cases coming before the State Board. She also shared Gen. Sumpter's funding concerns.

Board President Hartings criticized local policies which provide the employee benefit of student transfers, when the same transfer could be denied to another parent. Dr. Salmon described it as an employee benefit, but one tied to the negotiated agreements and the long and irregular hours that teachers work. Dr. Finn criticized the State Board's deferential standard of review in hearing appeals, and inability to decide in the best interest of the student and on the merits of the local board's policy. Board member Halle noted that the Report Card data may spur transfer requests based on school performance.

The Board agreed to have Dr. Finn draft, with the assistance of counsel, a regulation to modify the standard of review for the State Board's review of student transfer requests based on the best interests of the child.

[Handout](#)

Pathways to Obtain a Maryland Teaching Certificate

Dr. Salmon introduced Sarah Spross, MSDE, and the status of the Department's decisions in moving forward on changes to the State's teacher certification requirements. Ms. Spross presented on the various pathways an individual can take leading to the initial teaching certificate, and shared her enthusiasm for transforming the ways in which teachers are certified in Maryland. She describe two overarching pathways for in-state and out-of-state candidates and provided a detailed presentation on the multiple pathways in both circumstances. Ms. Spross clarified that the purpose of the report and discussion is to develop the framework from which to start drafting regulations for the Board's review.

Ms. Spross reviewed the current pathways, including the: Maryland Approved Educator Preparation Program, Out of State Approved Educator Preparation Program, Experienced Professional, Transcript Analysis, National Board Certification, Maryland Resident Teacher Program, and Adjunct Teacher option approved in 2018. She then outlined options to transform pathways for both in-state and out-of-state candidates. For in-state candidates, these include: Maryland Approved Educator Preparation Programs (Traditional), Maryland Alternative Approved Educator Preparation Programs (Non-Traditional), Performance Review Provider, and Experienced Nonpublic School Teacher. For out-of-state candidates, these include: Out-of-State Approved Educator Preparation Program, Certificate and Tests, Out-of-State Approved Educator Preparation Program and Maryland Tests, Out-of-State Certificate and Experience, Out-of-State Certificate and Maryland Tests, and National Board Certification.

Ms. Spross presented broad objectives to streamline pathways, increase the rigor of certification requirements, while keeping the educator pipeline open, and decrease the complexity of the regulatory process. She noted that Maryland is an import state hiring 50%-60% of its teachers from other states. She also described the Transcript Analysis and Resident Teacher Program as being misaligned with the work of the Kirwan Commission because they are not grounded in a rigorous program of instruction.

The board engaged in a very lengthy discussion of the components of the pathways, with Dr. Steiner raising concerns about the breadth of direction to staff to proceed. Board President Hartings clarified that staff was acting according to direction given at the previous board meeting. Ms. Spross will report again at the January meeting.

[Handout](#)

Teacher Certification Assessment Standards

The State Board approved staff recommendations regarding the Teacher assessment standards for the Braille proficiency; and the Basic Academic Skills Assessment: Scholastic Aptitude Test (SAT).

The Board adopted the workgroup recommendation to approve the National Certification in Unified English Braille (NCUEB) as the required test for braille competency for teachers of the Blind/Visually Impaired.

The Board adopted an updated qualifying score of 1180 on the redesigned SAT for those candidates who present this assessment to satisfy the basic academic skills assessment requirement.

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Board Member Michele Guyton Resigns to Serve in House of Delegates

Dr. Guyton announced her resignation effective January 1, 2019 from the State Board and expressed her gratitude for the opportunity to serve with her fellow members, and her commitment to continuing to focus on educational equity, behavioral and mental health, and the fulfillment of the recommendations of the Kirwan Commission.

Legal Opinions

The State Board issued legal opinions in the following cases:

- Lelah and Leon A. v. Prince George’s County Board of Education, affirming the local board’s denial of the requested charter school admission.
- In the Matter of Education Article Section 4-201, finding that “the Superintendent’s authority to disapprove a county board’s appointment of a local superintendent extends beyond a review of the three statutory qualifications and can include other reasons.”
- Phil N. et al., v. Anne Arundel County Board of Education, affirming the local board’s student suspension decision regarding all of the members of the school’s field hockey team.
- Jonathan and Danielle P. v. Calvert County Board of Education, affirming the local board’s decision denying the requested early entry in kindergarten.
- Lee Thomassen v. Baltimore County Board of Education, affirming the local board’s employee termination decision.
- Latin Schools of America, LLC v. Baltimore City Board of School Commissioners, reversing and remanding the local board’s decision to deny the charter school’s charter application.
- Herbi and Yvonne M. v. Montgomery County Board of Education, dismissing the appeal for untimeliness.
- Beverly G. Kelley v. Queen Anne’s County Board of Education, dismissing the request for reconsideration.