

June 25, 2019

## **Agenda**

Board President Justin Hartings called the meeting to order with the Pledge of Allegiance, and adoption of the [Agenda](#). Members in attendance included: Board Vice President Stephanie Iszard, and board members Gail Bates, Clarence Crawford, Jean Halle, Rose Li, Michael Phillips, Warner Sumpter, and student board member Bryce Awono. President Hartings noted that this would be the final state board meeting for board vice president Stephanie Iszard.

MABE President-Elect, Martha James-Hassan, was recognized for being in attendance.

## **Special Update**

President Hartings announced that he would remain on the board for the 1-year remainder of his term but step down as President, which results in vacancies in the offices of President and Vice President to be determined at the board's next meeting in July.

## **Consent Agenda**

The State Board approved the Consent Agenda, including Meeting Minutes for the May 21, 2019 meeting.

## **Public Comment**

Representatives from the University of Maryland System and Maryland Independent College and University Association (MICUA) provided testimony raising objections and concerns regarding the proposed regulations governing educator preparation programs in Maryland's public and private institutions of higher learning. Dr. Joann Boughman, Vice Chancellor for Academic Affairs, described the regulations as too prescriptive and not based on, or contradictory to, evidence-based best practices. Tina Bjarekull, MICUA President, raised similar concerns, and also emphasized opposition to having state regulations strictly tied to national standards.

[Testimony](#)

## **Maryland High School Graduation Task Force – Timeline**

Carol Williamson, MSDE's Chief Academic Officer, provided a report focusing on the alignment between the recommendations of the High School Graduation Task Force and the ongoing work of the Kirwan Commission on Innovation and Excellence in Education.

The Task Force was convened in January 2018 at the request of the Board and Superintendent and was charged with making recommendations regarding the state regulations governing Graduation Requirements for Public High Schools in Maryland (COMAR 13A.03.02). Specifically, the Task Force was asked to focus on three areas: credit and program requirements (number of credits, subject areas, and other requirements), assessments, and options for awarding high school diplomas. The Kirwan Commission issued an Interim Report in January of 2019, followed by funding legislation

enacted in the 2019 session. However, the Commission's policy legislation is anticipated in 2020. Dr. Williamson reviewed the task force report and described whether and how each component is aligned with the work of the Kirwan Commission.

President Hartings discussed the impact of the 2019 legislation banning the use of the Maryland Comprehensive Assessment Program (MCAP) high school assessments as graduation requirements and whether this would have a potential ripple effect in future years. Dr. Williamson outlined the timeline of administering the new MCAP exams for the first time in January of 2020 and that the State Board would be making decisions in the spring of 2020 whether to retain the exams as graduation requirements, end of course tests, or neither. However, regarding the ripple effect, she explained that only first-time test takers would not be prevented from graduating in 2020 based on these test results, while test takers in earlier grades would be given scores which would sit there for application toward the student's eligibility to graduate in future years. Superintendent Salmon shared that she was meeting with the bill sponsor, Delegate Guyton, to clarify legislative intent.

Board President Hartings shared that he has received many inquiries from members of the Graduation Task Force and others as to when we are going to eliminate the requirement to pass tests to graduate. His response highlighted his concerns that the State Board proceed cautiously as they wait for the final actions of the Kirwan Commission, and that he supports a strong statewide system of accountability to ensure that the diploma is based on student learning and mastery of content.

[Handout](#)

### **Striving Readers Comprehensive Literacy Federal Grant**

Dr. Carol Williamson and Assistant State Superintendent Dr. Marcia Sprankle provided an overview of the \$45 million grant awarded to Maryland aligned with implementing the state's comprehensive literacy plan. Each of Maryland's 24 local school systems will receive subgrants ranging from \$1 million to \$2.8 million. The grant's key focus areas include education leadership, professional learning, standards-based instruction, assessments, and tiered instruction and intervention. Board members asked a number of questions on implementation and monitoring of the grant and applauded the special emphasis on disadvantaged children living in poverty, English learners, and children with disabilities.

[Handout](#)

### **Kirwan Commission Funding Formula Workgroup Formed & Other Updates**

Superintendent Salmon provided an update on the convening of the Commission's Workgroup on Funding Formulas, which met for the first time on June 20. Workgroup meeting materials are available on the [Kirwan Commission's website](#). Board members also provided updates on recent activities and events.

### **Office of Compliance and Monitoring Report**

Executive Director of MSDE's Office of Compliance and Monitoring, Richard Henry, provided a comprehensive report on the establishment and operation of the office since its inception in March of 2018. Areas of responsibility include graduation rate validation review, nonpublic school textbook program review, principal evaluation review, and responding to complaints of waste, fraud, and abuse. Board President Hartings inquired about how the office determines areas of focus, and Mr.

Henry responded that he has worked with Chief Operating Officer, Amelie Brandenburg, and Dr. Salmon to do so. At this point, Dr. Salmon shared that she is developing a regulation to address her concerns with attendance as it relates to graduation and the tying of grading and graduation to the number of unexcused absences. The board endorsed this initiative.

Mr. Henry described the onsite review process for graduation rate validation, noting that findings of significant noncompliance require corrective action plans. He also described the review processes for principal evaluations and the nonpublic textbook program. Dr. Salmon noted that school systems have found the compliance review process and input from the office to be useful and beneficial to addressing local school system policies and procedures.

Specifically, Mr. Henry explained that several school systems use of software which does not provide a comments section to allow staff to explain grade changes and that this makes it very difficult to review those decisions. However, based on the compliance review, one school system upgraded the software to provide this feature and is sharing this patch with other school systems using the same software.

[Handouts](#)

### **Teacher and Parent Members of the State Board**

Sarah Spross, Assistant State Superintendent for the Division of Educator Certification, presented the timeline for implementing the legislation enacted in 2019 which increases the membership of the State Board of Education from 12 to 14 members by adding one certified teacher who is actively teaching and one parent to be selected by the Maryland PTA.

Ms. Spross described that the law now requires MSDE to administer a statewide election among certified teachers to select a certified teacher who is actively teaching to serve on the State Board beginning in January of 2020. Board members engaged in a lengthy discussion on the very short timeline and the process for emergency regulations, procurement, and the overall efficacy of the selection process. [Handout](#)

### **Educational Equity Regulations**

Assistant Superintendent Mary Gable and Susan Spinnato, Director of Instructional Programs, presented on the repeal of the regulation entitled “Education That is Multicultural” (COMAR 13A.04.05) and replacement with a new “Educational Equity” regulation (COMAR 13A.01.06). Dr. Gable identified changes made in the proposed regulations in response to the public comments received. In particular, changes add references to national origin and nationality and expand the scope of the requirements to include that an equity lens is used in all recruiting, hiring, retention, and promotion decisions. She noted that the changes are substantive and therefore requested approval for republication for public comment before State Board action could be taken to grant final approval.

Board vice president Iszard and president Hartings questioned how local school systems would be held accountable for hiring “decisions” based on the availability of employee candidates relative to the demographics of the student population. President Hartings suggested replacing “decisions” with “processes.” Following this amendment, the regulation was approved for republication by unanimous vote.

[Handout](#)

## **Health & Human Sexuality Education Regulations**

The State Board granted permission to publish the repeal of COMAR 13A.04.18 “Comprehensive Health Education Instructional Programs for Grades Prekindergarten – Grade 12,” and replacement with new COMAR 13A.04.18 “Comprehensive Health Education Instructional Programs for Grades Prekindergarten – Grade 12.”

Susan Spinnato, MSDE, presented an overview of the proposed changes to the school health regulations. She highlighted significant changes including the adoption of the national health education standards and adding special requirements on abuse and assault, opioids, and boundaries and consent. Also, the regulations would add inclusive language reflecting the equity lens, to ensure that family life and human sexuality education represent all students regardless of ability, sexual orientation, gender identity, and gender expression.

Ms. Spinnato highlighted that the opt-out for disease prevention instruction is removed; information on contraception is moved from 8<sup>th</sup> to 7<sup>th</sup> grades, and the requirement for advisory committee approval for human sexuality instructional materials is maintained, but the requirement for local board approval is removed. Board members discussed the history and operation of parental decision-making to opt out of the human sexuality instruction.

[Handout](#)

## **Gifted and Talented Regulations**

The State Board granted final adoption of amendments to COMAR 13A.04.07 “Gifted and Talented Education.” The State Board noted that the following language was included in Maryland’s Consolidated Every Student Succeeds Act (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.”

Dr. Gable outlined that the amendments strengthen the regulation and include mandates and accountability with the goal of more equitable and consistent identification and programs for gifted and talented students in the State. The amendments mandate gifted and talented identification at multiple grade bands and that local school systems implement programs and services from an MSDE list of approved programs. The regulation also builds in additional accountability, including peer review and annual reports to the State Board. President Hartings recognized the initiative of board member Rose Li in pursuing the inclusion of gifted and talented students in the state’s ESSA accountability plan. Ms. Li emphasized that she also continues to support a separate funding category for gifted and talented students.

[Handout](#)

## **School Psychology Program Regulations**

The State Board granted final approval of regulations governing school psychology programs (COMAR 13A.05.05.04); regulations not updated since 1985. The updated regulations include new language aligned with the model of practice adopted by the National Association of School Psychologists (NASP) in 2010. The new regulations define and clarify the role of the school psychology program to support the expanded role of school psychologists as professionals responsible for providing direct educational, behavioral, and mental health services for children and youth.

[Handout](#)

## **School Counseling Program Regulations**

Dr. Mary Gable presented proposed regulations governing school counseling programs (COMAR 13A.05.05.02). The State Board granted final approval to define, update, and clarify the requirements for school counseling programs to support and unify the role of school counselors in students' academic, career, and personal/social performance to enhance school success based upon the national model adopted by the American School Counseling Association (ASCA). The regulations support the role of school counselors in working with families, school administrators, educators, and other professionals to create supportive learning and social environments for all students.

[Handout](#)

## **Educator Licensure Regulations**

The State Board granted permission to publish the repeal and replacement of the Educator Licensure regulations (COMAR 13A.12.01-.07). Sarah Spross, Assistant State Superintendent for the Division of Educator Certification, presented an overview of the amended regulations governing teacher licensure in Maryland. She highlighted that the regulatory changes are aligned with MSDE's comprehensive plan to increase the rigor and accountability of educator certification and preparation programs for all teachers, specialists, and administrators in Maryland. Ms. Spross highlighted several provisions of the proposed regulations.

[Handout](#)

## **Educator Preparation Program Regulations**

The State Board granted permission to publish amendments to COMAR 13A.07.06 Programs for Professionally Certificated Personnel are intended to increase the rigor and accountability of educator preparation programs. The regulatory language establishes the requirements for educator preparation programs leading to Maryland teacher licensure and is aligned to the recommendations made by the State Board's subcommittee and the Kirwan Commission of Innovation and Education Excellence. Assistant Superintendent Spross provided a detailed overview of the proposed changes and responded to numerous questions.

Following her presentation, board members asked questions concerning the comments heard earlier in the day from representatives from higher education. Ms. Spross responded by noting the distinctions between requirements applicable to public and private institutions of higher education.

[Handout](#)

## **Legal Opinions**

State Board Opinions and Orders were announced in the following cases:

- Opinion No. 19-23 – P.G. and T.G. v. Montgomery County Board of Education, affirming the local board's decision.
- Opinion No. 19-24 – Andrew K. v. Baltimore County Board of Education, reversing the local board's student transfer decision.
- Order No. 19-07 – Latin Schools of America, LLC v. Baltimore City Board of School Commissioners, dismissing the appeal.

- Order No. 19-08 – In the Matter of Non-Recurring Cost Appeal: Baltimore County, dismissing the appeal as untimely.
- Order No. 19-09 – Jennifer Hoover, v. Montgomery County Board of Education, denying the request for reconsideration and amending the record.
- Order No. 19-10 – Rosalia Huggins v. Baltimore City Board of School Commissioners, denying the request for reconsideration.