

July 23, 2019

Agenda

Board member Rose Li convened the meeting and led the board in the Pledge of Allegiance. She was joined by board members David Steiner, Joan Mele-McCarthy, Gail Bates, Clarence Crawford, Jean Halle, Michael Phillips, Warner Sumpter, and newly appointed student board member Noreen Badwi, from Baltimore County. Board members Justin Hartings and Vermelle Green joined the meeting by conference call.

MABE president-elect, Martha James-Hassan, and past president Joy Schaefer were recognized for being in attendance.

Election of Officers

The State Board returned from executive session to announce the election of Warner Sumpter as president and Jean Halle as vice president. General Sumpter thanked the board for their support.

Charter School Non-Renewal Appeals

The State Board's legal counsel, Liz Kameen, presented policy options to address concerns with the timing of local decisions to close charter schools, and the State Board's appeal timeline, in order to facilitate State Board decisions to reverse local decisions and allow such schools to remain open.

Under one option, the State Board require the local board to make the non-renewal decision earlier. The State Board could adopt a regulation setting the period within which a non-renewal decision must be made. For example, if a charter school is up for renewal at the end of the 2019-2020 school year (SY), and the local board made the non-renewal decision by April or May 2019, that would give the State Board sufficient time to decide the appeal by December 2019 or January 2020.

Under the second option, the State Board could adopt a regulation that will automatically stay a local board's decision to not renew the charter school until the State Board issues a decision on appeal.

Board members discussed concerns with the range of factors local school systems use to make renewal and non-renewal decisions. Ms. Kameen responded by describing the student performance, financial, and governance factors used to determine charter school closures. Board members characterized a double standard for closures of regular public schools and charter schools. Board President Sumpter asked if local school systems have been consulted for input and Ms. Kameen responded that they have not. Dr. Salmon described why there are appropriately two

different laws governing closures of charter schools which operate under contracts with local school systems, and other public schools which are typically closed in the context of changes in enrollment and redistricting, a lengthier process which requires numerous public hearings. Ms. Kameen also noted that there are currently no regulations governing charter schools.

It was agreed that at a future meeting, the board would be provided with an overview of the charter school law and timeline for closure decisions.

[Handout](#)

Student Transfer Appeals

At the State Board meeting on May 21, 2019, the Board discussed possible changes to the way it analyzed and reviewed appeals in cases in which students were requesting transfers. The discussion ranged from changing the standard of review, shifting the burden of proof, and adopting a best interest of the student analysis. The Board decided to adopt a best interest of the student analysis and to retain the current standard of review and burden of proof.

The State Board granted permission to publish the proposed regulation, under COMAR 13A.01.05.06, as provided below. It includes provisions significantly expanding the responsibilities of local boards to explain decisions to deny transfer requests, including an explain why barriers to requested transfers could not be overcome.

C. Appeals of School Transfer Decisions

(1) For an appeal of a denial of a request to transfer to a different school, the local board's decision shall be considered prima facie correct, and the State Board may not substitute its judgment for that of the local board unless the decision fails to address with particularity the best interests of the student, including when appropriate, how denying the transfers reasonably:

(1) meets the educational needs of the student;

(2) meets the physical or emotional needs of the student;

(3) meets the safety needs of the student; or

(2) If there are barriers that negatively impact the transfer request, such as school capacity, course availability, transportation, or other barriers, even if the transfer is in the best interests of the student, the decision explains with particularity why the barriers could not be overcome.

Following a very brief discussion, the board voted unanimously to grant permission to publish the proposed regulations.

[Handout](#)

High School Assessment and Graduation Requirements

Following a lengthy discussion, the State Board failed to garner the requisite six votes required to grant permission to publish revisions to the regulations governing graduation requirements under COMAR 13A.03.02 which were initiated, in part, by legislation enacted in 2019, House Bill 1019. Under the proposed regulations, for students who are graduating in school years 2019-2020 and 2020-2021, the requirements to pass the state assessments in Algebra I or English 10 do not apply. For these students only, taking the Algebra I and English 10 Maryland Comprehensive Assessment will meet the graduation assessment requirement for Algebra I and English 10. This change follows the legislation passed in 2019, which reads under Section 7-205(f) of the Education Article: "The state board may only require a passing score on a standardized assessment to evaluate a student for graduation from high school after the assessment has been field-tested and piloted for at least 1 year." This bill was prompted by concerns about the transition to new state assessments to be administered in the spring of 2020.

Dr. Mary Gable described the Maryland Comprehensive Assessment Program (MCAP), which encompasses all state assessments, and the department's interpretation of the legislation as applying to seniors during the transition to new assessments. She noted that the regulation would also apply to juniors. Dr. Salmon described the legislation as arising from the High School Graduation Task Force but more directly from concerns about the adoption of new state assessments for the spring of 2020. Board member Steiner requested clarification that the regulations provide a grace period but not abandon the use of assessments to determine eligibility for graduation. Board member Li raised two concerns about a reference to minimum scores not otherwise referenced in the regulations, and a reference to allowing students to earn credit for being tutored. Student board member Badwi spoke in favor of the proposed regulations as in the best interests of the struggling students taking these courses and assessments in their junior and senior years.

The vote to amend the regulations to have them apply only to seniors failed and the vote to adopt the unamended regulations also failed.

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Separately, the State Board considered and unanimously final approval of regulations under COMAR 13A.03.02.09C, addressing the Maryland Integrated Science Assessment (MISA). In January 2018, the State Board adopted revisions granting an exception for all students taking the HS MISA in the 2017-2018 and 2018- 2019 school years because the new assessment was being developed to replace the previous High School Assessment in Biology. Under current regulations, students taking the assessment in 2019-2020 would be required to pass in order to graduate. However, the department is concerned that "the potential exists for many students to be negatively impacted by the convergence of revised programs and the new assessment." Therefore, the regulations will delay requiring passage of the MISA as a graduation requirement through the 2020-2021 school year.

Board member Li questioned whether it makes sense to administer an assessment of multiple science courses. Dr. Salmon agreed that this assessment does not make instructional sense and urged approval of the proposed regulations to provide time to consider other options.

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Home Instruction

The State Board granted final approval of regulations governing Home Instruction under COMAR 13A.10.01.01 and .05. Under the proposed regulations, portfolio reviews and parent conferences would remain intact. However, for parents whose child's home instruction program is being supervised by the local school system, the proposed amendments would eliminate the need for the parent to agree to permit a representative of the local school system to observe instruction as part of the portfolio review process. Board member Steiner criticized the regulation as abrogating the State Board's responsibility to oversee home instruction.

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Test Administration and Data Reporting

The State Board granted final approval of regulations governing local school system administration of state assessments. The proposed amendments update the list of tests administered by the MSDE, clarify that "security" and "monitoring" apply to all instruments administered by the MSDE, clarify that personnel should be trained at least annually in test administration policy and procedures, and clarify eligibility requirements for Local Accountability Coordinators, School Test Coordinators, Test Administrators, Proctors, and Accommodators. Dr. Mary Gable presented the proposed regulation and noted that it received no public comments.

[Handout](#)

Substitute Teacher Disqualification for Sexual Misconduct

The State Board granted permission to publish new regulations governing substitute teachers, under COMAR 13A.07.12. Sarah Spross, MSDE, presented the regulations to establish clear standards and criteria for the disqualification of substitute teachers, particularly relating to findings of child abuse and sexual misconduct:

- Causes of Disqualification;
- Notice of Disqualification and Right to Appeal;
- Disqualified Substitute Teacher Database; and
- Disqualification of a Substitute who holds a Maryland Educator Certificate.

Ms. Spross noted the recommendations of the workgroup on broader topics relating to local school system reporting of employees for sexual abuse, in order to prevent the transfer of such employees from one school system to another, and also to develop regulations to apply to substitute teachers with or without a teaching certificate.

[Handout](#)

Lead Higher Report

The State Board received a comprehensive report 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. Presenters from Equal Opportunity Schools provided performance data describing significant progress while stressing that major gaps remain. The analysis by EOS uses data from College Board, International Baccalaureate, US Department of Education, MDSE, and surveys and academic record analysis of 41,825 MD students and 3,702 staff, with comparisons to more than 400,000 students nationally and 19,000 staff nationally. Presenters also emphasized the high priority Maryland educators place on addressing issues of equity and inequity as core responsibilities of the school system. The board engaged in lengthy discussion on topics ranging from competition between dual enrollment options and AP and IB, and the role of equity teams in implementing schools.

[Handout](#)

The Blueprint for Maryland's Future (SB 1030)

Dr. Salmon and Amelie Brandenburg, MSDE, presented an update on the grant administration work required following the passage of Senate Bill 1030, the Blueprint for Maryland's Future. On May 24, 2019, the MSDE released to local school systems the draft funding calculations and guidance. MSDE also released detailed information and application guidance regarding the Teacher Salary Incentive Grant program. Applications for these grant funds were due by June 30, 2019. On June 6, 2019, MSDE released final calculations. Additionally, the Request for Application for the Teacher Collaborative Grant was issued with a due date of August 9, 2019. In total, up to 150 grant awards will be entered, reviewed, and processed for award under this legislation.

- Concentration of Poverty School Grant Program (\$51,385,768)
- Prekindergarten Supplemental Grants (\$31,677,733)
- Teacher Salary Incentive Grant (\$75,000,001)
- Students with Disabilities Grant (\$65,468,588)
- Transitional Supplemental Instruction for Struggling Learners (\$23,000,000)
- Mental Health Coordinator (\$1,999,992)
- Teacher Collaborative Grant (\$2,500,000)

Board members discussed the department's role in monitoring implementation of these grant programs and it was clarified that local school systems report not to the MSDE but directly to the General Assembly.

[Handout](#)

Curricular Support Materials (CSM) Initiative

The State Board received an overview of the Curriculum Support Materials (CSM) initiative developed through the 2015 Federal Statewide Longitudinal Data Systems (SLDS) Grant. Under the grant, the CSM Collaborative was initiated to support curriculum-design decision-making that will assist local school systems in the identification of high-quality, standards-aligned instructional materials, interventions, programs, and practices. Staff described the department's partnership with WestEd to develop rubrics for all of the Maryland content standards and also presented a rubric for culturally responsive and equitable teaching practices. Stakeholder focus groups and review teams of content specialists will continue to play a key role in this initiative.

Board member Steiner spoke in favor of considering ways of incentivizing local adoption of high-quality curriculum and materials, rather than mandating local adoption of any specific curriculum. Dr. Salmon referenced the pending regulations on curriculum vetting standards as addressing the issue and subject to modification in the future.

[Handout](#)

Legal Opinions

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

- Opinion No. 19-25 – Jerry Hines, Jr. v. Anne Arundel County Board of Education, affirming the local board's decision.
- Opinion No. 19-11 – Harvest Foundation Group v. Baltimore County Board of Education, dismissed the appeal because there is no local board decision to review.
- Opinion No. 19-12 – Tracy Matthews v. Anne Arundel County Board of Education, dismissed for lack of standing.