

September 24, 2019

## [Agenda](#)

### **Opening of Meeting**

Board President Warner Sumpter convened the meeting and led the board in the Pledge of Allegiance. He was joined by Vice President Jean Halle, and board members Justin Hartings, David Steiner, Rose Li, Joan Mele-McCarthy, Gail Bates, Clarence Crawford, Vermelle Greene, student board member Noureen Badwi, and newly appointed board member Charles 'Chip' Dashiell, Jr.

MABE representatives in attendance included: MABE Secretary Virginia McGraw (Charles), and MABE board of directors' members Mavis Ellis (Howard) and Mary Washington (St. Mary's).

### **Public Comments**

The State Board received public comments from representatives of the University of Maryland, Maryland Independent College, and University Association, and Maryland State Education Association, voicing opposition to the publication of proposed regulations regarding educator certification and preparation and requesting a conference committee with the Professional Standards and Teacher Education Board (PSTEB) which voted unanimously to oppose the regulations. Individuals testified in favor of greater accountability and oversight of MSDE's Division of Early Childhood and requesting the withdrawal of proposed licensing regulations, a parent testified in favor of stricter enforcement of regulations limiting the use of restraint and seclusion, a parent testified in support of stricter enforcement of regulations governing the education of deaf and hard of hearing students, and a parent testified in support of stricter monitoring and implementation of the law concerning certified instructors teaching and certifying students in CPR.

### **Oral Argument**

The State Board heard oral arguments in the case: Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners.

### **2019 State Assessment Results: Updated Analysis**

Dr. Dara Shaw, MSDE's Director of Research and Strategic Data Use, followed last month's presentation by providing additional results and analyses of the 2019 Maryland Comprehensive Assessment Program (MCAP) based on scores on the Partnership for Assessment of Readiness for College and Careers (PARCC) tests administered in the 2018-2019 school year. She highlighted the following:

1. Algebra I and English Language Arts (ELA) 10 by student grade level, 2017-2019

2. Algebra I and ELA 10 first time tests, 2015-2019
3. Charter school performance, 2019
4. Achievement gaps by the local school system, 2019
5. Student group achievement by the local school system, change from 2018
6. Relationship between school performance and selected demographics, 2019
7. Degree of variation within local school systems, 2019

Board members and staff engaged in a lengthy discussion, focusing on concerns with persistent achievement gaps. Dr. Shaw presented a series of bar graphs and maps displaying achievement gaps by county and subject area. Board member Vermelle Greene requested additional data on the performance of male students, and board members discussed the alignment of these results with results on the forthcoming new statewide student assessments. Board member David Steiner explained that the department's pledge to vertically align the current PARCC assessment and the new assessments to be administered in 2020 refers to the assurance that a student would achieve the same score on the new test as on the current test. Dr. Salmon reassured the board that the new assessments will be aligned with the state standards for college and career readiness which underly the current PARCC state assessments. In addition, she and the board also discussed the need to develop and implement the newly created statewide curriculum vetting program to ensure that teaching and learning are aligned with the state standards.

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### **High School Graduation Task Force: Graduation Pathways and Dual Enrollment**

Dr. Carrol Williamson, MSDE, presented on the recommendations of the Maryland High School Graduation Task Force regarding dual enrollment and career and technical education (CTE) credit and program requirements. She highlighted that this subject is also the focus of Workgroup 3 of the Kirwan Commission. She also shared that board member Gail Bates would be replacing Chester Finn as the State Board's representative on the Kirwan Commission when it reconvenes in the coming weeks.

Dr. Williamson highlighted the difference between the three pathways recommended by the Taskforce and Kirwan Commission. The Kirwan Commission recommends three pathways as follows:

- Advanced Placement (AP), International Baccalaureate (IB), or the Cambridge Advanced International Certificate of Education (AICE) Diploma pathway
- Associate's Degree in combination with the high school diploma
- Robust CTE programs offered by high school or two or four-year institutions

However, the Taskforce recommends one or more of the following:

- Successful completion of a State-approved Career and Technology Education (CTE) Program

- Successful completion of the University System of Maryland requirements, which include two years of the same world language, Algebra II, and two of three sciences as lab sciences
- Provide further study of a third pathway

The board discussed their interest in seeing the development of 3 robust pathways, but agreed that the third pathway requires further study. The board agreed to authorize the department proceed with drafting regulations.

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## **Financial Reporting Requirements**

The State Board authorized the State Superintendent to withhold funds from local school systems that are not in compliance with the financial reporting provisions of §5-114 of the Education Article. The requirements include the following: Timely submission of the annual audit report or submission within 10 days after notification that the report is late; Submission of a corrective action cost containment plan within 15 days of notification by the State Superintendent of a deficit situation; and Submission of monthly status reports on actions taken to close the deficit.

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## **Digital Learning Workgroup Report**

Dr. Williamson and MSDE staff presented an overview and recommendations of the Digital Learning Workgroup established in 2018 by the State Board. Board Vice President Jean Halle chaired the workgroup and shared additional information throughout the presentation. The presentation highlighted the distinctions between virtual schools and online, blended, and broadcast learning.

- Virtual School definition: A public school established by the Department or by a county board under § 4-109 of the Education Article in which the school uses technology to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting.
- Online Learning definition: 80 percent or more of the instruction is conducted online, the teacher and student are separated by distance or time or both, and two-way communication is required between teacher and student.
- Blended Learning Definition: Less than 80 percent of the instruction is conducted online. Such a course is also referred to as a “blended” or “hybrid course.”
- Broadcast Learning definition: Synchronous instruction from a facilitator in one location to students in multiple other locations through the use of web conferencing software and other digital resources.

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## **Heroin and Opioid Epidemic**

Steve Schuh, Executive Director of Maryland’s Opioid Operational Command Center (O OCC), provided a comprehensive overview of the State’s coordinated response to heroin and opioid epidemic. He shared that the O OCC and MSDE have implemented several strategies and initiatives to address the opioid epidemic and have provided resources to local school systems to assist with

their efforts in substance abuse prevention and treatment. Highlighted prevention programs include the Botvin Life Skills Program, Smart Choices/Smart Moves Program, New Drug Abuse and Resistance Education, (DARE) program, Parent Awareness Meetings, Student Plays, Guest Speakers/Student Assemblies, and Videos/Documentaries.

The State Board also received an update on the implementation of the Start Talking Act, enacted in 2017 to set new standards for health education, including instruction on heroin and opioid abuse. The law required the State Board to implement a program of drug addiction and prevention in schools that include instruction related to heroin and opioids. The law further requires each local board of education to establish a policy requiring each public school to store naloxone and authorize school personnel to administer it as appropriate, and schools must report to MSDE on any incident that required the use of naloxone or other overdose-reversing drug.

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#### **Root Cause Analysis**

Drs. Segun Eubanks, Director of the Center for Educational Innovation and Improvement, and Jennifer Rice, Dean and Professor, both with the University of Maryland's College of Education, presented on the creation and implementation of the school improvement root cause analysis and interventions envisioned by the Every Student Succeeds Act (ESSA). Maryland's ESSA plan requires comprehensive support and improvement (CSI) schools to complete specific actions to improve school performance. CSI schools must: 1. Complete a needs assessment; 2. Have a root cause analysis completed by an external party; 3. Use the outcomes of the needs assessment and root cause analysis to inform the development of an intervention plan. The intervention plan must be written in partnership with the school community and identify evidence-based interventions that will be implemented to address the root cause(s) of school performance problems. The intervention plan must be approved by the school, school system, and MSDE; 4. Use curriculum vetted by the MSDE; 5. Participate in customized professional learning experiences and leadership coaching as part of the Leading for School Improvement Institute; 6. Participate in on-site and virtual progress monitoring visits by the MSDE; and 7. Develop a sustainability plan and have it approved by the school, local school system, and MSDE.

Dr. Eubanks and Dr. Tiara Booker-Dwyer, Assistant State Superintendent of College and Career Readiness, described the status of program development including the statewide curriculum vetting initiative and other collaborative school improvement strategies to assist school in leaving CSI status and sustaining improvements.

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#### **Educator Licensure Regulations**

Sara Spross, Assistant State Superintendent, Division of Educator Certification and Program Approval, presented the history and status of proposed regulations described below pertaining to both teacher licensure and teacher preparation programs. She began by requesting permission to publish the regulations on teacher licensure, which was unanimously approved. Board member Justin Hartings spoke to his support for publishing and awaiting comments not only from the public

but also from Dr. Kirwan as to whether the regulations comport with the Commission's recommendations. Board member Steiner assured the board that they do, and argued against the comments received by the board which described the proposed regulations as premature.

Background: On June 25, 2019, the State Board granted permission to publish Code of Maryland Regulations (COMAR) 13A.12.01-.07 - Educator Licensure, which would repeal and replace COMAR 13A.12.01-.06 - Certification. The Professional Standards and Teacher Education Board (PSTEB) voted against the publication of COMAR 13A.12.01-.07 - Educator Licensure at its September meeting. On September 24, 2019, the State Board deliberated and decided to override PSTEB's action, reject the request for a conference committee, and grant permission to publish the regulations.

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### **Educator Preparation Program Regulations**

Ms. Spross proceeded to request permission to publish the teacher preparation program regulations, which were also approved unanimously.

Background: On June 25, 2019, the State Board granted permission to publish Code of Maryland Regulations (COMAR) COMAR 13A.07.06 - Programs for Professionally Certificated Personnel, which would repeal and replace the current version of 13A.07.06 Programs for Professionally Certificated Personnel. The Professional Standards and Teacher Education Board (PSTEB) voted against the publication of 13A.07.06 Programs for Professionally Certificated Personnel at its September meeting. On September 24, 2019, the State Board deliberated and decided to override PSTEB's action, reject the request for a conference committee, and grant permission to publish the regulations.

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### **Graduation Requirement Regulations**

Mary Gable, Assistant State Superintendent for the Division of Academic Policy, requested permission to publish proposed regulations (COMAR 13A.03.02) to implement recently enacted legislation to limit the application of cut scores to new student assessments to be administered in 2020. As a result of the enactment of House Bill 1019, for students who are graduating in the school year 2019 – 2020, the requirement set forth in §B(3)(a) of this regulation does not apply for Algebra I or English 10. For those students only, taking the Algebra I and English 10 Maryland Comprehensive Assessment will meet the graduation assessment requirement for Algebra I and English 10. Students must pass Algebra I and English 10 courses; however, these students are exempt from completing a Bridge Project for Algebra I and/or English 10. Language has been added to the regulation to encourage appropriate assistance for these students to strengthen areas of weakness.

At the outset of the presentation, the staff informed the State Board that the Attorney General's office had confirmed the legality of the proposed regulation.

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## **Grading and Reporting Regulations**

Ms. Gable outlined the proposed amendments to regulations governing Grading and Reporting (COMAR 13A.03.02.08) is to define the impact of unlawful absences on the awarding of credit for courses in high school and ensures consistency across all school systems. She highlighted recently added language to the proposed regulations to tie additional requirements and conditions for graduation for students with certain numbers of unexcused absences.

The newly added language reads:

“At the high school level, a policy that students with unlawful absences constituting five percent of school days in a semester or a yearlong course shall be denied credit unless the student presents compelling mitigating circumstances supporting the awarding of credit. To award credit, the school principal shall obtain approval from the Superintendent (or designee).”

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## **Accessible Teaching and Learning Materials Regulations**

The State Board granted permission to repeal COMAR 13A.06.05 - School Supplies and Equipment and to adopt new regulations under COMAR 13A.06.05 - Purchase and Use of Accessible Teaching and Learning Materials.

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## **State Aided Institution Grants Regulations**

The State Board granted permission to publish regulations governing State-Aided Educational Institutions (COMAR 13A.05.13). This regulation outlines the process for non-profit organizations to qualify and apply as a State-Aided Educational Institution. The regulation was previously discussed at the August State Board meeting, and revisions were made based on feedback from the State Board.

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## **State Board Legal Opinions**

The State Board issued legal opinions in the following cases:

- In the Matter of Talbot County Council and Talbot County Board of Education, affirming the State Superintendent's denial of the request from the local county council and board of education for a nonrecurring cost exclusion from the maintenance of effort calculation.
- Cindy Rose v. Frederick County Board of Education, dismissing the appeal for lack of standing.
- Sherlinda S. v. Montgomery County Board of Education, affirming the local board's early kindergarten entry decision.
- A.W. and L.W. v. Baltimore City Board of School Commissioners, affirming the local board's student discipline decision.
- Shajuan F. v. Baltimore County Board of Education, dismissing the appeal for untimeliness.