

October 22, 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, Michael Phillips, Rose Li, Joan Mele-McCarthy, Gail Bates, Clarence Crawford, student board member Noreen Badwi, and recently appointed board member Charles 'Chip' Dashiell, Jr.

MABE representatives in attendance included: MABE President Martha James-Hassan (Baltimore City), and MABE President-Elect Tammy Fraley (Allegany).

Public Comments

The State Board received public comments from individuals supporting the proposed health and human sexuality regulations, a representative from the Baltimore City Teaching Residency in support of the pending regulations governing teacher licensure, and Baltimore City Council President Brandon Scott in support of the pending educational equity and health and human sexuality regulations.

[Handouts](#)

Oral Argument

The State Board heard oral arguments in the following cases: In Re Wayne Foote; and Yvette Brebnor v. Baltimore City Board of School Commissioners.

National Board Certification

The State Board confirmed candidates to participate in the 2019-2020 Incentive Program established for public school teachers seeking certification by the National Board for Professional Teaching Standards (NBPTS). Annually, the State Board confirms a maximum of 1,000 candidates eligible to participate in the Incentive Program; and each confirmed teacher shall receive an amount equal to the certification fee charged by NBPTS for a total cost of \$1,900 for initial certification and \$1,200.00 for the renewal. There are 3,201 Maryland educators certified by the NBPTS, and local school systems have identified 678 candidates to participate in the 2019-2020 Incentive Program.

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Principals of the Year

The State Board recognized the individuals selected by the Maryland Association of Secondary School Principals (MASSP) to represent Maryland as the 2020 Principals-of-the-Year and the 2020 Assistant Principal-of-the-Year at the secondary level. Additionally, the National Association of Secondary School Principals named the MASSP Middle School Principal-of-the-Year as one of three national finalists.

- Dr. Joey Jones, Principal at Robert Frost Middle School in Montgomery County, is MASSP's Middle School Principal-of-the-Year, and has been selected as a finalist for the NASSP Principal-of-the-Year award competition;
- Mr. Nick Novak, Principal of Howard High School in Howard County, is the MASSP High School Principal-of-the-Year; and
- Mrs. Catherine Sutton, Assistant Principal at Calvert High School in Calvert County, is the MASSP 2020 Assistant Principal-of-the-Year.

The State Board also recognized the individuals selected by the Maryland Association of Elementary School Principals (MAESP) to represent Maryland as the 2019 National Distinguished Principal and 2019 Assistant Principal of the Year at the elementary level.

- Edward Cosentino, Principal of Clemens Crossing Elementary in Columbia; and
- Connie Stahler, Principal at Laurel Woods Elementary in Howard County.

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Maryland Comprehensive Assessment Program (MCAP) Update

Dr. Jennifer Judkins, Assistant State Superintendent for Assessment, Accountability and Information Technology, provided a status report on the ongoing revamping of the State's comprehensive testing program following the termination of the Partnership for Assessment of Readiness for College and Careers (PARCC) tests administered for the last time in the 2018-2019 school year. She informed the board of the status of work with ETS on content development and Pearson on Administration, Scoring, and Reporting on the array of state student performance tests. These tests include:

- Mathematics 3-8, Algebra I, Geometry, Algebra II
- English Language Arts/Literacy (ELA/L) 3-8, 10
- Maryland Integrated Science Assessment (MISA) 5, 8 & HS
- Social Studies 8, Government
- Alternative Assessments including: Alt Mathematics 3-8, 10; Alt ELA/L 3-8, 10 ; Alt MISA 5, 8 & 11
- Access for ELLs K-11
- Kindergarten Readiness Assessment

The State Board received a status report on the work of the Assessment and Curriculum branches to design shorter assessments in mathematics, English language arts and science that adequately measure the breadth and depth of the Maryland state content standards. Staff emphasized that educators from around the state have been a part of both the design and development of these new assessments. MSDE continues to build the item bank to support the new assessments and will administer fixed form assessments in 2019-2020 and move to computer adaptive testing (CAT) in ELA and most mathematics assessments in 2020-2021. Dr. Judkins explained that there will be extensive field testing in the spring of 2020 on the computer adaptive administration of assessments to better prepare for statewide implementation for math and ELA in 2020-2021 and assessments in other subjects in future years.

Board members raised questions regarding the comparability of these new assessments to those used in other states, and for more information on the decision-making process regarding test question selection toward the goal of reducing the time required for test administration. Board member Justin Hartings asked whether another standard re-setting will be required following the full shift to the computer adaptive assessment in 2 years. Dr. Judkins and Dr. Salmon responded that they are working on communications around this complex topic.

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Algebra Assessment Cut Scores

The State Board received a briefing from Dr. Jennifer Judkins and Mary Gable, Assistant State Superintendent for the Division of Academic Policy, on the Algebra I passing score required for students graduating in the Class of 2024 and beyond. In October 2017, the State Board determined that the Algebra I assessment passing score required for graduation would be 750, beginning with students in grade 6 and below during the 2017-2018 school year. These grade 6 students in the 2017-2018 school year are scheduled to graduate in the 2023-2024 school year. The required score for students graduating before the 2023-2024 school year is 725.

Dr. Gable explained that, in light of the transitional issues raised in the previous presentation, the department is requesting that the score remain 725 for the graduating class of 2024, and not be raised to 750. Board members Steiner and Hartings voiced their concerns and opposition to the proposal, and other board members asked several questions. Dr. Gable responded by further explaining and reiterating that the change is requested in light of many ongoing changes impacting the assessment program. In response to the discussion and concerns raised, Dr. Salmon pulled the item from consideration.

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Career Technical Education (CTE) Four-Year State Plan

Dr. Tiara Booker-Dwyer, Assistant State Superintendent for College and Career Readiness, presented an overview of the four-year career and technical education (CTE) plan for Maryland that

is required to be submitted to the U. S. Department of Education for release of Perkins CTE funds. She highlighted that the entire plan has been re-oriented toward providing programs of study leading to high skill, high wage, and in-demand careers. Dr. Booker-Dwyer noted the creation of a new state advisory committee, and also stressed the need for stronger participation of businesses to complement the work of school counselors.

Board members asked whether this plan will set the state on a path to achieve the ambitious goals to have high percentages of students graduating with CTE certification, and Dr. Booker-Dwyer responded that it absolutely would. Dr. Salmon highlighted that several school systems are already excelling in this area, with Garrett County having over 70% and Kent County having over 60% of high school students participating in CTE.

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Health & Human Sexuality Education Regulations

The State Board approved final regulations, under COMAR 13A.04.18, governing Comprehensive Health Education Instructional Programs for Grades Prekindergarten – Grade 12.

Assistant Superintendent Gable presented the regulations for final approval, following the board's approval for publication at the board's June meeting. Significant changes include adopting the national health education standards and adding special requirements on abuse and assault, opioids, and boundaries and consent. In addition, the regulations 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. Further, the opt-out for disease prevention instruction is removed; information on contraception is moved from 8th to 7th 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 member Badwi voiced her concerns with the lack of student input on the development of these regulations and her concerns that all school systems should be uniformly required to implement the proposed regulations. Board members also discussed the need for clarification on the scope of drug education.

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Educational Equity Regulations

Assistant Superintendent Mary Gable and Susan Spinnato, Director of Instructional Programs, presented, for final adoption, 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 the changes made in the proposed regulations in response to the public comments received. Board vice-chair Halle and members Li and Steiner spoke to their concerns with the regulations, including Dr. Steiner's concern with the potential constitutional

challenges. The board approved the final regulations on Educational Equity with one member opposing and one abstaining.

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Charter School Regulations

The State Board granted permission to publish regulations, under COMAR 13A.19.01, to govern the terms and conditions for the commensurate funding of public charter schools. Board member Hartings thanked board counsel Liz Kameen for her work in developing the regulations based on the funding formula established in State Board decisions and case law. He stated that he believes the regulations should provide clarity for the charter school community and local school systems.

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Educator Licensure Regulations

Sara Spross, Assistant State Superintendent, Division of Educator Certification and Program Approval, presented the teacher licensure regulations approved for publication in the Maryland Register by the Professional Standards Teacher Education Board (PSTEB) in opposition to the regulations approved by the State Board. She described the changes included in the version approved by PSTEB in contrast to the version approved by the State Board. In response to a question as to whether the PSTEB proposal is consistent with the Kirwan Commission's recommendations, Ms. Spross responded that they are not, and provided specific examples of her concerns with the PSTEB proposal. Ms. Spross, who is a member of PSTEB, also shared that she abstained from the otherwise unanimous vote.

Board member Clarence Crawford and President Hartings spoke to the need to be clear on the rationale for moving away from the status quo on teacher licensure, and the need for clear alignment between state regulations and the first priority of the Kirwan Commission in its Interim Report.

The State Board voted to reject the regulations proposed by PSTEB in favor of the approach reflected in their preliminarily approved regulations. Final approval of the State Board's version of the teacher licensure regulations is on track to follow publication in the Maryland Register, a 30-day public comment period, and then a final vote at a future meeting.

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Student Transfer Regulations

The State Board had granted permission to publish proposed regulations under COMAR 13A.01.05.06, to significantly expanding the responsibilities of local boards to explain decisions to deny transfer requests, including an explanation as to why barriers to requested transfers could not

be overcome. These regulations were published in the Maryland Register on September 27, 2019. In response, MABE, PSSAM, local school systems, and other organizations including MSEA, not only wrote to the State Board in opposition to the regulations but also wrote to the Administrative, Executive, and Legislative Review (AELR) Committee of the General Assembly to request a public hearing on the regulations. This request was granted and a hearing scheduled for October 24th.

In this context, Liz Kameen, State Board counsel, presented the options to either retract the regulations approved for publication or proceed to attend the scheduled hearing before the AELR Committee. Board members asked whether the State Board could retract the current regulations and instead require that all local board policies include the best interest of the child as a factor. Other board members noted that local school systems already grant the vast majority of requested transfers and that the State Board was seeking to better understand the process given the small number of cases they hear on appeal. Board members, including Justin Hartings (formerly on the Washington County Board) and State Board President Warner Sumpter (formerly on the Somerset County Board), referenced the legal and policy issues raised in the comments, including the potential impact on the establishment of school boundaries and redistricting. This discussion ultimately resulted in the vote to rescind the regulations and to engage in further dialogue with local school systems.

State Board Legal Opinions

The State Board issued legal opinions in the following cases:

- In Re: Wayne Foote, adopting the Administrative Law Judge's decision as final and thereby removing Mr. Foote from office as a member of the Allegany County Board of Education
- Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners, remanding the case to the Office of Administrative Hearings for additional testimony and evidence
- In Re: Baltimore City Appeal of Maintenance of Effort Determination, dismissed for failure of the school system to pursue the appeal
- Yvette Brebnor v. Baltimore City Board of School Commissioners, affirming the local board's employment decision
- Francine Dorsey v. Carroll County Board of Education, affirming the local board's employment decision
- Jose U. v. Harford County Board of Education, affirming the local board's school boundary decision
- Jaime and Bryan S. v. Harford County Board of Education, dismissing the appeal for untimeliness
- Raymond Ruark v. Somerset County Board of Education, dismissing the appeal for untimeliness