

December 3, 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, Gail Bates, Clarence Crawford, student board member Noureen Badwi, and recently appointed board member Charles 'Chip' Dashiell, Jr.

President Sumpter recognized the MABE representative in attendance, MABE President Martha James-Hassan (Baltimore City).

### **Special Announcements**

#### **Superintendent Salmon not seeking another term in office**

At the conclusion of the meeting, it was announced by Board President Sumpter that Dr. Karen Salmon would not be seeking a second term as State Superintendent of Schools. The Board thanked her for her leadership, while also noting that she will continue to lead the department through June 30, 2020. [MSDE Press Release](#)

#### **State Board Counsel Liz Kameen Retiring**

This was the last State Board meeting for Principal Counsel to the State Board, Liz Kameen, who is retiring. The Board recognized for her 15 years of legal advice and service to the State through her 30 years with the Attorney General's office.

### **Public Comments**

The State Board received public comments from individuals including a complaint regarding the education of hearing impaired students, the need for improved training and responses to student behavior and mental health needs, a complaint for failure to investigate cheating on bridge projects for academic validation, Dr. Jim Fielder, Secretary of Higher Education, in support of engaging higher education stakeholders in revising the pending regulations on teacher preparation, and Chris Lloyd, chair of the Professional Standards Teacher Education Board (PSTEB), spoke in favor of the recommendations of the Kirwan Commission to rescind and collaborate with stakeholders, including convening a conference committee between the State Board and PSTEB, on pending teacher preparation and teacher certification regulations.

## **NASBE Award Winner Recognition**

President Sumpter and Superintendent Salmon recognized Michelle St. Pierre, who was selected as the National Association of State Boards of Education (NASBE) 2019 Civic Engagement Champion for Maryland. In partnership with the Frank Islam Institute for 21st Century Citizenship (FII), the National Association of State Boards of Education (NASBE) created the CEC award to highlight the critical role that middle school teachers play in helping students become active, responsible citizens. Dr. Salmon described Ms. St. Pierre's work, as a social studies teacher at Loch Raven Technical Academy in Baltimore County, when her students were galvanized into action by the Parkland shooting and became advocates for policies that would reduce the impact of gun violence on their generation. The students held a Soapbox Competition as a call to action to their classmates on issues from racial equality to sexual orientation. Ms. Pierre spoke emphatically in support of student engagement in civic discourse and action.

[Handout](#)

## **Maryland Comprehensive Assessment Program (MCAP) Update**

Dr. Dara Shaw, Director of the Office Research and Strategic Data Use, and Chandra Haislet, Director of Accountability and Data Systems, presented the results of the 2019 administration of the State's comprehensive testing program. 2019 was the final year for the use of the tests developed by the Partnership for Assessment of Readiness for College and Careers (PARCC), and the second year of the implementation of the Protect Our Schools Act governing the state accountability system and for the use of the 5 star rating system adopted by the State Board.

Dr. Shaw presented the results, including the star rankings of schools, highlighting the numbers of schools receiving more or less stars than in the previous school year. She also presented the results of the first administration of the school climate survey. Board members asked several questions on the dramatic gaps between student and teacher perceptions on substance abuse by students and school safety. Dr. Salmon and Ms. Haislet informed the Board on the availability of all of this data on the MSDE website later in the day. The full report is now available at the link below.

[2019 Student Assessment Results](#)

## **Health Education Program Expansion**

Dr. Carrol Williamson, Chief Academic Officer, provided the State Board with information on the Maryland High School Graduation Task Force recommendations for Health Education. She described the rationale for the Task Force recommendation to increase from a half credit to a full credit requirement for high school health education. She emphasized the dramatic increase in legislatively mandated health content areas and numerous student health issues not considered when the half credit requirement was adopted, including:

- Boundaries and Consent – Age appropriate instruction in consent and personal boundaries (2018)
- Start Talking Maryland – Opioid prevention education (2017)

- Erin’s Law – Sexual abuse and assault awareness and prevention (2016)
- Breanna’s Law – Hands Only CPR and AED Instruction (2014)
- Student Health, Well Being, and Growth – Diabetes treatment and prevention lessons (2012)
- Oral Health Education Law – Oral disease prevention and dental health promotion (2012)

Student board member Noreen Badwi spoke in favor of the recommendation, while Justin Hardings and Rose Li raised concerns about the challenges for students pursuing flexible high school schedules to meet the increased requirement, noting the increase from 3 to 4 credits in math already approved by the Board, and the staff recommendation to reject the task force recommendation to reduce the technology education requirement from a full to a half credit.

The Task Force also recommended revisions to the Technology Education Current regulation, which currently requires students to earn one credit that includes the application of knowledge, tools, and skills to solve practical problems and extend human capabilities. The Task Force recommendation is to require one-half credit in Technology Education aligned with technology education standards or computer science standards while ensuring that technology education is infused across the entire curriculum at all grade levels. In response, MSDE staff recommends maintaining the graduation requirement as one full credit of Technology Education/Computer Science, with a transition to Computer Science/Engineering during the 2020-2021 school year.

Board member Hartings and others spoke strongly in support of the staff recommendation to maintain the full credit requirement and reform the course standards.

[Handout](#)

### **Curriculum Vetting Results**

Ms. Tiara Booker-Dwyer, Assistant State Superintendent for College and Career Readiness, presented the results of the department’s curriculum vetting of the school systems with schools identified as requiring comprehensive support and improvement (CSI) in Baltimore City, Prince George’s County, and Anne Arundel County. Each school system submitted their ELA and mathematics curricula to the MSDE for vetting in alignment with ESSA requirements. Staff from the MSDE, along with 26 curriculum vetters representing 17 school systems, vetted the submitted curricula for alignment to Maryland College and Career Ready Standards. Curriculum Vetting Reports were produced for each school system identifying areas of promise, opportunities for growth, and recommendations for improvement. The MSDE will collaborate with school systems to address curricular gaps and support the implementation of standards-aligned curricula

Ms. Booker-Dwyer praised the alignment of the Prince George’s County school system’s curriculum with state standards, noting the minor improvements identified in the recommendations. She described Ann Arundel’s English Language Arts curriculum as being better aligned than the math curriculum, with the Algebra I curriculum described as failing to be aligned. Baltimore City uses Eureka Math, which is nationally recognized for being aligned with the Common Core standards adopted in Maryland, and therefore deemed to be well aligned.

Board member Steiner voiced his support for local school accountability for implementing recommended improvements in alignment, either through revising their homegrown curriculum or obtaining a nationally recognized aligned curriculum. Board member Vermelle Greene also called for greater accountability, and Dr. Salmon provided a comprehensive description of the process for identifying, evaluating, and developing and implementing the department’s approved plans to improve student performance.

[Handout](#)

### **Student Absence Regulations**

The State Board approved for publication and public comment proposed amendments to update the regulations on student absences in accordance with legislation to expand the availability of lawful absences for pregnant and parenting students. [COMAR 13A.08.01.03 Lawful Absences \(Permission to Publish\)](#)

### **Child Care Regulations**

The State Board granted final approval of regulations governing family child care and child care centers. These regulations are updates required by the Federal Child Care Development Block Grant (CCDBG) and Child Care Development Fund (CCDF). Revisions were necessary for two major aspects of the CCDBG reauthorization: implementation of comprehensive basic health and safety training for all child care staff and expanded background clearances. [COMAR 13A.15 Family Child Care, 13A.16 Child Care Centers, 13A.17 Child Care – Letters of Compliance, and 13A.18 Large Family Child Care Homes \(Adoption\)](#)

### **Substitute Teacher Regulations**

The State Board granted final approval of 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. [COMAR 13A.07.12 Disqualification Criteria for Substitute Teachers \(Adoption\)](#)

## **Educator Licensure Regulations**

Sara Spross, MSDE, described the status of the State Board's approved regulations to reform educator licensure, and the alternative regulations approved by the Professional Standards Teacher Education Board (PSTEB). She reviewed that all regulations involving teacher certification or educator preparation programs must be approved by both the State Board and the PSTEB prior to publication, and on September 24, 2019, the State Board granted permission to publish COMAR 13A.12.01-.07 Educator Licensure. That regulation is in the process of being reviewed by the General Assembly's Administrative, Executive, and Legislative Review (AELR) Committee prior to being published in the Maryland Register for public comment. On October 3, 2019, PSTEB granted permission to publish an alternative version of these regulations, and legal counsel has advised that two competing versions of the same regulation cannot move forward simultaneously.

Ms. Spross described the two options for the State Board: 1) The State Board may oppose COMAR 13A.12.01-.02 as submitted today with a majority vote. 2) The State Board may grant permission to publish this revised version of COMAR 13A.12.01-.02, but must also vote to pull back and rescind the version which was granted permission to publish during the September 2019, meeting of the State Board. [COMAR 13A.12.01 and .02 Educator Licensure \(Repeal and Replace/Permission to Publish\)](#)

Ms. Spross responded to a question by defending the rationale to recommend removing the Master's degree requirement based on research that shows little to no correlation between the Master's and the quality of teaching and student performance; and noting that Maryland is one of only five states requiring the Master's.

Board member Justing Hartings spoke at length to describe his recommendation to reject the PSTEB alternative regulations, but also to share his concerns with moving forward with the State Board's approved regulations in light of the letter received from the Kirwan Commission which also reflects the concerns of legislative leaders. The Board then voted to oppose the PSTEB regulations. Separately, Dr. Hartings offered a motion pledging to collaborate with PSTEB, other stakeholders, and staff on the State Board's previously approved educator licensure regulations, which he stated the Board is pulling back. The Board unanimously approved this motion.

## **Child Sexual Abuse and Sexual Misconduct History Regulations**

Sara Spross, MSDE, outlined the proposed regulations recommended for approval for publication and public comment, which arise from the 2019 passage of House Bill 486, Child Sexual Abuse, and Sexual Misconduct Prevention. The law establishes a process, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of "child sexual abuse" or "sexual misconduct" for the hiring of public school and nonpublic school employees who have direct contact with minors. The law applies to local boards of education, nonpublic schools, and contracting agencies that contract with a county board of education or nonpublic school to provide a service to a school or the students of a school. Further, the law authorizes MSDE to adopt regulations establishing procedures for disciplinary proceedings and the assessment of penalties against an applicant, employee, contracting agency, or school administrator for willful violations of the requirements of the statute.

Ms. Spross described the complexity of the law, and the hard work of her office to implement the requirements to provide guidance and to pursue responses from past employers in response to

complaints for non-responses. Dr. Salmon spoke to the high level of concern among local superintendents, staff and attorneys, and the potential for legislation in 2020. [COMAR 13A.07.14 Child Sexual Abuse and Sexual Misconduct History \(Permission to Publish\)](#)

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

Dr. Salmon asked Ms. Spross to update the Board on the process of electing a teacher member of the State Board, and she provided the timeline, outcome of the more than 8,000 votes cast among the 13 candidates, and the status of 4 challenges to the outcome.

### **State Board Legal Opinions**

The State Board issued legal opinions in the following cases:

- In Re: Baltimore City Appeal of Maintenance of Effort Determination, denying the request for reconsideration.
- Hailen W. v. Montgomery County Board of Education, affirming the local board's dismissal of the appeal as untimely.
- In the Matter of Outdoor Education Fees, denying the petition for a declaratory ruling for lack of standing.
- Li Z. v. Montgomery County Board of Education, affirming the local board's decision on student admission to a magnet school.
- London S. v. Baltimore County Board of Education, remanding the local board's student enrollment decision for a new residency determination and directing the immediate enrollment of the student.