Maryland Association of Boards of Education
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# The Monitor

a summary of the monthly
Maryland State Board of Education Meeting

621 Ridgely Ave., Suite 300, Annapolis, MD 21401-1112 410-841-5414, 800-841-8197 www.mabe.org

**May 22, 2012**

## Race to the Top Update

Dr. Jim Foran, MSDE, reported that MSDE had meetings in Washington, DC with Education Secretary Duncan and his staff, the purpose of which was for states awarded Race to the Top grants to give updates on their progress with a focus on transition plans. He shared that Maryland was praised for the work with Teacher Effectiveness Academy, and that Secretary Duncan was impressed with how Maryland is getting the Common Core curriculum down to the classroom level.

Dr. Foran added that there were many conversations around the transition to the PARCC (Partnership for Assessment of Readiness for College and Careers) assessment, and that there remained many issues. He also said that there was an in-depth and candid conversation around the teacher and principal evaluations and again, Maryland was praised for their work to date. Mr. Foran shared that Secretary Duncan stated he expected Maryland to lead the nation on RTTT issues. He ended by saying that everyone is pleased with progress but there is obviously a lot of work left to be done.

## Maryland's ESEA Waiver Request

Dr. Mary Gable, MSDE, updated the board on the status of Maryland's NCLB waiver request. The initial waiver was submitted on February 28, followed by dialogue with USDE and MSDE's resubmission of the waiver on May 9. Dr. Gable noted that much of the dialogue focused on the allocation of funding. She stated that the application will be resubmitted on May 23, and that MSDE should receive final approval by the end of May.

Dr. Gable stated that communication with USDE has been wonderful and collaborative. She added that 20 states submitted applications in February, and that hopefully Maryland will be in first wave of those granted approval. She reported that once the waiver is granted, the board will receive information immediately, with the second major communication being to local school systems and parents.

Dr. Gable said that the principles of Common Core curriculum, the PARCC assessments, and Teacher-Principal effectiveness are aligned with Race to the Top, and that accountability will kick in with 2012 data. She stated that MSDE will put out publications and do webinars, and that the website for Maryland Report Card will need revision. She added that the BTE committee, a group of LEAs that meet to discuss Master Plans, met on May 21, and she discussed partnering with them on a major communication plan as MSDE and the LEAs go through the process together.

## Legislative Update

Renee Spence, MSDE reported on the results of the recently concluded Special Legislative Session, and reported that a session in July would be conducted for the purpose of discussing gambling issues. She clarified that the Special Session was for the purpose of resolving the state budget, namely the Budget Reconciliation and Financing Act (BRFA), the state and local revenue financing act (tax bill), and the Qualified Zone Academy Bonds (QZAB) bill which had to be passed after the budget bill.

Steve Brooks, MSDE, added the department was pleased to see closure with regard to the budget, which has a significant impact on education funding and the local budget being finalized before the beginning of the new fiscal year on July 1. He added that the proposed shift of pensions was passed with a four year phase in to be completed by 2016. He clarified that school systems were responsible for the additional payments, but that the legislation requires local governments to add the requisite amount for shifted retirement costs onto the amount required to meet Maintenance of Effort.

Mr. Brooks reported that the legislation shifting teacher pension costs from the state to local governments, will also shift responsibility for paying retirement costs for federally funded school employees from local governments to the state, though not immediately. In addition, Mr. Brooks noted that a 1% cap was placed on non-public placement and group home rates. He also shared that the BRFA included amendments to minimize education funding cuts driven by the Thornton formulas, and to allow counties adopting the highest possible local income tax rate (3.20%) by July 1, 2012 to remain at the lower than maintenance of effort funding levels provided in FY 2012.

Board president DeGraffenreidt asked about structural budget issues and if they had been addressed in the long term. Mr. Brooks answered that the set target of reducing the structural deficit by 50% was met, with 54% of the structural deficit being resolved. The board then engaged in a discussion of the economy and Maryland's economic dependence on the Washington, D.C. area.

## Maryland Association of Student Councils' Year End Report

Dr. Sadusky introduced MASC's outgoing president, who gave a report on the progress of MASC's year. The board engaged in a discussion of school systems that traditionally do not participate in MASC, particularly those on the Eastern Shore. Dr. Sadusky also introduced the incoming president, who said she was looking forward to reaching out to all local councils, particularly those on the Eastern Shore.
Memo & Report

## Public Response to State Board Report on Student Discipline

The State Board engaged in a lengthy discussion regarding the more than 200 public comments on the report issued by the board last month, entitled "A Safe School, Successful Students, and a Fair and Equitable Disciplinary Process Go Hand in Hand: A Study of School Discipline Practices and Proposed Regulatory Changes."

President DeGraffenredit acknowledged he had not yet had a chance to read each of comments, but that he planned to do so over the coming month. He stated he appreciated the summary prepared by Liz Kameen, and the fact that there were a lot of comments that largely supported not only the direction the board is taking but also the substance of the issue.

Mr. DeGraffenreidt shared that comments could be grouped into several categories: a large number of comments that generally agreed conceptually with what the board was focused on but had a variety of alternative suggestions; comments that were arguing against something the board had not proposed, and he felt discussion was needed about how to deal with those so there was no misunderstanding about what the board may propose; and comments that conveyed the impression the State Board is ignoring the needs of good students in favor of disruptive students, which also require a discussion about where that impression comes from.

Mr. DeGraffenreidt shared that building alignment was an important element in how the State Board will move forward constructively. He said a variety of comments touched on an aspect mentioned throughout the inquiry - dealing with what types of resources and supports are necessary for principals and teachers to rely more on interventions rather than suspensions and expulsions, so the goal of educating students could be met.

Mr. DeGraffenreidt added that several comments proposed forming a task force to study the issue for an extended period of time, but that he felt the State Board was the task force that had brought in national and state people to discuss and share. However, he added that he was ready to be corrected by other board members who might want to form a task force.

Mr. DeGraffenreidt observed that the board had learned from the comments what they already knew; that they can improve on their commitment to lead the state to reduce the reliance on suspensions and explosions, and try to put in place interventions that acknowledge that days missed from school are difficult to make up, and it is hard for teachers and administrators to help students that have missed time. He also proposed that the final report acknowledge certain comments by referencing ways in which the report addresses the specific concerns those comments raise.

Board member Sidhu stated she was proud to do the work that addresses all students. She observed that some comments indicated the board was not concerned with students who were not involved in problems, but she felt that they were. Overall she felt comments were stating all children needed to be served but the funding had to go along with that goal, and while everyone wanted troubled students to be able to come back to school, the question was how to make that happen.

Board Member Walsh stated there were some thoughtful letters with explicit suggestions about how to alter language that would accommodate a reality that the board had not considered. She asked Liz Kameen if there were any suggestions in the comments that she felt were particularly compelling and which took into account factors that were not considered by, or based on information not available to, the board.

Ms. Kameen responded that the comments covered the whole spectrum from restorative justice as a mechanism to very specific suggestions around the elimination of the term ‘expulsion’ which caused some people problems. She added that with the issue of regulations, there were suggestions about changing language, sometimes to broaden sometimes to narrow, and she felt the State Board needed to discuss how to handle that.

President DeGraffendreidt stated that the board is in control of the time table, that they need time to digest the feedback, and that he anticipated proposing regulations by the June or July meeting.

Board member Staton thanked Ms. Kameen for summarizing the comments, and added that she was struck by the fact that schools have somehow become disconnected from the idea of teaching students

how be good people and how to operate within the structure of the classroom. She stated that when children misbehave, the only option seems to be separating them, thereby losing the opportunity to teach them. She continued by saying that some comments reflected the idea that staff are guaranteed classrooms where students behave as expected, but that is not reality in the classroom or the work place. Ms. Staton observed that students come to school imperfect and needing support, and that while she appreciates the challenge teachers, schools, and families face, there is a need to support and alter conduct, not just push kids aside where they are ignored and worse behaviors developed.

Ms. Staton also said she saw a critical need to provide support for schools in the form of more professional training, resources, and programs that will be effective, so they can deal with discipline. She added that comments and requests to convene a work group to deal with best practices is a good one that the board needs to consider. She added that it was clear in many comments from people on the ground that they know what they are dealing with, and had found ways to deal with these very serious issues that could benefit others. She stated it was not always about money, but perhaps using resources differently and being creative. Ms. Staton added that there were brilliant people in the schools obviously giving this issue much thought.

Ms. Staton continued by saying that, with respect to the regulations, perhaps they could convene a work group of people reading the State Board draft and devising different language that would make clear the board's intentions, and avoid unintended consequences.

Board member Montero-Diaz stated she did not agree there was misinformation, and was comfortable with the way the board did the report. She stated she did agree there were some comments that contained outright misinformation, and some were very concerning. She stated as an example a comment about eliminating suspensions, and lowering disparity by unfair methods. She added she stands by the board's intent with the report.

Student board member Marks stated that she had been approached by many teachers and administrators who presented the issue of having 36-40 students in class, and the time involved for a teacher working to keep a disruptive student in a class. Ms. Marks added the staff hoped the State Board would provide guidance and seminars on how to deal with problem students using existing resources.

Board member Smith shared that he was impressed by the quality of the comments, and that the State Board needed to look at best practices. He mentioned the Courageous Conversations program on the Eastern Shore, TELL Survey information, and Positive Behavioral Interventions and Supports (PBIS) programs as resources, adding that alternative school policies and alternative schools are expensive but necessary. Mr. Smith stated that some systems are working on options with other agencies such as the health departments. He said he also felt there needed to be more discussion of behavioral boundaries, not just with schools but with parents, and that best practices needed to be infused into the culture, more of a framework and not just a program.

Board member Walks stated he was not sure they were discussing the issue broadly enough, and dealing with the disparities, adding that everyone has a perspective based on where they are, but the issue is how to fit everyone into a diverse world where they are all comfortable. He shared that Johns Hopkins has a Healthy Beginnings program, and the question is, can students sit still and focus, are they eating healthy, are they able to share space with other students. Mr. Walks stated they need to look at all the factors impacting the classroom that are outside the classroom, and address the cultural piece. He added that he understood how busy a teacher's day is, but that they need to understand the variety of challenges kids come to the classroom with; and he suggested professional development that

addresses the challenges students and parents face.

President DeGraffenreidt voiced his concern that how students are disciplined also send a message to good students, and gives them indications about fairness and justice in terms of individuals impacted by the process, He asked rhetorically if our society was achieving that justice objective we claim as citizens in the United States.

President DeGraffenreidt asked Chuck Buckler, MSDE, what data is collected, where there were holes, where there were inconsistencies, and what the timeline is for getting data. He added there was a New York Times article about chronic absenteeism, and asked if Maryland collected that data as it would be helpful to correlate with disciplinary data.

Mr. Buckler said that he asked the LEAs to start collecting data prior to changes being made. He said there had been a national summit in New York in March on the topic of keeping students in school and out of courts, and it was a collaborative effort by the New York Supreme Court and education leaders. He added there were national experts on PBIS, social-emotional learning, and restorative justice practices. He shared that the Open Society of Baltimore had approached MSDE with grant money to host statewide discussions with national speakers, and that a committee with LEAs had been formed to work on that. He added they are including local board members, superintendents, police, and community members, and it is still in the planning stages. Mr. Buckler shared they would start with large groups and then go to smaller regional teams. He added that PBIS is currently in 800+ schools, and teaches what good behavior looks like.

President DeGraffenreidt commented that everyone has to recognize that all students have to be educated, and that the State Board is not naïve and realizes there are challenges. He added that Maryland's objective is to prepare students for college and career readiness.

Board member Walsh stated that regarding reporting, it was important to consider asking school systems with disproportionate numbers to explain the reasons behind their numbers and what they can do to bring them down. She added that she encouraged the State Board to consider asking LEAs to problem solve and to share knowledge because some districts may be further along than others at looking at alternative strategies. She noted there was frustration in the comments, adding it was fine for the State Board to discuss the issue but the problem has to be figured out with resources going to the schools.

Board member Dukes stated there needs to be a way to share work that is already going on in Maryland, and uncover how the State Board can be a viable partner, rather than just issuing a report. She added there may be some grant opportunities, but that she needs to know what resources are needed in the long term.  Ms. Dukes shared that the higher education community is heavily invested in PBIS.

Board member Smith said there were many entities working on closing the achievement gap, that Calvert County Public Schools has a work group, and he is amazed at how much is already available. He added that the local Master Plans include impressive goals, but that someone needs to hold the LEA's feet to the fire in implementing them.

Mr. Buckler, referring back to the attendance issue covered in the New York Times article, stated that he looked at New York's statewide attendance report and it is consistent with Maryland report. He reminded the State Board that MSDE has regulations that deal with attendance policies, and that they must spell out what interventions are put into action when a certain number of absences occur.

President DeGraffenreidt asked if those mandated interventions are applicable to students absent due to suspension, and asked the board to take time between the May and June board meetings to review the comments. He also asked staff to identify best practices and ways to share them. He added that he understood the superintendents were willing to move forward on the issues but the question was how. He asked Ms. Kameen to attempt a draft proposal for consideration at the June meeting.

Board member Staton asked if it was a good idea to have a statement about the purpose of discipline in order to clarify the board's position. She reiterated that she finds certain comments very troubling as to what can and cannot be done, and wants to stress the need to focus more on correcting behavior and reducing situations where separation has been the routine response.

Board member Walsh stated her concern about ideas coming from superintendents rather than the schools, and added there were many creative ideas from principals who needed to be a part of the process. She said that perhaps districts have not come up with ideas, but individual schools have.

Mr. Buckler informed the board that the state's student code of conduct had been put on hold while the discipline report was being produced. He explained that LEAs had more discipline code categories than the state, and when reporting had to collapse their discipline categories into the state's categories with guidance from MSDE.

Board member Walsh asked if there were too many discipline codes, and Mr. Bucker replied he would like insubordination to be eliminated as it was "too muddy". He added that perhaps board members need to be a part of the discussion about either eliminating some codes or being more precise in definitions.

Board member Sidhu requested the exact number of schools using PBIS, broken down by elementary, middle, and high schools. She added that she thought Character Counts was a good program. Mr. Buckler stated he would provide those numbers.
Discipline Report Memo

## Progress Report on Proposed Amendments to Certification Regulations

The board was provided with an update regarding proposed changes to teacher certification standards and the requirements for the Advanced Professional Certificate (APC) which have been pending before the Professional Standards and Teacher Education Board (PSTEB) and recently the subject of a joint conference committee between the State Board and PSTEB.

PSTEB requested a Joint Conference Committee to discuss perceived differences with the State Board regarding the proposed regulatory changes to COMAR 13A.12.01, General Provisions, which were recommended in the Final Report of the Work Group on Restructuring Certification. As a result of the joint meeting, PSTEB and the State Board agreed on the need to explore another option for obtaining the APC which did not rely on course work, but rather on demonstrated teacher effectiveness.

President DeGraffenreidt stated that as a result of the Race to the Top grant, Maryland was on a path to have all teachers measured by student achievement two years from now. He asserted that there will be a fair and equitable process to gain an APC using the teacher effectiveness route, but that this will not be the only route. Board member Walsh speculated that if a teacher has to have an APC within 5

years, it would be a gamble to stop masters level course work banking on a highly effective rating.

Board member Finan asked if all mentor teachers have an APC, and MSDE staffed explained this was not necessarily the case. Staff noted that PSTEB has been very supportive of the teacher effectiveness route to an APC, but needed more discussion time to determine how to implement this option and to prepare answers for stakeholder questions.

Memo

## State Superintendent Update

Interim state superintendent Sadusky reported on transition activities with the new state superintendent, Dr. Lillian Lowery, and stated she would be ready to take the position fully by July 1. He also reported on his attendance at the Parent Involvement Matters awards, adding there were incredible people chosen, all with impressive biographies. Dr. Sadusky also stated the building rededication went well and there was a great new plaque outside.

## Board Member Update

Board member Montero Diaz reported she visited the SEED School and spent time in a classroom, and was impressed with how far the school has come in a short amount of time.

Board member Sidhu reported on attending the TELL briefing regarding surveys of teachers and principals, observing that the State Board needed to pay attention to the survey results. She also visited schools in Cecil, Kent and Queen Anne's counties, and enjoyed her visits to classrooms.

Board member Smith reported he attended a program at Whitehall Elementary School in Prince George's County, and had recently finished his tenure on the literacy commission.

Board member Finan reported she attended the Educator Effectiveness Council meetings, and thanked Dr. Sadusky for his leadership on that council.

Student board member Marks reported she attended the Maryland Association of Student Councils (MASC) convention. She shared a proposal that students would like extracurricular sports activities to count as physical education credits, under the theory that two hours of practice after school should take the place of a course. She also stated it was more expensive to buy water in school than soda, and that fountain water is not as good as bottled water. President DeGraffenreidt responded that playing a sport was not ensuring a student received the same content as provided in a physical education class.

## Teacher of the Year Recognition

The board recognized Maryland's newly named 2012-2013 local Teachers of the Year.
Memo & Handout

## Alternative Governance Proposal

The State Board review and approved alternative governance proposals for the following schools: Deep Creek, Dundalk, White Oak and Windsor Mill Middle Schools in Baltimore County; Elkton Middle School in Cecil County; and Forest Oak and Neelsville Middle Schools in Montgomery County.

The Board was provided with additional background on the alternative governance process, and reminded that the questions they raised at the April meeting regarding staffing levels at restructured schools resulted in the report they received on May 12.

Board member Walsh asked about the high number of positions eliminated from schools, and was told this was more about the economy and budgets than anything else. Discussion ensued among board members regarding replacing staff and the subsequent process for monitoring and assessing teacher performance. Staff explained the process for replacing and/or moving school staff members who were not successful in their current environment but who may be suitable for other positions.

Dr. D'Ette Devine, superintendent of Cecil County Public Schools, introduced members of her staff and presented the Alternative Governance Proposal for Elkton Middle School. Dr. Joe Hairston, superintendent of Baltimore County Public Schools, introduced members of his staff and presented the Alternative Governance Proposals for Deep Creek, Dundalk, White Oak, and Windsor Mill Middle Schools. Dr. Joshua Starr, superintendent of Montgomery County Public Schools, introduced members of his staff, school board members, the president of the local teacher's union, and several PTA presidents, stating the Alternative Governance Proposals are a result of a collaborative effort and tough discussions. He then presented the Alternative Governance Proposals for Forest Oak and Neelsville Middle Schools.

Memo & Handouts

## Public Comment

Tom Hern, parent at Walt Whitman High School in Montgomery County commented on the topic of concussions occurring during school sports.

Dr. Judith Docca, Montgomery County board member and co-chair of the MABE Black and Hispanic Caucus, reported on the recent activities of the Caucus.

## Decisions

The State Board issue opinions in the following cases:

- Daniel Townsend v. Prince George's County Board of Education, affirming the local board's employee benefits decision
- Janis Sartucci, et al. v. Montgomery County Board of Education, dismissing the case for lack of standing and untimeliness and affirming the local board's land use decisions
- Syed Abdul J. v. Anne Arundel County Board of Education, dismissing the appeal regarding early kindergarten entrance
- Karima G. v. Baltimore County Board of Education, dismissing the student attendance appeal as moot Robin Shaffer v. Calvert County Board of Education, denying the local board's motion to dismiss