

MARYLAND STATE BOARD OF EDUCATION
200 W. Baltimore Street
Baltimore, MD 21201

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

September 14, 2017
Minutes

The 418th meeting of the Professional Standards and Teacher Education Board (PSTEB) was held at the Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201 on September 14, 2017. Dr. Alyssia James called the meeting to order at 9:45 a.m.

The following members were in attendance: Ms. Jennifer Berkley, Mr. Charles Hagan, Dr. Kandace Hoppin, Mr. Darren Hornbeck, Dr. Alyssia James, Ms. Maleeta Kitchen, Mr. Christopher Lloyd, Dr. John Mayo, Dr. Kristine McGee, Ms. Debra Poese, Ms. Karen Saar, Ms. Sarah Spross, and Ms. Geralda Thompson.

The following members were absent: Dr. Mae Alfree, Mr. Peter Baily, and Ms. Kelli Midgely.

The following Maryland State Department of Education staff members were present:

Dr. Mary Gable, Dr. Miya Simpson, Ms. Kelly Meadows, Ms. Ruth Downs (Recorder), and Mr. Derek Simmons, Esq., Attorney General's Office.

PRELIMINARY ITEMS

Recognition of Guests

Ms. Geraldine Duval, MSEA

Public Comment

None

State Board

Dr. Miya Simpson presented a summary of June 27th, July 18th, and August 22nd State Board Meetings. The report included the following items:

The following actions were taken at the June 27, 2017 Maryland State Board of Education (State Board) Meeting:

- Every Student Succeeds Act (ESSA) - Decisions were made regarding: (1) calculating scores and differentiating among schools; (2) updates to selected measures; (3) English Learner proficiency; and (4) identification of CSI and TSI schools. These decisions were included in the most recent ESSA plan, pages 25-28. For an overview and the entire draft plan, please visit <http://marylandpublicschools.org/ESSA>.
- Granted permission to publish amendments to regulations under COMAR 13A.04.16 Programs in Fine Arts to incorporate the new National Core Arts Standards that focus on the artistic process of creating, presenting, responding and connecting.
- Granted permission to adopt amendments to regulation .01 under COMAR 13A.02.01 Local Boards of Education. These amendments remove the language, Rules for Executive Session, since it is now covered in the Open Meetings Act.
- Granted permission to adopt amendments to regulations .03 and .14 under COMAR 13A.05.02 Administration of Services for Students with Disabilities. These amendments replace "Local coordinating council (LCC)" with "Local care team (LCT)" under terms defined and update statutory and regulatory references.

- Recognized the 2016-2017 Milken National Educator of the Year, Thomas Dennison. Mr. Dennison is a 5th grade teacher at Havre de Grace Elementary School in Harford County.

The following Opinions were rendered:

- *Erin C. v. Montgomery County Board of Education* – student transfer – Opin. No. 17-21
- *Jamaarr M. v. Montgomery County Board of Education* – student suspension – Opin. No. 17-22
- *James Curtis v. Prince George’s County Board of Education* – employee termination – Opin. No. 17-23
- *Antoinette D. v. Montgomery County Board of Education* – student suspension – Opin. No. 17-24
- *Catherine H. v. Prince George’s County Board of Education* – student transfer – Opin. No. 17-25

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The following actions were taken at the July 18, 2017 State Board Meeting:

- Held the annual election of officers and re-elected Andrew R. Smarick President of the State Board and Dr. Chester E. Finn, Jr. as Vice President for a second term.
- Introduced new State Board members Dr. Irene M. Zoppi Rodriguez (in absentia) and Kyle Smith (student representative).
- Approved Baltimore City Public Schools’ School Calendar Waiver request to waive the post-Labor Day school start date and June 15 school end date for four schools for the 2017-2018 school year. Schools include: Harford Heights Elementary School; James McHenry Elementary/Middle School, Mary Rodman Elementary School and Commodore John Rodgers Elementary/Middle School.
- Approved proposed revisions to the *Procedures for Removal of Professional Assistants and Special Appointments* policy. This policy was adopted on January 25, 1995, and has had only minor revisions since that time. The new changes provide more time to conduct a fair and thorough investigation in cases involving misconduct or performance deficiencies, while also preserving the added due process provided to professional assistants.

The following Opinions and Orders were rendered:

- *Rodney Hudson v. Prince George’s County Board of Education* – employee termination – Opinion No. 17-26
- *R.L. v. Baltimore City Board of School Commissioners* – student suspension – Opinion No. 17-27
- *Gregory Sutton v. Somerset County Board of Education* – employee termination – Order No. OR17-08
- *Susan Twigg v. Montgomery County Board of Education* – teacher termination – Order No. OR 17-09

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The following actions were taken at the August 22, 2107 State Board:

- Approved the submission of the revised *Maryland Every Student Succeeds Act (ESSA) Consolidated State Plan*. The submission deadline is September 18, 2017. During the ESSA discussion, the Board focused on several decision points to include:
 - *Summative Rating System* – 5-star rating system with direction arrows to indicate progress
 - *Definition of Chronic Absenteeism*: will be aligned with the federal definition
 - *Expansion of “Credit for” and “Access to” a Well-Rounded Curriculum* – will include the Seal of Biliteracy in the high school “Credit for” indicator. MSDE will study the inclusion of additional elements, as long as they meet legal requirements.

- *Identification of Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) Schools* – will use indicators as required by State law (Protect Our Schools Act).

These decisions are included in the most recent ESSA plan. The revised plan is available at:

<http://marylandpublicschools.org/ESSA>.

- Approved the 2018 State Board of Education meeting dates (attached).
- Approved the continuation of Maryland’s Alternate Assessment – Alternate Achievement Standards (AA-AAS) program, including the adoption of the Core Content Connectors and the Essential Elements.
- Under the provisions of Code of Maryland Regulations (COMAR) 13A.08.01.19 Probationary and Persistently Dangerous School Designation, and 13A.08.01.20 Unsafe School Transfer Policy, the State Board granted approval for Friendship Academy of Engineering and Technology (Baltimore City Public School System) to be placed on probationary status.
- Granted permission to publish amendments to COMAR 13A.06.07.01-.10 *Student Transportation*. The purpose of this action is to amend regulations in accordance with the National Transportation Safety Board's (NTSB) Safety Recommendation Report. The NTSB identified two areas of concern for the MSDE. Specifically, terms that were not defined and clarification to when a local school system is required to submit a school vehicle driver or trainee, during pre-employment screening, to the MSDE for inclusion in the disqualified driver database.
- Granted permission to adopt amendments to COMAR 13A.02.01.04 *Length of School Year*, to reduce from 5 to 3 the number of days by which school systems must extend their calendars in order to obtain a waiver of the 180-day school year requirement, when necessary. When the Executive Order established the school calendar to be from the Tuesday after Labor Day to June 15, school system calendar planning committees anticipated the difficulty school systems would have in meeting the June 15 closing date and also, the regulatory requirement to demonstrate in any 180-day waiver application that the school system had “modified its calendar by scheduling school on the make-up days provided in the original calendar and *by extending the school year 5 days beyond the previously scheduled closing date*” COMAR 13A.02.01.04(C)(1)(b) (emphasis added). Local superintendents requested that the number of days be reduced from 5 to 3 days.
- Granted permission to adopt amendments to COMAR 13A.12.02.21 *Hearing Impaired* (New title: *Deaf and Hard of Hearing*). The proposed amendments update language, remove the special education certification requirement, and identify content-specific coursework required of applicants.
- Granted permission to adopt amendments to COMAR 13A.06.01.02.03 *Programs for Food and Nutrition*, which governs the nutrition appeal procedures for Local Educational Agencies (LEAs) and other agencies participating in the federal nutrition programs. The proposed amendment updates the regulation to clarify several dates and State Administrative Hearing procedures specific to the Summer Food Service Program. In addition, the section regarding actions subject to Administrative Hearing by Program was reorganized for greater clarity and additional communications were added to include electronic methods.

The following Opinions and Orders were rendered:

- *Pastor Almena C. (Re: R.C.) v. Cecil County Board of Education* – student suspension – Opinion No. 17-28
- *Almena Q.C. v. Cecil County Board of Education* – student suspension – Opinion No. 17-29
- *Ralph and Tremaine N. v. Montgomery County Board of Education* – employee termination – Opinion No. 17-30
- *Ashley Towle v. Carroll County Board of Education* – student transfer – Opinion No. 17-31
- *Xiomara C. v. Montgomery County Board of Education* – student transfer – Order No. 17-10
- *Bruce Hartley and Kathleen Sample v. Montgomery County Board of Education* – residency – Order No. 17-11
- *Kristine Lockwood v. Howard County Board of Education* – appeal of Interim Superintendent and General Counsel positions and feasibility study – Order No. 17-12

- *Lee Thomassen v. Baltimore County Board of Education* – teacher termination – Order No. 17-13

Meeting materials, Opinions, and Orders can be found at:

<http://marylandpublicschools.org/stateboard/Pages/default.aspx>

The next meeting of the Maryland State Board of Education will be held on Tuesday, October 24, 2017, at the Nancy S. Grasmick State Education Building, 200 West Baltimore Street, 7th Floor Board Room, Baltimore, Maryland 21201.

DISCUSSION

ESSA Update

Dr. Mary Gable presented a detailed report to the Professional Standards and Teacher Education Board (PSTEB) on the final ESSA plan. She stated that on August 22, the board approved the state plan with all the final decisions that they made on that date. Dr. Gable said that they have spent the last couple of weeks making sure that all of those decisions were included. The revision of any language that was needed based on the stakeholders input. The report has been prepared and has been delivered to the Governor on Monday (9/11/2017) and they are waiting for the Governor's signature. Dr. Gable stated that Dr. Salmon was in a cabinet meeting and she hope that she would bring back the signed sheet today, because it is due on Monday. It would make her much more comfortable if it were submitted on Friday rather than Monday, because if there were some glitches they could be deal with them on Friday.

The United States Department of Education (USDE) has 120 days to approve the plan and she felt that there would be some back and forth doing that time. Dr. Gable stated that based on the pier reviewers, we will get some feedback on the plan as other states have received, but it is still on a 120 day timeline. That deadline takes us to January for approval of our plan.

Dr. Gable stated that this school year, the local school systems will need to do a consolidated LEA plan that they hope to tie with those requirements of the master plan to identify how they are going to be implementing the components that are contained in the plan. Guidelines have not been given to the LEAs yet and it is really based on the approval of the plan. Dr. Gable stated that this is the timeline and that they are looking forward now and not spending a lot of time on what they have done. It is a 12-year timeline. They are looking at the children that have just started kindergarten this year and will graduate in 2030. (A copy of the presentation will be emailed out to the board members.)

BREAK (11:20 – 11:25 a.m.)

ACTION ITEMS

Adoption of COMAR 13A.12.02.21- Hearing Impaired

Ms. Kelly Meadows stated that the State Board adopted new regulations for COMAR 13A.12.02.21 - Hearing Impaired. She stated that the changes in the language were done to under ***“D” - Special Provisions. (A teacher who is professionally certified and holds at a minimum a Bachelor’s Degree who seeks an endorsement to teach deaf and hard of hearing students shall earn a minimum of 24 semester hours.*** The previous language was ***“shall earn a minimum of 24 credits.”*** **The language was changed from 24 credits to 24 semester hours.**

Purpose:

The purpose of this item is to request permission to adopt amendments to COMAR 13A.12.01.21, *Hearing Impaired*. Amendments are being proposed to update language and to identify content specific coursework.

Proposed Amendments

The proposed amendments update language, remove the special education certification requirement, and identify content-specific coursework required of applicants.

Summary

The current regulation, COMAR 13A.12.02.21, *Hearing Impaired*, requires changes due to current teacher staffing needs and the need for updated language. New language would increase opportunities for teacher candidates and expand the pool of teachers eligible for certification to teach deaf and hard of hearing students while still maintaining the requirement of relevant essential coursework.

Action

Ms. Meadows requested permission to adopt amendments to COMAR 13A.12.02.21.

Dr. Alyssia James entertained a motion to approve the adoption of the amendments to COMAR 13A.12.02.21.

MOTION: Ms. Geralda Thompson/Ms. Maleeta Kitchen

To approve the adoption of the amendments to COMAR 13A.12.02.21.

VOTE: UNANIMOUS

Certification Review Board

Mr. Derek Simmons, Esq., Attorney General's Office did a brief overview of the Certification Review Board.

The Review Board was established in 1991 by Education Article § 6-707

- Composed of five members from PSTEB
 - The State Superintendent
 - The local board of education member
 - Two of the public school teacher members
 - One of the teacher education faculty members
- One member is appointed to act as a liaison between the Review Board and PSTEB
- The term of a Review Board member is one year.

Role of PSTEB Review Board

- Review appeals made from rulings of the certification staff
 - Review the regulations
 - Hear evidence from appellant and certification staff
 - Determine whether certification staff properly applied the regulations based on the evidence
- Make recommendations to PSTEB on how to resolve the appeal

How does an appeal reach the Review Board?

- A person who disagrees with a certification staff ruling may appeal the decision in writing within 30 calendar days of the adverse ruling
 - Appeal shall include statement of objections to the ruling and reasons supporting each objection
- The appellant may request an appeal on the written record
- Alternatively, an appellant may request an appeal in person'
- Appeal must occur within 90 days

Appeal on the Record

- Appellant provides any relevant documents to the Review Board along with a written statement explaining his or her position
- Certification staff may respond and provide any additional relevant documents
- Appellant may file a reply
- The Review Board decides based on the documents alone

Appeal in Person

- Oral presentations are limited to 15 minutes per side
- Certification staff present their argument first, followed by the Appellant
- The Review Board may ask questions
- Other oral presentations or testimony is not allowed
- Both sides may present a written summary of their oral presentation

Findings and Recommendations

- The Review Board deliberates in closed session
- By a majority vote of the quorum present, it shall submit findings and recommendations to PSTEB
- These findings and recommendations must include:
 - The issues in question
 - The findings of fact
 - The conclusions of law
 - Recommendations and reasons for them

Exceptions

- The Review Board's findings and recommendations must be submitted to PSTEB within 45 days of the appeal
- The appellant may file written exceptions to the finding and recommendations within 10 days of receiving the report
- Certification staff may file a written response to the exceptions within 10 days after the exceptions are filed

Final Determination

- PSTEB makes the final determination on the appeal
- Each member will receive:
 - A copy of the certification staff ruling
 - The written request for appeal
 - The written report of the Review Board
 - Any documents cited in the report
 - Any written exceptions and a response
- The entire appeal file will be provided upon request of a PSTEB member
- PSTEB shall vote, by a majority of the quorum present, whether to accept or reject the review board recommendations
- The PSTEB decision is final
- The PSTEB chair shall notify the appellant in writing of the outcome and the rationale behind it

Approval of June Minutes

Dr. Alyssia James entertained a motion to approve June 1 minutes.

MOTION: Mr. Christopher Lloyd/Ms. Jennifer Berkley

To approve the June 1 minutes.

VOTE: UNANIMOUS

Approval of Proposed Agenda Items for October

- Elementary Reading Panel Update

- Approval of Minutes
- SB 493 Overview of Final Recommendations
- Elections
- Open Meetings Act Training
- 2018 Meeting Calendar

Items for November Meeting

- Kirwan Commission Update
- New Member Orientation

Dr. Alyssia James entertained a motion to adopt the items that Ms. Spross mentioned for the October Agenda.

MOTION: Ms. Geralda Thompson/Dr. John Mayo

To approve the October Agenda.

VOTE: UNANIMOUS

Meeting Adjourned

Dr. Alyssia James entertained a motion to adjourn the meeting.

MOTION: Ms. Karen Saar/Dr. Kristine McGee

To adjourn the meeting.

VOTE: UNANIMOUS

Meeting adjourned 11:35 a.m.