

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, April 23, 2019
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in regular session on Tuesday, April 23, 2019, at 9:00 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Ms. Stephanie R. Iszard, Vice President; Mr. Clarence Crawford; Ms. Gail Bates; Dr. Vermelle Greene; Ms. Jean Halle; Dr. Rose M. Li (arrived in the afternoon); Dr. Joan Mele-McCarthy; Mr. Michael Phillips; David Steiner; Brigadier General (BG) Warner Sumpter (Ret.); and State Superintendent Dr. Karen B. Salmon. (Dr. Justin M. Hartings, President and Mr. Bryce Awono were absent.)

The following staff members were present: Elizabeth Kameen, Esq. Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, Office of School Effectiveness; Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration; Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

Vice President Iszard called the meeting to order and shared that President Hartings was unable to be present. Ms. Iszard opened the meeting with the Pledge of Allegiance.

Vice President Iszard welcomed members of the Maryland Association of Boards of Education (MABE) and other guests.

PUBLIC COMMENT

The following individuals provided public comment:

- ***Joy Schaefer*** – Changes to the Star Rating System
- ***Tavon Lawrence*** – Licensure: Assessment Options and Recommendations
- ***Delegate Ric Metzgar*** – Monarch School
- ***Brian Sanders*** – School Discipline

NEW BUSINESS

➤ ***Approval of Consent Agenda:***

Vice President Iszard called for a motion to approve the Consent Agenda, which included the following items:

- Minutes for March 26, 2019 Meeting
- Personnel Actions
- Budget Adjustments for March 2019

ACTION: Upon motion by General Sumpter and seconded by Dr. Mele-McCarthy, the State Board approved the Consent Agenda. (In Favor: 9; opposed: 0; abstained: 0. Dr. Li had not arrived.)

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

- ***Recognition: 2019 Maryland Superintendent of the Year***
(Presenter: Dr. Karen B. Salmon, State Superintendent)

Dr. Salmon introduced Ms. Renee Spence, Executive Director of the Maryland Public School Superintendents Association (PSSAM) to recognize Dr. John Gaddis, Superintendent of Somerset County Public Schools, as the 2019 Superintendent of the Year.

- ***Educator Licensure: Assessment Options and Recommendations***
(Presenters: Ms. Sarah Spross, Assistant State Superintendent, Division of Educator Certification and Program Approval)

Ms. Spross provided information and requested approval of the implementation dates and qualifying scores on a variety of certification assessments aimed at increasing the rigor of Maryland's certification requirements. Specific assessments under consideration included: Praxis Core, English as Second Language, Special Education, School Leaders Licensure Assessment, EdTPA, and PPAT.

Ms. Spross requested approval of the following actions:

Basic Skills Assessment:

Permission to align the certification requirements with the entrance requirements for educator preparation programs as follows: continue the current practice of requiring the Praxis Core or GRE, ACT, or SAT and adopt a grade point average (GPA) of at least 3.0 on a 4.0 scale during the most recent two years of the candidate's general education, in lieu of submitting a basic skills assessment, and adoption of a new cut score for the math subtest.

ACTION: Upon motion by Ms. Halle, and seconded by Dr. Steiner, the State Board adopted a GPA of 3.0 on a 4.0 scale as an alternative for meeting the basic skills requirement and adopted the new Praxis core mathematics assessment with the recommended qualifying score of 150, effective July 1, 2020. (In Favor: 9; opposed: 0; abstained: 0. Dr. Li had not arrived.)

Content Assessments:

- (1) Request for permission to continue using the English to Speakers of Other Languages test and increase the qualifying score to 163, effective July 1, 2020.

Board members discussed the timeframe and availability of other tools to test ESOL, besides Educational Testing Service (ETS), and whether the ETS test measures what it should and as it is supposed to.

ACTION: Upon motion by Dr. Steiner, and seconded by Mr. Phillips, the State Board adopted the qualifying score of 163, effective July 1, 2020. (In Favor: 9; opposed: 0; abstained: 0. Dr. Li had not arrived.)

- (2) Request for permission to continue using the Special Education: Core Knowledge and Applications +1 SEM and adjust the qualifying score to 163, effective July 1, 2020.

A question was raised about the opportunity for Board members to weigh in on national standards. Dr. Salmon noted that this could likely be done during the public comment period(s) provided as part of their process.

ACTION: Upon motion by Dr. Steiner and seconded by Ms. Bates, the State Board adopted the qualifying score of 163, effective July 1, 2020. (In Favor: 9; opposed: 0; abstained: 0. Dr. Li had not arrived.)

- (3) Request for permission to adopt the revised School Leaders Licensure Assessment with the recommended qualifying score of 151, effective July 1, 2019.

ACTION: Upon motion by Ms. Bates, and seconded by Dr. Steiner, the State Board adopted the qualifying score of 151, effective July 1, 2019. (In Favor: 9; opposed: 0; abstained: 0. Dr. Li had not arrived.)

Pedagogy Assessment:

Request for permission to require either the EdTPA or PPAT as a Maryland Educator Preparation Program exit and certification requirement for teachers with less than three (3) years of experience, effective July 1, 2025, with a phase-in of test requirements.

A question was raised about relicensing for those currently certified. Ms. Spross responded that new testing is not required unless an individual's certification expires/lapses.

ACTION: Upon motion by Dr. Steiner, and seconded by General Sumpter, the State Board approved the use of either the EdTPA or PPAT as a Maryland Educator Preparation Program exit and certification requirement for teachers with less than three (3) years of experience, effective July 1, 2025, with a phase-in of test requirements. (In Favor: 9; opposed: 0; abstained: 0. Dr. Li had not arrived.)

Every Student Succeeds Act (ESSA) Accountability Implementation Update

(Presenters: Ms. Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support; Ms. Chandra Haislet, Director of Accountability and Data Systems)

Ms. Gable and Ms. Haislet provided information on the ongoing implementation and analysis of the 2018 accountability system, with a focus on the equity measures, and updates to the Maryland Report Card. Information presented included: an update on the reporting calendar, demonstration of School Report Card equity data results, and updates on Targeted Support and Improvement (TSI) School Identification. There was also discussion of possible

modifications to points and the ratings assignments, with a review of responses to questions regarding alignment with proficiency and stakeholder feedback. Ms. Gable shared that CSI and TSI schools data has been released. Dr. Salmon indicated that she had recently met with PSSAM and reviewed the report card, CSI, and TSI data.

Board members inquired about how outcomes and results are tracked, and what is examined through the root cause analysis. Ms. Gable explained that the department works with and across all districts to gather information and provide supports.

Ms. Gable presented the departments recommendation to stay the course with the current distribution of the star ratings and commit to the review of the data and analysis on an annual basis, based on consideration of: the data availability in the first year of the new accountability system; the relationship of the indicator scores to the overall rating and determination that the system has functioned as it was designed; and feedback from stakeholders.

***ACTION:** Upon motion by General Sumpter, and seconded by Ms. Halle, the State Board approved the recommendation to continue with the current distribution of the star ratings and commit to the review of the data and analysis on an annual basis, (In Favor:8; opposed: 0; abstained: 1 – Dr. Steiner. Dr. Li had not arrived.)*

STATE BOARD MEMBER REPORTS AND COMMENTS

➤ Committee Reports

- *Online Learning Policy* – Ms. Halle provided a summary of the April 17th meeting, which focused on State Models of Virtual Schools and Digital Learning. The committee heard presentations from representatives in Wisconsin, Michigan, and North Carolina who shared information and background on their state’s virtual/digital learning efforts, types of courses, and lessons learned. The next committee meeting is scheduled for May 15th at the MSDE and will include a discussion of alternate options for course delivery.
- *Task Force on Student Discipline Regulations* – Dr. Greene provided a brief summary of the March 28th meeting, which included a presentation of a comparative analysis of Maryland Schools’ Codes of Conduct and a panel discussion with school-based administrators from local school systems. She also provided an overview of the agenda for the upcoming April 25th meeting noting that it would be centered on best practices.
- *Strategic Planning* – Ms. Iszard shared that a draft document is currently being prepared. General Sumpter commended Ms. Gayle Secrist, Chief of Staff, and Dr. Miya Simpson, Executive Director for the Office of the State Board, for their work and support to the committee.

STATE SUPERINTENDENT'S REPORT

➤ **2019 Legislative Session Update**

(Presenter: Ms. Tiffany Clark, Director, Government Relations)

Ms. Clark provided status updates on education-related bills currently before the 2019 General Assembly. Ms. Clark highlighted several bills recently passed, to include: HB87/SB529 - State Board of Education – Membership – Teachers and Parents; HB238/SB747 Education – Removal of County Superintendents – Procedures; HB1019 – State Board of Education – Public High School Students – Assessments and Graduation Requirements; HB390/SB422 – State Department of Education – Employment Categories and Practices; HB725 – Public Schools – Student Discipline – Restorative Approaches; and SB1030/HB1413 – The Blueprint for Maryland's Future.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(1)&(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Mr. Phillips, seconded by General Sumpter, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, April 23, 2019 in Conference Room #1, 8th Floor, at the Nancy S. Grasmick Building. All board members were in attendance except Dr. Justin Hartings (President), Dr. Rose Maria Li, and Bryce Awono. Also in attendance were Dr. Sylvia Lawson, Chief Performance Officer, Dr. Carol Williamson, Chief Academic Officer, Amalie Brandenburg, Chief Operating Officer, Dr. Miya Simpson, Executive Director, Office of the State Board and Assistant Attorneys General, Elizabeth Kameen, Jackie La Fiandra, and Derek Simmons. The Executive Session commenced at 12:25 p.m.

At that time, the State Board approved four Opinions and three Orders for publication.

- *Yolanda Cooper v. Baltimore City Board of School Commissioners* – back pay – Opin. No. 19-17
- *Nikol E. v. Montgomery County Board of Education* – student grade/credit dispute – Opin. No. 19-18
- *William Kelly Ford v. Prince George's County Board of Education* – teacher harassment - Opin. No. 19-19
- *Key Systems, Inc. v. Anne Arundel County Board of Education* – bid protest – Opin. No. 19-20
- *Elizabeth K. v. Harford County Board of Education* – boundary exception – Order No. OR19-02
- *In the Matter of the Maryland Public Ethics Law* – request for declaratory ruling – Order No. OR19-03
- *In the Matter of Request for Removal of Wayne Foote* – amendment of charges – Order No. OR19-04

The Board received an update on the *Bradford Case*.

The Executive Session ended at 12:45 p.m.

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

➤ ***Graduation Task Force – Review of Diploma Recommendations***

(Presenters: Dr. Carol Williamson, Chief Academic Officer/Deputy State Superintendent, Office of Teaching and Learning)

Ms. Iszard read a statement prepared by Dr. Hartings to frame the discussion. Dr. Williamson provided information on the decision points for the Diploma recommendations from the Maryland High School Graduation Task Force. The presentation included a brief review of the charge of the Task Force, convened in January 2018 to focus on three areas: credit and program requirements, assessments, and options for awarding high school diplomas. The presentation also included the timeline for updates to the State Board and a review of Maryland's present High School Graduation requirements, with a focus on the specific Diploma recommendations, rationale for each recommendation, and decision points for the State Board of consider.

State Board members reached consensus regarding maintaining a single Maryland high school diploma, developing a process for the adoption of seals, endorsements, and awards, and convening a workgroup to evaluate and potentially modify the Maryland Certificate of Program Completions.

Board members discussed, but did not reach consensus on recommendations presented regarding College Ready Endorsement and Career and Technical Education (CTE) Endorsement. Dr. Salmon suggested reconvening the Task Force and asking them to reconsider what they may see as recommendations/changes based on the *Blueprint for Maryland's Future*.

ACTION: For information, discussion, and input on decision points for future action(s).

➤ ***Juvenile Services Education System (JSES)***

(Presenters: Dr. Sylvia Lawson, Chief Performance Officer/Deputy State Superintendent for School Effectiveness; Ms. Deborah Pulley, Executive Director, Juvenile Services Education)

Dr. Lawson and Ms. Pulley provided an overview and update on the MSDE's Juvenile Services Education System (JSES). The presentation included a review of the JSES structure, school profiles, instructional programs, and challenges experienced. Dr. Lawson and Ms. Pulley also shared highlights from the JSES 2018 Annual Report.

Discussion focused on length of stay, metrics/outcomes based on the length of stay, and funding per student. A request was also made to include demographic and disaggregated data in future annual reports.

➤ ***Environmental Literacy Standards***

(Presenters: Dr. Carol Williamson, Chief Academic Officer/Deputy State Superintendent for Teaching and Learning; Bruce Lesh, Director of Social Studies, Science and Disciplinary Literacy)

Dr. Williamson and Bruce Lesh presented information regarding revisions to recommendations for Maryland's Environmental Literacy Standards. The presentation included a review of COMAR 13A.04.17.01 *Protocol for Developing and Revising Standards* and results from the statewide survey and draft standards containing recommended edits. Mr. Lesh also provided an overview of the purpose of the standards, the protocol for developing and revising standards, a review of the proposed recommendations, and the next steps in the process.

The department requested approval to proceed to Phase II of the Protocol for Developing and Revising Standards.

ACTION: Upon motion by Dr. Greene, and seconded by Ms. Halle, the State Board granted approval to proceed to Phase II. (In Favor: 9; opposed: 0; abstained: 0. Mr. Phillips was not present.)

NEW BUSINESS

➤ ***Code of Maryland Regulations (COMAR)***

(Presenter: Ms. Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support; Ms. Sarah Spross, Assistant State Superintendent, Division of Educator Certification and Program Approval)

- ***Educator Preparation Program Requirements (FOR DISCUSSION ONLY)***
Ms. Spross presented draft regulatory language establishing the program requirements for educator preparation programs leading to initial Maryland teacher certification. The language is aligned to the MSDE's comprehensive plan to increase rigor and accountability of educator certification and teacher preparation programs in Maryland.

ACTION: For information and discussion. (No formal vote; general consensus for the department to move forward.)

- ***Teacher Licensure Regulations (FOR DISCUSSION ONLY)***
Ms. Spross presented draft regulatory language pertaining to teacher certification/licensure requirements, to include initial licensure, types of licenses, and renewal of the teacher license. The information presented included: assignment, types of licenses, pathways to initial teacher licensure, additional teaching endorsements, renewal of a teacher license, individual professional development plans, and professional development points.

ACTION: For information and discussion. (No formal vote; general consensus for the department to move forward.).

- ***Suspension and Revocation of an Educator License Regulations (FOR DISCUSSION ONLY)***

Ms. Spross presented draft regulatory language identifying the process and procedures associated with the suspension and revocation of a Maryland educator license. The presentation included the following: definitions, causes, reporting procedures, denial, hearing procedures, record of hearings, decision, reconsideration of a decision, and reinstatement.

ACTION: For information and discussion. (No formal vote; general consensus for the department to move forward.).

COMAR 13A.04.12 Program in Mathematics and COMAR 13A.04.14 Program in English Language Arts/Literacy

Request for permission to publish amendments to COMAR 13A.04.12 *Program in Mathematics*, which would define the process that local school systems can use to demonstrate evidence of alignment of curriculum to Maryland College and Career Ready Standards.

Request for permission to publish amendments to COMAR 13A.04.14 *Program in English Language Arts/Literacy*. The amendments would strengthen the regulation to require each local school system Superintendent or Chief Executive Officer to provide evidence of alignment to standards for curriculum.

ACTION: Upon motion by General Sumpter and seconded by Ms. Bates, the State Board granted permission to publish the regulations as amended. (In Favor: 9; opposed: 0; abstained: 0. Mr. Phillips was not present.).

- ***COMAR 13A.15 - .18 Child Care***

Request for permission to publish proposed amendments to 13A.15 *Family Child Care*, 13A.16 *Child Care Center*, 13A.17 *Child Care – Letters of Compliance*, and 13A.18 *Large Family Child Care Homes*. Based on corrections and clarifications identified as necessary by the Office of Child Care and review of the input from stakeholders, the MSDE recommended several revisions to the proposed regulation changes submitted to the State Board on May 11, 2018, and published in the Maryland Register for public comment from February 15, 2019 to March 18, 2019.

ACTION: Upon motion by General Sumpter, and seconded by Ms. Halle, the State Board granted permission to publish the regulation as amended. (In Favor: 9; opposed: 0; abstained: 0. Mr. Phillips was not present.).

➤ **Calendar Modification Request**
(Presenter: Ms. Teresa Dantzler, Ombudsperson)

Request from Howard County Public School System to waive one day of the 180-day instructional requirement for the 2018-2019 school year.

ACTION: Upon motion by Ms. Bates, and seconded by General Sumpter, the State Board approved the requests to open for pupil attendance prior to Labor Day for the 2019-2020. (In favor: 7; Opposed: 0; Abstained: 2 – Ms. Halle and Ms. Iszard). (Mr. Phillips was not present.)

FUTURE AGENDA ITEMS/AGENDA PLANNING

The State Board discussed tentative agenda items for the April meeting(s):

- **Monday, May 20th** – No meeting planned

- **Tuesday, May 21st** -
 - ESSA Update
 - State Board Analysis and Review of School Transfer Appeals and Other Similar Cases
 - Teacher of the Year Recognition
 - State Superintendent's Report
 - 2019 Legislative Session Update
 - Regulatory Actions

OPINIONS

Ms. Kameen announced the following Opinions and Orders:

- *Yolanda Cooper v. Baltimore City Board of School Commissioners* – back pay – Opinion No. 19-17
- *Nikol E. v. Montgomery County Board of Education* – student grade/credit dispute – Opinion No. 19-18
- *William Kelly Ford v. Prince George's County Board of Education* – teacher harassment – Opinion No. 19-19
- *Key Systems, Inc. v. Anne Arundel County Board of Education* – bid protest – Opinion No. 19-20
- *Elizabeth Kelley v. Harford County Board of Education* – boundary exception – Order No. OR-19-02
- *In the Matter of the Maryland Public Ethics Law* – petition for declaratory ruling – Order No. OR-19-03
- *In the Matter of Request for Removal of Wayne Foote* – removal of Board member – Order No. OR-19-04

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 4:45 p.m.

Karen B. Salmon, Ph.D.
Secretary/Treasurer

Date: May 21, 2019

The information included here provides a summary of the agenda items presented and actions taken during the meeting of the Maryland State Board of Education. The video recordings of the meetings are the official record of the meetings and can be located at:

<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2019.aspx>

MARYLAND STATE BOARD OF EDUCATION
PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER OPEN MEETINGS ACT (General Provisions Article § 3-305)

1. Recorded vote to close the meeting.

Date: April 23, 2019

Time: 12:25 p.m.

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Mr. Phillips

Seconded by: Gen. Sumpter

Members in favor: 9

Opposed: 0

Abstaining: 0

Absent: 3

2. The meeting was closed under authority of Section 3-305(b) of the General Provisions Article of the Annotated Code of Maryland (check all provisions that apply). This meeting will be closed under General Provision Art. § 3-305(b) only.

- 1. To discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals.
- 2. To protect the privacy or reputation of individuals concerning a matter not related to public business.
- 3. To consider the acquisition of real property for a public purpose and matters directly related thereto.
- 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- 5. To consider the investment of public funds.
- 6. To consider the marketing of public securities.
- 7. To consult with counsel to obtain legal advice.
- 8. To consult with staff, consultants, or other individuals about pending or potential litigation.
- 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- 10. To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.
- 11. To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- 14. Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert #
from above)

Topic

Reason for closed-session discussion to topic

§ 3-305(b) (7)

Legal Advice

Legal appeals and update on *Bradford* case.



4. This statement is made by _____, Presiding Officer.