

# MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday  
February 25, 2014

Maryland State Board of Education  
200 W. Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met in regular session on Tuesday, February 25, 2014 at 9:10 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Dr. Charlene M. Dukes, President; Dr. Mary Kay Finan, Vice President; Mr. James H. DeGraffenreidt, Jr.; Ms. Linda Eberhart; Mr. Christian Hodges; Mrs. Madhu Sidhu; Mr. Guffrie M. Smith; Donna Hill Staton, Esq.; and Dr. Lillian M. Lowery, State Superintendent of Schools. Ms. Luisa Montero-Diaz; Dr. S. James Gates, Jr.; Mr. Larry Giammo; and; Mr. Sayed Naved were absent.

Elizabeth Kameen, Esq., Assistant Attorney General, and the following staff members were also present: Ms. Kristi Michel, Deputy State Superintendent for Finance and Administration; Dr. Jack Smith, Deputy State Superintendent for Teaching and Learning; Mr. Anthony South, Executive Director, Office of the State Board; and Penelope Thornton Talley, Esq., Deputy State Superintendent for School Effectiveness.

## **CONSENT AGENDA**

Dr. Dukes opened the meeting and welcomed Kitty Blumsack of the Maryland Association of Boards of Education (MABE) who was accompanied by three members of local boards of education who are participants in MABE's Boardsmanship Program. The three local board members were introduced: Louise Cheek from Caroline County; Ann De Lacy from Howard County; and Stacy Korbelak from Anne Arundel County. She then asked for a motion to approve the Consent Agenda.

Ms. Sidhu asked that the January meeting minutes be corrected by adding the word "local" on page 1, last paragraph. Mr. Hodges also asked for a correction by adding the word "student" to page 1, paragraph 3.

Upon motion by Dr. Finan, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 8)

- Approval of Minutes of January 28, 2014
- Personnel (copy attached to these minutes)
- Budget adjustments for January, 2014

## **ORAL ARGUMENT**

Ms. Kameen explained the procedures by which the Board hears oral arguments and introduced the following persons:

Hari Prasad, Appellant

v.

Les Stellman, Esq. representing  
Prince George's County Board of Education

## **2013-2014 NATIONAL TITLE I DISTINGUISHED SCHOOLS**

Dr. Lowery introduced Maria Lamb, Acting Assistant State Superintendent, Division of Student, School, and Family Support, to report on the 2013-2014 National Title I Distinguished Schools. Ms. Lamb introduced Tina McKnight, Interim Director, Program Improvement and Family Support Branch, to share what's happening in Maryland Title I schools.

Ms. McKnight provided a background of the Title I program, the largest federally funded education program which provides schools that have high concentrations of economically disadvantaged students with funding to support and enhance their educational programs. Ms. McKnight reported that each year the National Association of State Title I Directors (NASTID) recognizes outstanding achievement in one of two categories: (1) exceptional student performance for two or more consecutive years, and (2) closing the achievement gap between student groups. She reported that two Maryland schools have been identified as the 2013-2014 Title I Distinguished Schools. Ms. McKnight introduced Nancy Neilson, Principal of New Song Academy in Baltimore City for its category 1 achievement; and Cheryl Franklin, Principal of Robert R. Gray Elementary School in Prince George's County, for its achievement in category 2.

Ms. McKnight reported that Ms. Neilson has served for 42 ½ years in the Baltimore City Public School System and asked her to say a few words about her school.

Ms. Neilson said, "New Song Academy is a wonderful school" and recognized the employees of New Song Academy and the Title I staff of the Baltimore City Public School System. She said, "We have a tremendous amount of support." She explained that there are 149 students attending this small community school and said, "We are teaching them to take responsibility for themselves and the community."

Ms. Staton commented that the school has had zero suspensions and asked a question about eighth graders returning to the school. Ms. Neilson reported that eighth graders can attend after-school tutoring and home work assistance if there is a need. She also reported that seniors can receive help in applying for colleges and that school staff will assist with college visits. She also noted that, through donations, the school will provide funding to assist students who have exhausted every avenue to fund their college education.

Ms. Neilson reported that the school has its own discipline program through which students are provided positive and negative checks throughout the school day. She reported that, if necessary, she will meet with students if there are discipline problems.

Ms. Sidhu congratulated Ms. Neilson and asked if their success is partly due to small class size. Ms. Neilson responded, "yes."

In response to a question by Dr. Dukes, Ms. Neilson said that students must live in the immediate area to qualify to attend New Song Academy. She said she is unsure whether the school's success could be replicated in a larger environment, explaining "if you have a larger student body, it is harder to get to know the families. Students look out for each other."

In response to a question by Ms. Eberhart, Ms. Neilson said that donations for the scholarship program have fallen off over the past year or two.

Ms. McKnight introduced Ms. Franklin and reported that she has worked in a Title I school throughout her career. She said Ms. Franklin believes in and supports her staff, students, teachers, and parents.

Ms. Franklin introduced individuals in the audience who provide support for Robert R. Gray Elementary School. She discussed the programs at her school and said, "our work does not stop here."

Ms. Staton acknowledged the great work Ms. Franklin and her staff are doing noting that the professional development seems very intense and commended Ms. Franklin on the collaboration with other school staff on best practices. Ms. Franklin said, "We have a commitment to moving our school forward. Our learning does not end with a degree...we continue to self-improve."

Ms. Staton noted a good core of support from parents. Ms. Franklin said, "our parents trust us" and explained that because the school serves an at-risk population with parents who, often times, work several jobs, school staff provide accommodations to enable parents to be involved in their students' education.

Ms. Sidhu noted that through parent focus groups, parents become their children's advocate. She said, "it changes the climate."

Dr. Dukes thanked the principals for their excellent leadership and asked that photos be taken with all of the supporters in attendance.

### **MARYLAND CENTER FOR SCHOOL SAFETY**

Dr. Lowery reported that the Maryland Center for School Safety was established as an independent unit of Maryland State government in July 2013 by the Maryland General Assembly with funding residing in the budget of the Maryland State Police. She introduced Edward Clarke, Executive Director of the Center and briefed the Board on his vast experience in school safety and law enforcement.

Mr. Clarke reported that he was appointed in November, 2013 and is reaching out to a variety of stakeholders. He said, “children cannot learn and teachers cannot teach in an unsafe environment” and gave a brief overview of the Center’s charge and responsibilities. He stated that he conducted site visits to fourteen safety centers across the country and brought back recommendations to the General Assembly. Mr. Clarke noted the Center has a very diverse group of governing board members, members who are looking at best practices for school safety. Mr. Clarke said that the Center provides technical assistance and that a website will be completed by July 1<sup>st</sup>. He reported that he is working with Senator Mikulski’s office to write a federal grant application to meet funding needs. Mr. Clarke discussed the accomplishments made thus far with a goal of having “a premier Safety Center in the State of Maryland.”

Dr. Lowery said, “He is a one-man show.”

In response to a question by Ms. Sidhu, Mr. Clarke said he will be meeting with the Maryland State Education Association (MSEA), which represents public school employees, as well as the Maryland Parent/Teacher Association (MdPTA) since “the classroom teacher is the first response” He said the goal is to find out if school staff is properly trained in school safety. He said, “That is where the rubber hits the road.”

In response to a question by Ms. Staton, Mr. Clarke said that the Center is responsible for safety in all areas of the school environment such as buses, drug use in the school, bullying, etc.

In response to a question by Mr. DeGraffenreidt, Mr. Clarke said that looking at a safety assessment for school and building leadership that sets a tone for academic excellence and safety is the key to creating an appropriate safety culture in a school. He also noted the importance of proper training for staff who substitute for the principal when he or she is absent.

Dr. Dukes asked if there are plans to provide a safety component for college campuses. She said that each college has its own emergency plans but that they all operate in silos. Mr. Clarke said that the legislation did not include or exclude higher education institutions and that he plans to meet with representatives of higher education to discuss safety on campuses.

Dr. Lowery said, “Mr. Clarke has a blank slate and can bring recommendations to the General Assembly.”

Dr. Dukes said, “Thank you for taking on this enormous responsibility.”

### **REPORT OF BEST PRACTICES IN SCHOOL DISCIPLINE**

Dr. Lowery invited Maria Lamb; Dr. Sally Dorman, Coordinator, Division of Psychological Services, Montgomery County Public Schools; and Janice Briscoe, Special Projects Officer, Division of Student Services, Prince George’s County Public Schools, to discuss *A Report on Best Practices in School Discipline*. This report was the result of the State Superintendent’s directive to convene a workgroup to assist schools in adopting a pro-social approach to discipline and determine the types of professional development needed by teachers, administrators and school resource officers. She presented the draft Report for discussion only at this time.

Ms. Lamb acknowledged the partners that collaborated on this Report and the staff who assisted the workgroup.

Dr. Dorman reported that the large workgroup conducted a vast amount of research and took a rehabilitative rather than punitive approach to student discipline. She explained that the Report is broken down into three parts: policy, practices, and professional development. She provided a graphic depicting Maryland's tiered instructional and Positive Behavioral Interventions and Supports (PBIS) framework. She said, "interventions make the difference and targeting their appropriate audience is key."

Ms. Briscoe discussed the recommendations for practice to provide early, ongoing, and incremental interventions.

In response to a question by Ms. Staton, Dr. Dorman said that many of the practices lend themselves to real world application. She said, "we are looking at what works...needs to be based on the data for the school." She said, "there is a whole piece in the document on evidence-based practices." Ms. Staton said she is looking for something a little more precise such as examples of the use of the Universal Design for Learning (UDL). Dr. Dorman agreed to amend the Report as per Ms. Staton's request. Mr. DeGraffenreidt suggested providing illustrations of why best practices are useful. Dr. Dorman agreed to add this information.

Ms. Briscoe discussed the training components for public schools as well institutions of higher education. She said, "on-going professional development is imperative."

Dr. Dukes noted that there are local non-profit organizations offering to help with school discipline and training.

Mr. DeGraffenreidt said, "if you want local ownership, we need to be clear about what opportunities they are missing by not adopting these practices. We need to show locals that they can repurpose resources to achieve educational objectives."

Ms. Eberhart stressed the need for School Resource Officers and the offering of behavioral management classes in higher education.

Dr. Lowery said, "what gets measured, gets done." She said there needs to be an operational plan for these suggestions and stated "we can work on that."

Dr. Dorman provided the summary of the report and recommendations for research, practices, professional development and policy. She agreed to add illustrations of the use of best practices to the Report.

Mr. Smith asked for information on what is being provided to administrators on UDL.

Dr. Dukes thanked the presenters for their hard work and presentation and thanked Board members for their thoughtful input.

## **UPDATE ON ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) FLEXIBILITY WAIVER EXTENSION**

Dr. Lowery invited Dr. Jack Smith, Mary Gable, Assistant State Superintendent, Division of Academic Policy and Innovation, and Dave Volrath, Teacher/Principal Evaluation Planning and Development Officer, to give an update on the Elementary and Secondary Education Act (ESEA) Flexibility Waiver Extension.

Dr. Smith reported that staff have completed final drafts of amendments to ESEA and a transition plan and that they will be posted in March and submitted, if the Board approves, after the March Board meeting.

Ms. Gable reported on the Part B monitoring that took place in December by the U.S. Department of Education. She said that the report submitted to the USDE meets all expectations required and that the teacher/principal evaluation amendments are being reviewed. She said that staff is very pleased and expect a letter of approval by March 5. Ms. Gable reported that materials will be submitted subsequent to receipt of a letter of approval. She noted that MSDE has received approval of the Department's request to eliminate double testing and is awaiting approval to delay teacher/principal accountability based on student achievement for an additional year. She explained the results of eliminating double testing of students.

Dr. Lowery explained that there is a sense of urgency since the Department must respond to USDE concerns prior to asking for an ESEA flexibility waiver extension.

Ms. Gable explained the four core principles that must be met to qualify for renewal of an ESEA flexibility waiver. She said that Maryland has met expectations on principles one and two and that Mr. Volrath is working on principle three.

She provided the Board with a draft letter to the USDE requesting a waiver of the requirements to use the same assessment for all students at each grade level. She explained the ESEA mandate that all students be tested equally and reported that, often times, double testing would be required to meet this mandate.

Mr. Volrath discussed Teacher/Principal Evaluation (TPE) ESEA Extension and RTTT Amendment #1: To Change State Teacher and Principal Evaluation Models; and, Amendment #2: To Support Extension of ESEA Flexibility Waiver. Mr. Volrath said that this model reverses any translation of a test score to a measurable component in a teacher or principal evaluation over the next two years. He also reported that it uses the MSA data that currently exists, very similar to the HSA data, to help inform the writing of Student Learning Objectives (SLOs) next year. He said that the way this is written will satisfy USDE expectations for a full assessment teacher/principal evaluation for this year and maintain the work going forward.

Dr. Lowery reported that next year, the PARCC assessment will be given in all classrooms and the amendment will allow data to be collected over the next three years prior to determining growth in student learning and applying consequences through teacher/principal evaluations. She said, "We must make a compelling case to get where we want to go."

Mr. DeGraffenreidt said, "We are seeking an extension of time that effectively says we are not going to go live with the implications of PARCC assessments, practically speaking, until three years from now because it takes that long for the transition to complete itself." He noted that originally MSDE set a 2014 deadline. Dr. Lowery explained that the State model was approved during the 2011-2012 school year. She explained that the law provided that there should be a significant amount of student growth during the school year. Mr. DeGraffenreidt asked, "Is there any understanding of the word *significant* that equates to zero?" Dr. Lowery said, "No."

Mr. DeGraffenreidt noted that in Maryland's Plan for Transitioning Teacher Evaluation from MSA to PARCC Assessments, the column designated 2013-2014 student growth has a designation of (*does not count but informs personnel decisions*). He asked if this would inform the creation of SLOs. Mr. Volrath said that it would had SLOs been written based on MSA scores during that school year.

Mr. DeGraffenreidt asked about the financial consequences of not getting this extension. Dr. Lowery explained that substantial federal funding would be at risk.

Mr. DeGraffenreidt said, "If we don't get the flexibility waiver extension, we go back to Adequate Yearly Progress (AYP) under the *No Child Left Behind Act*. I want to talk about, in qualitative and quantitative terms, what that means." The Superintendent stated that "there is no benefit to going back to Adequate Yearly Progress (AYP) and that most, if not all, of our schools would be deemed failing to meet AYP."

He asked what the consequences of that would be and stated, "There are resources that would have to be deployed to effectuate those remedies in addition to the resources you have to pay then." Dr. Lowery explained the consequences which could ultimately de-stabilize the schools.

Mr. DeGraffenreidt said, "From the perspective of students and teachers and principals, under which scenario are students better off, teachers better off and principals better off -- going back to AYP or securing this waiver?" Dr. Dukes requested information on how those constituencies feel about this issue.

The Superintendent said that teachers have embraced Common Core Standards and appreciate the ability to look at student progress from the beginning to the end of the school year. Dr. Lowery said, "For someone to go back to an unrealistic expectation, that every child in my school is supposed to be proficient by June of 2014, would make people really, really concerned and would undo a lot of the good will that we have built. People in the field are doing some amazing work, but they need time."

Mr. DeGraffenreidt said, "We have got to make it clear about what we are actually trying to do."

Mr. Smith said, "The system we are under now is so much more thoughtful and logical...It would be a travesty to go back."

Ms. Eberhart suggested the term *informs instructional decisions* instead of *informs personnel decisions* for the 2013-2014 school year column. Dr. Lowery explained that Student Learning

Objectives (SLOs) are part of the evaluation which is a personnel decision. Dr. Lowery asked Dr. Smith to align the wording for the 2013-2014 school year column since SLOs were not created during that school year.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Finan, and with unanimous agreement, the Board approved public release of the waiver request proposal that delays by an additional year the use of PARCC testing results to inform personnel decisions. (In Favor – 8)

### **EXECUTIVE SESSION**

Pursuant to §10-503(a)(1)(i) & (iii) and §10-508(a)(1) & (7), of the State Government Article, Annotated Code of Maryland, and upon motion by Mr. Smith, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, February 25, 2014, in Conference Room 1, 8<sup>th</sup> floor, of the Nancy S. Grasmick State Education Building. All board members were present except Sayed Naved, James Gates, Luisa Montero-Diaz, and Larry Giammo. In attendance were Dr. Lillian Lowery, State Superintendent of Schools; Kristy Michel, Chief Operating Officer; Dr. Jack Smith, Chief Academic Officer, Penelope Thornton Talley, Esquire, Chief Performance Officer; John White, Chief of Staff; and Tony South, Executive Director, Office of the State Board. Assistant Attorneys General Elizabeth Kameen, Jackie La Fiandra, and Derek Simonsen were also present. The Executive Session commenced at 1:35 p.m. (In favor – 8)

The State Board approved seven Opinions for publication.

- *Denesa Churchey v. Washington County Board of Education* – non-renewal of bus contracts – Opin. No. 14-03
- *Northwood Appold Community Academy Public Charter School v. Baltimore City Board of School Commissioners* – charter school contract – Opin. No. 14-04
- *Scott T. v. Anne Arundel County Board of Education* – school bus service – Opin. No. 14-05
- *Mary E. v. Anne Arundel County Board of Education* – residency – Opin. No. 14-06
- *Michael Mitchell v. Baltimore City Board of School Commissioners* – employee termination – Opin. No. 14-07
- *National Education Partner, Inc. v. Baltimore City Board of School Commissioners* – denial of charter school application – Opin. No. 14-08
- *Diane Wilkins v. Prince George's County Board of Education* – employee termination – Opin. No. 14-09

At 2:00 p.m. all non-board members left the room and the Board, along with legal counsel, Elizabeth Kameen, discussed the Superintendent's Performance Goals and amendments thereto. Ms. Kameen will draft amendments to the Superintendent's contract based on the discussion.

The Board also discussed three internal Board management issues, the makeup of the Committee for the 2014 recruitment for Baltimore City Board of School Commissioners; scheduling the 2014 Board retreat; and, follow-up to the 2013 Board retreat.



The session ended at 2:30 p.m.

### **RECONVENE**

The meeting reconvened at 2:30 p.m.

### **MARYLAND TEACHER OF THE YEAR (TOY) NATIONAL FINALIST**

The Superintendent introduced Dr. Darla Strouse, Executive Director, Partnerships & Development, to introduce Maryland's Teacher of the Year.

Dr. Strouse introduced Sean McComb, an English teacher at Patapsco High School and Center for the Arts in Baltimore County, who is the 2014 Maryland Teacher of the Year (TOY). She reported that Mr. McComb has been selected along with three other finalists for the National TOY award. She introduced his wife and other supporters in attendance.

Mr. McComb thanked the Board and Department for establishing such a robust TOY program. He expressed his appreciation for the opportunities he has been afforded to expand his skill set as a teacher leader. He said, "I accept this on behalf of incredible colleagues."

Mr. McComb's Superintendent and Principal applauded and praised his work in the classroom describing him as "a bright gem in Maryland."

Dr. Strouse reported that the national judges are selected from across the country and that they spend three days vetting the finalists throughout a very rigorous competition.

Dr. Lowery said, "We have been very impressed with Sean. We listen to our best and brightest. Go Team BCPS."

Drs. Dukes and Lowery presented a Citation to Mr. McComb and photos were taken.

In response to a question by Ms. Staton about what attracts a person into the teaching profession, Mr. McComb said, "I wanted to make a difference in the lives of students. You need to have a heart for the work. We need to be mindful of how we represent our profession. People who are good in this profession are not in it for the salary but for personal reasons."

The Board congratulated Mr. McComb.

### **RACE TO THE TOP (RTTT) UPDATE – FOCUS ON TECHNOLOGY**

Mary Gable introduced Peter Cevenini, Chief Information Officer, and Zach Mangold, RTTT Project Manager, to provide the Board with an update on critical RTTT technology projects. She reported that representatives from the USDE are currently in Maryland monitoring the projects.

Mr. Cevenini thanked Ms. Talley, Dr. Johnson and Ms. Gable for helping the technology staff get organized.

Mr. Mangold reported that seventeen State-data Dashboards are complete and production-ready. He provided a timeline depicting when the testing, training, implementation and surveying will take place over the next seven months and an overview of the accomplishments, status, roll out, outcomes and next steps. He noted that staff will work with local education agencies (LEAs) throughout the summer on training and implementation.

In response to a question by Ms. Staton about public access to the dashboards, Mr. Mangold said, "Our goal is to control the user access for security. It is complicated. We are piloting with some locals on security." He reported that student information can not be downloaded.

Mr. Mangold reported that the next steps will be the delivery of all 36 dashboards to LEAs, Institutions of Higher Education (IHE) and other education stakeholders, and enhancement of a Help Desk portal.

In response to another question by Ms. Staton, Mr. Mangold said that staff is working to ensure that LEAs can support these technological initiatives.

Dr. Lowery said, "We are making sure that the end user is linked to the information/technology (IT) person."

### **TRANSITION FROM CURRENT HIGH SCHOOL ASSESSMENTS (HSAs) TO PARCC HIGH SCHOOL ASSESSMENTS**

The Superintendent asked Dr. Smith and Dr. Henry Johnson, Assistant State Superintendent, Division of Instruction and Accountability, to brief the Board on the transition to the new PARCC assessments.

Dr. Smith reported that comments provided by Board members at their January meeting have been included in this proposed framework. He said that the Board is being asked to adopt the framework to allow for registration next year.

Dr. Johnson provided three sets of scenarios for high school graduation assessment requirements, high school assessments (HSAs) and the bridge validation program with accompanying answers to *frequently asked questions*.

Dr. Johnson discussed the high school graduation assessment requirements for students entering high school in year 2013-2014 through 2016-2017 and for students entering high school in year 2014-2015 through 2017-2018. In response to a question by Ms. Eberhart, Dr. Lowery recommended that her question and the answer to whether students must take Algebra II be included in the *frequently asked questions* document.

Dr. Johnson discussed the charts depicting HSA administration for students entering ninth grade in school year 2013-2014 through 2016-2017 and for students entering ninth grade in year 2014-2015 through 2017-2018.

Mr. Hodges asked what the designation \*Determines college and career readiness (PARCC Algebra II) means. Dr. Johnson explained that these students who pass these assessments will not have to enroll in college remedial non-credit courses. Dr. Lowery explained that this designation was a PARCC determination -- a decision by the consortium. Mr. Hodges expressed concern about the term and Dr. Lowery said she would work with the consortium on this issue.

In response to a question by Ms. Sidhu, Dr. Johnson explained that an English assessment is not a graduation requirement in twelfth grade explaining "It is a choice made at the district level."

Dr. Dukes asked, "How does this align with the requirement for four years of math?" Dr. Johnson reported that most students completing Algebra II go on to take other advanced math classes.

Dr. Johnson discussed the charts depicting the Bridge Validation Program for students entering ninth grade in school year 2013-2014 through 2016-2017 and students entering ninth grade in school year 2014-2015 through 2017-2018. He said that MSDE is recommending that the program continue and limit the number of times a student can take the test to two.

In response to a question by Mr. DeGraffenreidt about the designation of "failure" for students in the Bridge Program who fail to meet graduation requirements through testing. Ms. Kameen said that this issue is one of the changes in Maryland Regulations that will be proposed in the near future but agreed to discuss this issue with LEA leadership prior to regulation adoption to mitigate this problem for the current school year. Dr. Johnson said that although some transcripts have already been provided to colleges, there may be a way to adjust the language. Ms. Staton suggested a discussion with local superintendents to deal with this issue.

Upon motion by Ms. Staton, seconded by Mr. DeGraffenreidt, the Board adopted the framework for transitioning from the current HSA instruments to the PARCC assessment instruments. (In Favor – 7; Opposed – 1 (Mr. Hodges))

### **SCHOOL YEAR CALENDAR WAIVER REQUEST**

Dr. Lowery reported that she received a school year calendar waiver request from the Superintendent in Charles County. She asked Tony South to discuss the waiver request and this Board item.

Mr. South reported that the Superintendent received a request from Charles County Public Schools to hold classes on Presidents' Day, February 17, 2014 to make up days missed due to inclement weather. He explained that the Board approved the request by means of email polling of Board members and that the Board now needs to ratify that action as well as ratify a second vote taken to delegate to the State Superintendent authority to approve similar requests from other school systems to hold classes on Presidents' Day.

Mr. South said that the Board at this time is being asked to grant to the State Superintendent the authority to approve requests from local school systems to hold classes on identified holidays for the remainder of this school year.

Upon motion by Mr. Smith, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board ratified their previous actions and granted the Superintendent authority to approve similar written requests for the remainder of this school year. (In Favor – 8)

### **STATE LEGISLATIVE UPDATE**

Dr. Lowery called on Renee Spence, Executive Director, Governmental Relations, to provide an overview of legislative proposals of special interest to the Department and the State Board.

Ms. Spence reported that there are many task force bills being considered during this session of the General Assembly. She explained that seven bills were introduced regarding suspension and discipline in schools and that letters were sent by the Department providing information on the Board's report on school discipline.

She provided a synopsis of bills dealing with Common Core Standards, Maryland School Assessments (MSAs), the ESEA Waiver and Partnership for Accessing College and Career Readiness (PARCC) assessments. She reported that although there is a lot of support for the Common Core Standards, there were some misunderstandings among stakeholders and that clarity was provided. She reported that Dr. Gates provided testimony on the Next Generation Science Standards.

Ms. Spence said that there is some concern being expressed by legislators that Maryland could lose federal funding surrounding the policy on testing. Regarding SB 911 Education – Performance Evaluation Criteria – Default Model, Mr. DeGraffenreidt said that it needs to be made very clear to members of the General Assembly that Maryland's testing waiver request has not been received in writing as yet. Ms. Spence said that meetings have been scheduled to clarify this with legislators. Dr. Dukes said the Board has some concerns about the use of the word "default" in this bill.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Finan, the Board voted to oppose SB 911 Education – Performance Evaluation Criteria – Default Model (In Favor – 7; Ms. Eberhart abstained)

Dr. Dukes said, "We will oppose any bill that eliminates student growth in teacher evaluations." Dr. Lowery said, "In those areas where there are state assessments, they must be used to measure student growth."

In response to a question by Mr. DeGraffenreidt, Dr. Smith said that the Maryland State Education Association (MSEA) did not propose any alternatives to state assessments to meet RTTT requirements.

Dr. Dukes asked if the assessment waiver request was done collaboratively. Dr. Lowery reported on the collaboration with MSEA and all other stakeholders. Dr. Finan reported that the Maryland Council on Educator Effectiveness (MCEE), that produced the final report, chronicled years of collaborative work with significant changes made as a result of member input. She explained that the model started with the word "default" but the Council removed it since the State model is considered a good state performance model not a "default" model and that LEAs have the right to choose their own model. She explained that the model was changed many times by the Council and was crafted "to support the teachers." Dr. Lowery said that some teachers do not understand that test scores will inform personnel decisions by structuring SLOs appropriately. She said there needs to be more comprehensive outreach to clear up misunderstandings.

Dr. Dukes suggested a discussion of these topics at a future Board meeting.

Ms. Spence stated that there are several bills which include a curriculum or graduation mandate and that the Department will oppose those bills.

In response to a request from Dr. Dukes, Dr. Lowery said that she polls the Board immediately when there is legislation that requires Board input. Dr. Dukes also asked that a list of bills be sent to Board members to designate the Board's support or opposition. Ms. Spence agreed to keep the Board apprised of all pertinent legislation.

### **BOARD MEMBER UPDATES**

Mr. Hodges reported that he, along with Mr. Smith, visited the Chesapeake Science Point Academy in Anne Arundel County.

Dr. Finan reported that she attended a conference on the Next Generation Science Standards.

Mr. DeGraffenreidt noted that he volunteered to serve on the K-20 Subcommittee on Arts Education that is Co-Chaired by Dr. Smith.

Mr. Smith said he serves on the Government Affairs Committee for the National Association of State Boards of Education (NASBE) which is dealing with many of the same issues as the Maryland State Board.

Ms. Sidhu reported that she participated in a NASBE study on rural schools and that data shows they are doing quite well. She also reported that former Board member Richard Goodall's wife recently passed away and that she will be representing the Board at the service.

Dr. Dukes reported that she, along with Dr. Finan and Mr. DeGraffenreidt, responded to questions by members of the legislature on many educational issues.

## PUBLIC COMMENTS

Dr. Dukes explained procedures by which the Board hears public comments. The following individuals provided public comments:

- Malika Brown, Joshua Johnson, Michelle Jennings on Gilford Elementary/Middle School After School Program – Camp Achieve
- Yvonne Golczewski on Gifted and Talented Education
- Cheryl Bost/MSEA on the ESEA waiver

## OPINIONS

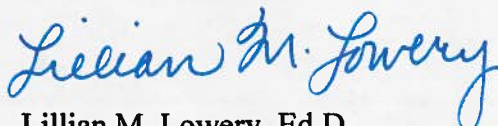
Ms. Kameen announced the following Opinions:

- 14-03 *Denesa Churchey v. Washington County Board of Education* – non-renewal of bus contracts (affirmed the local board's decision)
- 14-04 *Northwood Appold Community Academy Public Charter School v. Baltimore City Board of School Commissioners* – charter school contract (affirmed the local board's decision)
- 14-05 *Scott T. v. Anne Arundel County Board of Education* -- school bus service (affirmed the local board's decision)
- 14-06 *Mary E. v. Anne Arundel County Board of Education* – residency (reversed the local board's decision)
- 14-07 *Michael Mitchell v. Baltimore City Board of School Commissioners* – employee termination (affirmed the local board's decision)
- 14-08 *National Education Partner, Inc. v. Baltimore City Board of School Commissioners* – denial of charter school application (affirmed the local board's decision)
- 14-09 *Diane Wilkins v. Prince George's County Board of Education* – employee termination (affirmed the local board's decision)

## ADJOURNMENT

With no further business before the Board, the meeting adjourned at 5:10 p.m.

Respectfully submitted,



Lillian M. Lowery, Ed.D.  
Secretary/Treasurer

Date: 3/25/14

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this 25<sup>th</sup> day of February 2014, at the hour of 1:15 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

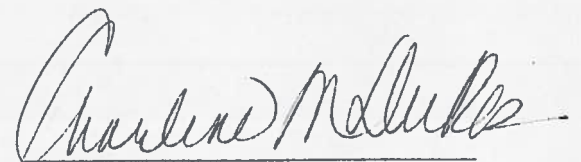
Motion made by: Guffie Smith  
Seconded by: James DeRoche  
In Favor: 8 Opposed: 0 Member(s) Opposed: \_\_\_\_\_

The meeting was closed under authority of §10-503 (a) (1) (I) and §10-508 (a) of the State Government Article of the Annotated Code of Maryland for the following reason(s): (check all which apply)

- (1) To discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals.
- (2) To protect the privacy or reputation of individuals with respect to a matter that is 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 proposal process.

The topics to be addressed during this closed session include the following:

1. Discuss 6 Legal Appeals.
2. Review 7 Draft Opinions
3. Discuss a personnel matter.
4. Discuss 3 internal Board management matters.

  
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President

**MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR THE February 25, 2014 BOARD MEETING**

**I. Appointments Grade 19 and above:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
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None

**II. Appointments Grade 18 and below:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
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Babiker, Lobna	Vocational Rehabilitation Specialist I	12	Rehabilitation Services, Office of Blindness and Vision Services	02/19/2014
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Hubbard, Dawn M.	Teacher, School Guidance Counselor	IEPP	Career and College Readiness, Juvenile Services Education Program	02/05/2014
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Mills, Donna C.	Child Care Licensing Specialist Trainee	13	Early Childhood Development, Office of Child Care – Region V	02/19/2014
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Newsome, Annette G.	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program	02/05/2014
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Winn, Jr., Arber	Teacher, School Guidance Counselor	IEPP	Career and College Readiness, Juvenile Services Education Program	02/05/2014
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**III. Other Actions:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
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None