MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday
August 30, 2011

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

The Maryland State Board of Education met in regular session on Tuesday, August 30, 2011, at 9 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Mr. James H. DeGraffenreidt, Jr., President; Dr. Charlene M. Dukes, Vice President; Dr. James Gates, Jr.; Ms. Nina Marks; Ms. Luisa Montero-Diaz; Mrs. Madhu Sidhu; Mr. Gufrrie M. Smith, Jr.; Donna Hill Staton, Esq.; Dr. Ivan Walks and Dr. Bernard Sadusky, Interim Secretary/Treasurer and Interim State Superintendent of Schools. Mr. Sayed Naved, Dr. Mary Kay Finan, and Ms. Kate Walsh were not in attendance due to other commitments.

Elizabeth Kameen, Esq., Assistant Attorney General, and the following staff members were also present: Dr. John Smeallie, Deputy State Superintendent for Administration; Mr. Steve Brooks, Deputy State Superintendent for Finance and Mr. Anthony South, Executive Director to the State Board.

CONSENT AGENDA

Upon motion by Dr. Gates, seconded by Mr. Smith, and with unanimous agreement, the Board approved the consent agenda as follows: (In Favor – 8; Ms. Staton had not yet arrived)

- Approval of Minutes of July 19, 2011
- Personnel (copy attached to these minutes)
- Permission to Publish:
  - COMAR 13A.08.01.17 School Use of Reportable Offenses (AMEND)
  - COMAR 13A.05.09.02 Programs for Homeless Children (AMEND)
  - COMAR 13A.03.04.07 Sanctions for Violations (AMEND)
- Approval to Change the School Improvement Status of Tier II Schools in Baltimore City and Prince George’s County

Dr. Smeallie introduced Steven Serra, newly-appointed Director of Human Resources. Mr. Serra thanked the Board for their confidence in him and expressed his excitement about this opportunity.

RACE TO THE TOP (RTTT) UPDATE

Dr. Sadusky asked Dr. Jim Foran, Assistant State Superintendent, Division of Academic Reform and Innovation, to give an update on the activities related to the RTTT grant.
Dr. Foran said that his team submitted fifty-three amendments to the projects outlined in the RTTT application and that all fifty-three have been approved. He reported that his team is preparing an annual performance report to be presented online to the U.S. Department of Education (USDE) outlining the progress of the Department and the local education agencies (LEAs) in the four assurance areas. He noted that the report is due no later than September 16th.

Dr. Foran reported that Educator Effectiveness Academies were conducted this summer and were very successful. He said the staff is working on follow up activities for LEAs and educators. He also noted that teams are in place and are working on common core curriculum writing.

He noted that the first Teacher Induction Program was held for 225 new teachers and produced very positive feedback.

Dr. Foran said that a staff member was hired to provide technical assistance to the seven LEAs that are piloting the new Educator Effectiveness Evaluation System. He said he will be working the other seventeen school systems to make sure they know what is happening in the pilot districts.

He reported that an on-line video was prepared and distributed to local superintendents answering the top ten questions teachers asked about the RTTT program. He said that superintendents and principals are asking all educators to view it.

**RACE TO THE TOP (RTTT) FOCUS AREA: PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS**

Dr. Sadusky introduced Dr. Leslie Wilson, Assistant State Superintendent, Division of Assessment and Accountability, and Dr. Nancy Shapiro, Associate Vice Chancellor for Academic Affairs, University System of Maryland to provide an update on the Partnership for Assessment of Readiness for College and Careers Readiness (PARCC).

Dr. Wilson said that nearly every state in the nation is working individually and collectively to improve its academic standards and assessments to ensure that students graduate with the knowledge and skills most demanded by college and careers. She noted that forty-five states and the District of Columbia have adopted the Common Core State Standards and discussed the key advances of the Common Core Standards in mathematics and English Language Arts/Literacy. She noted that all teachers will be teaching reading and writing that is anchored in college and career readiness.

Dr. Wilson explained that PARCC is working on common assessments lead by fifteen governing states which will pilot the assessments. She said that K-12 educators and education leaders, as well as postsecondary faculty and leaders, are working together to develop high school assessments. She discussed the following PARCC goals and the steps to be taken to address these priorities:
1. Create high-quality assessments
2. Build a pathway to college and career readiness for all students
3. Support educators in the classroom
4. Develop 21\textsuperscript{st} century, technology-based assessments
5. Advance accountability at all levels

In response to a question by Mr. DeGraffenreidt, Dr. Wilson said “Yes, you will be able to compare student scores to others in the State and in the school.” She noted that students will get information about their test scores as well. Dr. Shapiro said that the goal is a seamless movement through the curriculum and the hope that SATs and ACTs will not longer be needed. Dr. Wilson explained that success on these assessments will require the requisite skills that are also required to prepare for the SATs and ACTs.

Ms. Staton urged that the information provided to students about their assessment results should be substantive and provide students with ways to improve. Dr. Wilson said that the reporting back area has not been dealt with yet but that she will take the Board’s suggestions back to the assessment teams.

President DeGraffenreidt said, “It is important to focus on what the report looks like and how do you build expectations for the student and teacher?”

Dr. Gates expressed concern about building models that preclude cheating in a 21\textsuperscript{st} century-based assessment. Dr. Wilson said that while technology eliminates many opportunities for cheating, it also creates new ones. She said there is a group of people working on this issue.

In response to a concern expressed by Dr. Dukes about the terminology “cut scores” currently being used, Dr. Wilson said that the same terminology will not be used in the new assessment procedures.

In response to a question by Ms. Marks, Dr. Shapiro said that the assessments will not replace college placement tests.

Dr. Walks offered to provide names of individuals who can provide information on college readiness for medical schools. Dr. Shapiro agreed that this would be very helpful.

Dr. Gates requested an electronic copy of the presentation. He noted that career and technology education should be viewed similarly to college readiness. President DeGraffenreidt said that the definition of college readiness should be changed to reflect the need for career and technology readiness. Dr. Shapiro suggested that several committees on the P-20 Council should be formed to work on these issues.

Dr. Wilson discussed how the PARCC assessment will be computer-based and leverage technology in item development, administration, scoring and reporting. She reported on PARCC’s implementation support and stakeholder engagement in transitioning to the common core standards. She noted that model twelfth grade bridge courses will be offered in the schools to help students work on their educational challenges.
Dr. Shapiro said that there needs to be a huge investment in middle and elementary schools to address student educational challenges in the early school years. Dr. Wilson said, “Common core is being back-mapped to pre-K.”

Dr. Wilson discussed the technical, implementation and policy challenges that face PARCC. She noted that the PARCC assessments are not expected to require more funding than what is currently allotted.

Mr. DeGraffenreidt thanked both presenters and said that the Board would look forward to future progress reports on PARCC.

**COMAR 13A.01.02.05 FACILITIES REQUIRED IN PUBLIC SCHOOLS (ADOPTION)**

Mr. Steve Brooks, Deputy State Superintendent for Finance, introduced Barbara Bice, Chief, School Facilities Branch, and Michael Mason, Specialist, Physical Education, to answer any questions on a regulatory proposal and guidelines resulting from State legislation enacted in 2010. He reported that no responses were received from the public in regards to the regulatory proposal. He recommended State Board adoption of the proposed regulations and State Board approval of the Proposed Education Facilities Guidelines.

Upon motion by Dr. Walks, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board adopted COMAR 13A.01.02 Facilities Required in Public Schools and approved the Physical Education Facilities Guidelines. (In Favor – 8; Dr. Gates was not present for vote.)

**COMAR 13A.06.01 PROGRAMS FOR FOOD AND NUTRITION (ADOPTION)**

Mr. Brooks called on Robin Ziegler, Chief, Food and Community Nutrition Center, to answer any questions on a regulatory change proposed for COMAR 13A.06.01 Programs for Food and Nutrition. He recommended State Board adoption of the proposed amendments to the regulation.

Upon motion by Dr. Walks, seconded by Dr. Dukes, and with unanimous agreement, the Board adopted the proposed amendments. (In Favor – 8; Dr. Gates was not present for vote.)

**REPORT TO THE GENERAL ASSEMBLY ON MINIMUM ACADEMIC PERFORMANCE STANDARDS FOR STUDENT ATHLETICS**

Dr. Sadusky introduced Ned Sparks, Executive Director of Athletics Program, Division of Instruction and Maryland Public Secondary Schools Athletics Association, to provide background on action that it is required regarding recommending minimum academic eligibility standards for students participating in interscholastic athletics.

Mr. Sparks reported that an advisory committee is working to draft standards to recommend and present to the Board at its meeting on October 25, 2011.

In response to a concern expressed by Ms. Staton about the prevention of student injuries, Mr. Sparks said that the committee is looking at this issue closely.
Ms. Diaz said that often students who are participating in sports are spurred to better learning. Mr. Sparks agreed saying, "Students engaged in any school activity do better in school."

Mr. DeGraffenreidt noted that the proposed timeline calling for the advisory committee to make its recommendations to the State Board in October, would enable the State Board to meet its statutorily imposed deadline of December 31, 2011 for reporting to the General Assembly on this subject.

STATE SUPERINTENDENT'S UPDATE

Dr. Sadusky reported on the following activities during the past month:

1. Attended two meetings on Maintenance of Effort (MOE) and MOE changes.
2. Attended a dedication of the Middle College in Prince George’s County, a program in which students in the ninth grade can attend college.
3. Reported on a College Board grant of $1.2 million for certain school districts to assist under-served populations.
4. Reported on earthquake damage in the schools in Maryland, noting that Prince George’s County schools received the most damage.
5. Reported that the MSDE is going to be a lead state agency in the development of national science standards.
6. Recognized John Rosson, Program Specialist in the Division of Academic Policy, for his work on the RTTT video sent out to school systems.

The President noted that there needs to be a review of Maryland’s school system preparations to deal with weather disasters.

PANEL ON TIMELINE AND PROVISION OF EDUCATIONAL SERVICES RELATED TO STUDENT DISCIPLINARY ACTION

The President explained that the Board has been gathering information for the past year regarding the topic of long term student suspensions and expulsions. He reported that the Board reviewed comments that were received in response to the distribution of Proposed Guidelines for the Timely Disposition of Long Term Discipline Cases. He said that the Montgomery County Public Schools (MCPS), the Public School Superintendents’ Association of Maryland (PSSAM) and the Maryland Association of Boards of Education (MABE) responded and are present to discuss the issues. Dr. Sadusky introduced Wayne Whigham, Director, Appeals/Transfer Team, Office of Chief Operating Officer, MCPS; Dr. Carl Roberts, Executive Director, PSSAM; and, Gary Bauer, President Elect, MABE, and invited them to comment.

Mr. Whigham said that MCPS does recognize the importance of a child’s education and that children do make mistakes sometimes. He noted that the process takes time and that due process is very important. He said the vast majority of students who are recommended for expulsion or suspensions are returned to the class within ten days and that “We need to look at what’s happening in each subdivision. We need to look at the data and come up with a proposal.”
Dr. Roberts said that, as a superintendent, he dealt with all suspensions and expulsions. He reported that the school superintendents believe that making a decision in ten days is responsible. He highlighted the problems that keep administrator/parent conferences from occurring within ten days and noted that very rarely is it the fault of the school system. He reported that when a suspension is completed, a child goes back into the classroom. Dr. Roberts discussed examples of how or why a student might not take advantage of support services provided to them. He noted that a suspension is an excused absence and that students are required to make up the work they miss through alternative programs, online opportunities and/or night classes. Dr. Roberts explained that school systems do not have the resources this year that they had last year and that superintendents believe that the decision to allow students to make up the work should be under the purview of the local school system.

Mr. Bauer provided detailed responses to all of the questions posed by the Board and emphasized that MABE strongly agrees that school systems make proper decisions, that school systems should provide access to educational services, and expressed MABE’s opposition to any inflexible mandates that may unintentionally jeopardize school safety. He suggested that the State could require annual reporting by local school boards on the disposition of disciplinary cases.

President DeGraffenreidt asked how local school systems are dealing with the issues of increased mobility and the immigrant community. He said, “There are some extreme circumstances. People get lost in the shuffle.”

Dr. Roberts responded by saying the critical aspect is communication. He said that school systems can communicate with schools and students much easier now. Dr. Roberts said that if a student gets lost, school systems need to analyze the problem and correct their mistake. He said, “There is a learning curve in school systems.”

Mr. Whigham said that MCPS has a very large ESOL community and that the school system goes to great lengths to provide services for that community. He said, “We do extensive outreach.”

Mr. Bauer, speaking as a Board member in the Carroll County, reported that they provide advocates and translators to talk to parents of ESOL students.

Ms. Staton expressed her concern with jurisdictions having autonomy to make decisions about discipline and the vast differences among the school systems.

Mr. Bauer suggested the need for reports from LEAs to monitor what disciplinary decisions are made in each school system.

Ms. Staton asked if they agree to uniformity of discipline. The President asked, “Should there be some minimum standards which still allows for flexibility in the local level?” Mr. Bauer said, “We need to create a policy.”
Dr. Roberts said that the data needs to be reviewed as to how school systems arrive at their decisions and what services are available.

Mr. Whigham suggested asking all jurisdictions to respond to the questions asked of the panel noting that “Data drives good decision-making.” He said, “We have worked very hard to eliminate superficial problems. Only the most serious offenses are dealt with.”

Mr. DeGraffenreidt said, “The data have confirmed disparities that are subjectively driven.”

In response to a question by Ms. Diaz about whether Hearing Officers from throughout the school systems meet to discuss issues, Mr. Whigham said that there is currently an attempt to create such an association but that only twelve LEAs are represented thus far. He said this association was created just this past year.

Dr. Walks expressed concern about budget constraints and suggested LEAs link with other agencies to deal with disciplinary problems. Dr. Roberts said that every jurisdiction has an excellent rapport with the Juvenile Justice System and that there are also private sector partnerships in the school systems.

Mr. Whigham said that there are many social services programs that provide wrap-around services to help students. He noted, however, an excellent program that was cut due to budgetary constraints.

Mr. Bauer said that Carroll County Public Schools provides many partnerships to students who have disciplinary issues.

Dr. Walks urged the presenters to let the Board know if they have difficulties getting information on students from other state agencies and the Board will intervene. Dr. Roberts said that the State Board has already worked on legislation to deal with this problem.

In response to a question from the President, Dr. Roberts said that disciplinary problems cost the school systems and the community by taking time away from the regular school program. He said that most students learn from their mistakes and noted the importance of parental involvement in this arena. He said, “Keep us involved. We want to be part of the discussion and solutions.”

Dr. Gates urged that all twenty-four LEAs be apprised of this discussion and the information gleaned so far.

Mr. Smith suggested that school systems join together to provide services.

Mr. Whigham urged that these questions be asked of all local school systems.
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 Mrs. Sidhu, seconded by Dr. Dukes, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, August 30, 2011, in Conference Room 1, 8th floor, at the Nancy S. Grasmick State Education Building. All board members were present except Mary Kay Finan, Sayed Naved, and Kate Walsh. In attendance were Dr. Bernard Sadusky, Interim State Superintendent; Dr. John Smeallie, Deputy State Superintendent for Administration; Steve Brooks, Deputy State Superintendent for Finance; and Tony South, Executive Director to the State Board. Assistant Attorneys General, Elizabeth M. Kameen and Jackie La Fiandra were also present. The Executive Session commenced at 12:20 p.m. (In favor – 9)

The State Board approved seven decisions for publication.

- **Leonard Emerson v. Baltimore City Board of School Commissioners** – employee termination – Opinion No. 11-35
- **John Krpan v. Prince George’s County Board of Education** – employee termination – Opinion No. 11-36
- **Mr. & Mrs. V. v. Howard County Board of Education** – residency – Opinion No. 11-37
- **David J. v. Howard County Board of Education** – student discipline/suspension – Opinion No. 11-39
- **Elizabeth W. v. Baltimore County Board of Education** – re-test request – Opinion No. 11-40
- **Kathleen S. v. Howard County Board of Education** – student enrollment – Opinion No. 11-41

Dr. Sadusky updated the Board on the progress in the Petty case. Ms. Petty has graduated but her mother has requested that the school system change her daughter’s summer school grade.

**Personnel**

Dr. Smeallie presented an exigent personnel matter concerning the hiring of a principal for the Hickey School. He described the candidate’s credentials but explained that staff was still checking credentials. Because it is critical to have a principal in place prior to the next board meeting, he asked the Board if it would delegate hiring approval authority to the President who would report to the Board at the next meeting. The Board agreed and drafted a motion to that effect to be acted on in the afternoon public session.

**Budget**

Mr. Brooks presented details of the proposed 2013 Capital Budget and Five Year Capital Improvement Plan.
Internal Board Management

Board President, James DeGraffenreidt, discussed the State Superintendent search process in preparation for the Board meeting with the vendor selected to facilitate the search process.

Mr. DeGraffenreidt explained that the Board needed to reopen the recruitment for one Baltimore City School Commissioner.

The Board discussed issues concerning MABE membership and requested Mr. South to discuss the Board's membership options with MABE.

The meeting ended at 2:00 p.m.

RECONVENE

The meeting reconvened at 2:10 p.m.

PERSONNEL MATTER

Dr. Sadusky reported that the leadership of the Hickey School has changed and that MSDE staff conducted interviews for a new principal. He stated that an excellent candidate has been identified and that the Board has been briefed on the candidate's credentials. He explained that the work of checking references and credentials has not been completed, but that in the interest of expediency, asked the Board to delegate authority to the President to make the final appointment decision and to report the decision to the Board at its September meeting.

Upon motion by Ms. Staton, seconded by Dr. Walks, and with unanimous agreement, the Board delegated the authority to the President to make the final appointment of the principal of the Hickey School. (In Favor – 9)

PROPOSED SCHEDULE OF BOARD MEETINGS FOR 2012

President DeGraffenreidt distributed a list of Board meeting dates for 2012 that was provided to them at the last meeting. He asked for Board approval of the meeting schedule.

Upon motion by Mr. Smith, seconded by Dr. Walks, and with unanimous agreement, the Board approved the schedule of Board meetings for 2012. (In Favor – 9)

CAPITAL BUDGET AND FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Steve Brooks reported that Board members have had an opportunity to review, in detail, the proposed FY 2013 Capital Budget and Five-Year Improvement Plan. He recommended Board adoption of the documents.
Upon motion by Mr. DeGraffenreidt, seconded by Dr. Dukes, and with unanimous agreement, the Board approved the FY 2013 Capital Budget and Five-Year Improvement Plan, as presented. (In Favor – 9)

**OPINIONS**

Ms. Kameen announced the following Opinions:

11-35  *Leonard Emerson v. Baltimore City Board of School Commissioners* – employee termination (remanded)

11-36  *John Krapa v. Prince George's County Board of Education* – employee termination (affirmed local board’s decision)

11-37  *Mr. & Mrs. V. v. Howard County Board of Education* – residency (affirmed local board’s decision)

11-38  *Krista Kurth, et al. v. Montgomery County Board of Education* – lease of land (ordered that case proceed on merits)

11-39  *David J. v. Howard County Board of Education* – student discipline/suspension (affirmed local board’s decision)

11-40  *Elizabeth W. v. Baltimore County Board of Education* – re-test request (affirmed local board’s decision)

11-41  *Kathleen S. v. Howard County Board of Education* – student enrollment (reversed local board’s decision)

**ADJOURNMENT**

With no further business before the Board, the meeting adjourned at 2:15 p.m.

Respectfully submitted,

[Signature]

Bernard J. Sadusky, Ed.D.
Interim Secretary, Treasurer

BS/rms

**APPROVED:** 7/30/11
MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this 30th day of August 2011, at the hour of 11:57 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: [Signature]
Seconded by: [Signature]
In Favor: [Signature]  Opposed: [Signature] Member(s) Opposed:

The meeting was closed under authority of §10-503 (a) (1) (l) 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 or proposal process.

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

1. Discuss 3 legal appeals.
2. Review 3 draft opinions.
3. Receive an update on opinion rendered.
4. Discuss a personnel matter.
5. Discuss 1 item that is subject to Executive Privilege.
6. Discuss several internal Board management matters.

[Signature] President
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PERSONNEL APPROVALS FOR THE AUGUST 30, 2011 BOARD MEETING
MARYLAND STATE DEPARTMENT OF EDUCATION
August 30, 2011

BOARD LIST

The following professional appointment is submitted for approval by the State Board of Education:

Name: Steven D. Serra
Position: Director, Office of Human Resources
Division: Office of Administration
Salary Grade: 21 ($56,496 - $91,456)
Effective Date: TBD

JOB REQUIREMENTS:

Education:
A Bachelor’s Degree in a related area; a Master’s in Human Resources, Public Administration, Business or a related field is preferred.

Experience:
Five successful years of experience in human resources that includes recruitment and selection, employee relations, policy formulation, salary administration or other HR related area; experience supervising human resources staff and program management are required.

JOB DESCRIPTION:

This is a professional position serving as the Director of the Office of Human Resources responsible for directing all human resources functions that support the mission of the agency. Functions include recruitment, employee relations, compensation, position classification, employee benefits and services, policy development, workforce planning, timekeeping and employee information systems.
Qualifications:

University of Baltimore (Baltimore, Maryland) 1988 – Master of Science in Applied Psychology, Industrial/Organizational Personnel Psychology

Towson University (Towson, Maryland) 1984 – Bachelor’s Degree in Business Administration (Personnel Management & Marketing) and Psychology

Experience:

Comptroller of Maryland (Annapolis, Maryland)

2008 - Present Director, Office of Personnel Services

Department of Budget and Management (Baltimore, Maryland)

1998 – 2008 Director, Recruitment and Examination

Maryland Department of Transportation (Baltimore, Maryland)

1994 – 1998 Manager, Recruitment and Examination

Maryland State Department of Education (Baltimore, Maryland)

1992 – 1994 Vocational Rehabilitation Specialist

Maryland Department of Natural Resources (Annapolis, Maryland)

1989 – 1992 Employee Selection Specialist I

Maryland State Police (Baltimore, Maryland)

1987 – 1988 Employee Selection Specialist I

Psycon (Towson, Maryland)

1987 Research Assistant

EMPLOYMENT STATUS:

New Hire