

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Thursday
March 28, 2013

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

The Maryland State Board of Education met in regular session on Thursday, March 28, 2013 at 8:30 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance:; Dr. Mary Kay Finan, Vice President; Mr. James H. DeGraffenreidt, Jr.; Ms. Linda Eberhart; Dr. S. James Gates, Jr.; Ms. Ebehireme Inegbenebor; Mrs. Madhu Sidhu; Donna Hill Staton, Esq.; and Dr. Lillian M. Lowery, State Superintendent of Schools. Dr. Charlene M. Dukes, President; Ms. Luisa Montero-Diaz; Mr. Sayed Naved; and Mr. Guffrie M. Smith were absent.

Elizabeth Kameen, Esq., Assistant Attorney General, and the following staff members were also present: Mr. Steve Brooks, Deputy State Superintendent for Finance; Penelope Thornton Talley, Esq., Chief Performance Officer; and, Mr. Anthony South, State Board Executive Director.

CONSENT AGENDA

Dr. Finan asked for a motion to approve the consent agenda. Upon motion by Dr. Gates, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 7)

- Approval of Minutes of February 26, 2013
- Personnel (copy attached to these minutes)
- Budget adjustments for February 2013

COMAR 13A.01 & .02 INFANTS AND TODDLERS

Dr. Finan invited Marcella Franczkowski, Assistant State Superintendent, Division of Special Education and Early Intervention Services, to brief the Board on the amendments to COMAR 13A.01 and .02 Infants and Toddlers Services.

Ms. Franczkowski explained that the amendments bring Maryland's regulations into compliance with federal statute and provided a brief history and a booklet outlining the breadth of the Infants and Toddlers Program. She explained that the program provides continuous, year-round, early intervention services to toddlers, infants and their families. She said the program provides family service coordination between various programs as well as a family support and training module.

She noted that there has been a seventy-eight percent increase in the use of this program over the last ten years. Ms. Franczkowski said that services are now being provided after the age of three years old by offering families the choice of additional intervention services or pre-school enrollment. She noted that Maryland's program is "a national exemplar."

In response to a question by Ms. Eberhart, Ms. Franczkowski said that these changes will not affect the program conducted by the Montgomery County Public School System.

Ms. Franczkowski reported that twenty-six comments were received following publication of the amendments and that clarifications were made as well as definition changes.

In response to another question by Ms. Eberhart, Ms. Franczkowski said that additional costs for the program are minimal and that discretionary funds can be used to offset those costs.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Gates, and with unanimous agreement, the Board adopted the proposed amendments to these regulations pertaining to infants and toddlers.
(In Favor – 7)

STATE LEGISLATIVE UPDATE

Renee Spence, Executive Director for Legislative Relations, reviewed the status of the following pieces of legislation that the Department is monitoring:

- HB 1174 – Educator Evaluation System – Pilot Program Extension (no action taken)
- HB 1200 – Maryland Charter School Advisory Council – Establishment (passed the Senate)
- SB 537 -- Online Courses – Graduation Requirement (unfavorable)
- SB 734/HB 1376 -- Mathematics – Graduation Requirement (no action)
- HB 1107/SB 1071 -- Establishment of Task Force to Look at the makeup of the Prince George's County Board of Education (Senate Bill to be heard tomorrow)
- HB 1286 – Due Process Hearings for Children with Disabilities – Burden of Proof (unfavorable in House)

In response to a question by Ms. Staton, Ms. Spence said that the Prince George's County Board of Education bill would not affect the State Board or the State Superintendent's authority. In response to a request by Dr. Gates, Ms. Spence agreed to provide Board members with a copy of this bill.

Ms. Spence noted that Department staff will be asked to staff several study groups as a result of several bills introduced. Mr. DeGraffenreidt asked if fiscal notes are assigned to bills that require staff to work on study groups.

Mr. Brooks, Deputy State Superintendent for Finance, reported that the Department includes the cost of additional staff in the fiscal estimates that the Department submits for such legislation. He went on to note that in spite of the Department's projection of fiscal impact, legislation is frequently passed that does not include any additional funding for staff support.

Ms. Spence reported that there will be a Task Force convened to investigate a later school year starting date as well as the start time of the school day. She also reported that a Commission will be appointed to establish a Maryland Educator Service Memorial to be constructed in Annapolis.

ORAL ARGUMENTS – WRIGHT VS. CHARLES COUNTY BOARD OF EDUCATION

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

Damon Felton, Esquire
Associate Counsel
For the Appellant

David Burkhouse, Esquire
Charles County Board of Education

CHILDREN ENTERING SCHOOLS READY TO LEARN

Dr. Finan introduced Dr. Rolf Grafwallner, Assistant State Superintendent, Division of Early Childhood Development, to present highlights of the 2012-2013 School Readiness Report.

Dr. Grafwallner reported that, according to the data, eighty-two percent of Maryland's children are deemed ready for school. He also noted a large increase in enrollments in pre-school programs. Dr. Grafwallner said that there has been a huge shift in the demographics of children entering pre-school programs including more low income and English language learners. He noted a large increase in the number of students who do not have structured experiences prior to kindergarten.

He discussed the trends in Baltimore City and Prince George's County noting an increase from 13% to 17% of pre-school children who enter kindergarten after home and informal care. He said that this increase could be due to the freeze on child care subsidies for low income families.

In response to a question by Ms. Eberhart, Dr. Grafwallner said that the large number of children not in pre-school programs is due to the fact that many families do not qualify for the programs due to their incomes and offered to provide the Board with more detailed information on this issue. He reported that Prince George's County Public Schools reduced pre-K to one-half day last year due to funding constraints.

Dr. Grafwallner discussed the future challenges that may impact the school readiness gaps. He reported that while the achievement gap for English language learners narrowed, the gap for children with disabilities widened by three percent. He concluded by noting the following items for promoting overall progress:

1. focusing on academic risk factors
2. engaging families and communities
3. supporting healthy beginnings

In response to a question by Ms. Eberhart, Dr. Grafwallner said that the unique student identifier will allow for the tracking of student readiness, by subgroup, from kindergarten through third grade.

In response to a question by Ms. Staton, Dr. Grafwallner explained that each LEA has established an Early Childhood Council to address the needs of children entering pre-K programs. He also reported that they are asking pediatricians and library personnel to help in preparing children for school. He reported that the local councils will be sending a three-year plan to each local school system to help families prepare children for kindergarten.

There was discussion of the amount of funding that is needed to enhance the early learning opportunities for children in Maryland.

RACE TO THE TOP (RTTT) UPDATE

Penelope Thornton Talley, Chief Performance Officer, introduced Dr. Jim Foran, Assistant State Superintendent, Division of Academic Reform and Innovation, to highlight changes that have been made in the RTTT projects or their status since last month's report to the Board. She reported that the team met with representatives of the U.S. Department of Education (USDE) to discuss amendments to certain projects stating that the meeting was very positive.

Dr. Foran introduced David Volrath, RTTT Coordinator of Teacher/Principal Evaluation; Dr. Donnell Josiah, RTTT Program Director; Dr. Henry Johnson, Assistant State Superintendent for Curriculum and Assessment; Melissa Schropp, Project Manager; and Ann Chafin, Assistant State Superintendent, Division of Student, Family and School Support Services, to discuss the progress of specific projects that were reviewed at the last Board meeting.

Dr. Johnson discussed Project 3/2: Developing and Implementing Common, High-quality Formative Assessment Items, Tools and Resources. He provided a proposed strategy for meeting the goals of Project 3/2. Dr. Foran reported that they did receive guidance since the last Board meeting, on a project by project basis no-cost extension for RTTT to complete certain projects. He reported that there will most likely be a small number of projects that will be referred for an extension of time to complete.

In response to a question by Mr. DeGraffenreidt, Dr. Johnson said that the rating for this project will be increased over time since we now have a clear focus on how we are going to proceed.

Dr. Josiah discussed Project 21/42 Implement a Statewide System to Support Student Instructional Intervention. He said that the USDE requested some amendments to the requests submitted by the Department and the staff is working on those changes. He said that they received approval to change the timeline from six months to one year for completing this project.

Mr. Volrath discussed Project 29/48 Development of a Calculation Engine Statewide in which Project 55 Teacher/Principal Evaluation has been folded. He reported on simulations done with the Wicomico County Public School System and provided three support documents to discuss the progress of this project.

He discussed Maryland's Tiered Achievement Index which is being used to come up with a scoring mechanism for MSA scores. He said that most of the LEA responses have been very positive to this Index. He also discussed an example of a school in Wicomico County which reflects the ratings of the teachers in that school.

In response to a question by Ms. Staton, he reported that the LEA determines the number of students assigned to a teacher.

In response to a question by Mr. DeGraffenreidt, Dr. Ben Feldman reported that the data is not a bell curve, but it fits the distribution of students in Maryland. He explained how this process works in Maryland schools.

Mr. Volrath said that his staff has been working with LEA personnel on the issue of lagged data. He reported that they are asking LEAs to look at evaluations in a cyclical manner throughout the school year and that this process minimizes the issue of lagged data.

In response to a question by Ms. Eberhart, Mr. Volrath explained that the COMAR regulations define what students are attributable to which teacher(s).

Mr. Volrath reported that there is an external monitor who has been visiting LEAs independently and will complete those visits next week. He said that the individual will be collecting qualitative data from the districts and putting together a report. He reported that the feedback from LEAs has been very positive and supportive of the process. Mr. Volrath reported that the USDE said, "The work that is coming out of Maryland is very impressive at this point."

Mr. Volrath discussed Maryland's Tiered Achievement Index in more detail.

In response to a question by Ms. Eberhart, he said that third grade teachers will be evaluated on Student Learning Objectives (SLOs) as growth measures.

Ann Chafin reported on significant progress on Projects 46/57 – Extend Student Learning and Improve School Culture, Climate, and Support and 53/44, Charter Schools.

She said that a five-day plan for a Summer Institute has been planned for the low performing schools in the area on culture and climate. She said that an email has been sent out to all principals asking them to hold certain dates for this program.

Ms. Chafin reported that the Prince George's County Public School System (PGCPSS) has sent out a Request for Proposal (RFP) to determine the charter schools that will be approved for replication or expansion. She said that the PGCPSS has agreed to notify her office by tomorrow of this information.

MILKEN AWARD WINNER

Dr. Finan introduced Dr. Darla Strouse, Director of Partnerships, to provide some background on the Milken Award winner, Lauren Hunter. Ms. Hunter is a Reading Specialist at William Paca Elementary School in Harford County.

Dr. Strouse reported on the partnership Maryland has with the Milken Family Foundation and noted that it has identified fifty-seven Maryland educators over the last twenty years who have won the prize, a non-restricted cash award of \$25,000.

She noted that Ms. Hunter is accompanied by her superintendent, her principal, local administrators, fellow teachers and family members. She said, "She has done an amazing job with parent involvement." Dr. Strouse reported that Dr. Lowery had the opportunity to go to Ms. Hunter's school and surprise her with the award. She provided a short video of the assembly at which Ms. Hunter's award was announced.

Ms. Hunter thanked the Board for this recognition and said, "I love my students, I love to see them grow. My principal gets teachers to think outside the box." She also thanked her colleagues and the Milken Foundation.

Ms. Hunter's principal said that she is an exemplary educator and that all of the parents, students and teachers agree.

Dr. Robert Tombeck, Superintendent of Harford County Public Schools, thanked the Board for its willingness to recognize a truly fine educator. He said that William Paca Elementary School is making remarkable progress.

Dr. Finan said, "You are part of what makes Maryland great." Photos were taken and an obelisk and a Citation of Recognition were presented to Ms. Hunter.

STATE SUPERINTENDENT'S REPORT

Dr. Lowery introduced Debbie Lichter, Director, Departmental Coordination and National Legislation Liaison, to report on the Federal budget.

Ms. Lichter reported that Sequestration began on March 1st, which included a five percent cut in all funding at the federal level. She reported that the Governor sent out a letter reflecting the cuts and their impact on Maryland's budget by \$33.5 million. She reported that these cuts will not affect school systems until July 1st and noted that the influx of ARRA grants will help LEAs meet their funding needs. She said she will report on cuts to local allocations at the next Board meeting stating that federal funding for education is back to the 2004 level.

Dr. Lowery asked Bill Cappe, Education Program Specialist, to discuss a request from the Anne Arundel County Public School System (AACPSS) Superintendent and the Garrett County Public School System (GCPSS) Superintendent, for a two-day and five-day waiver of the 180-day school year requirement, respectively. She also requested that the Board grant her authorization to approve any subsequent requests from other local school superintendents to make adjustments in their school year calendars due to emergency closings necessitated by Hurricane Sandy and other weather related emergencies.

Mr. Cappe reported that the Governor declared Maryland a State of Emergency due to the effects of Hurricane Sandy and reported on the actions taken by the school systems to modify their school year calendars.

In response to a question by Ms. Sidhu, Dr. Lowery said that school systems have built a year-long budget which includes teacher salaries which must be paid when schools are closed for inclement weather. She offered to survey school districts to determine if there are any cost savings when the school year calendars are amended to have fewer than 180 school days.

In response to a concern by Ms. Sidhu about the minimal school calendar required in Maryland, Mr. Cappe said that all of the school systems exceed the mandated schools hours when they plan their school year calendars at the beginning of the school year.

Mr. DeGraffenreidt agreed that this issue should be looked at further in the future.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Gates, and with unanimous agreement, the Board approved the waiver requests made by the AACPSS and the GCPSS. (In Favor – 7)

Upon motion by Dr. Gates, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board granted the State Superintendent authority to approve individual requests from local school superintendents to make adjustments in their school year calendars necessitated by weather related emergency closings. (In Favor – 7)

PUBLIC COMMENTS

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

- Helaine Zinaman – Gifted and Talented Education
- Thomas Hearn – Concussion Task Force Report

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 Ms. Staton, seconded by Mr. DeGraffenreidt, and with unanimous agreement (In favor 7-0), the Maryland State Board of Education met in closed session on Thursday, March 28, 2013 in Conference Room 1, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Dr. Charlene M. Dukes, Luisa Montero-Diaz, Sayed M. Naved, and Guffrie M. Smith, Jr. In attendance were Dr. Lillian Lowery, State Superintendent of Schools; Steve Brooks, Deputy State Superintendent for Business Services; and Tony South, State Board Executive Director. Assistant Attorneys General, Elizabeth M. Kameen and Jackie LaFiandra were also present. The Executive Session commenced at 11:45 a.m.

The State Board approved two Opinions and one Order for publication.

- *Cindy Rose and Kristen Eddins v. Frederick County Board of Education* – textbook appeal Opin. No. 13-19
- *Diana R. Williams v. Baltimore County Board of Education* – termination – Opin. No. 13-20
- *Daryl Hunsberger v. Washington County Board of Education* – reassignment of assistant principal – Order No. OR13-01

The Board deliberated four cases. They will be published at a later date.

- *Cinda Anthony, et al v. Queen Anne's County Board of Education* – moving 5th grade students to middle school from elementary school
- *Susan Harbison v. Howard County Board of Education* – student transfer/sexual assault
- *Howard and Carroll Officials Association v. Howard County Board of Education* – bid protest
- *Gary Richardson v. Baltimore City Board of School Commissioners* – teacher termination
- *Allen Wright v. Charles County Board of Education* – teacher termination

Ms. Kameen provided the Board with legal advice on the Request to Amend Regulations. The Board, thereafter, addressed two board management issues - - filing the annual financial disclosure forms and applicants for the Baltimore City Board of School Commissioners.

The session ended at 12: 20 p.m.

RECONVENE

The meeting reconvened at 12:30 p.m.

PETITION TO AMEND REGULATIONS

Ms. Kameen announced that a petition was received to amend the Certification Regulations by deletion of a nolo contender plea or a Probation Before Judgment as a basis for revoking or suspending a certificate. Under COMAR 13A.12.05.02C(1), when considering whether to revoke or suspend a certificate the State Board regulation allows consideration of a nolo contendere plea and probation before judgment (PBJ) when the crime involves (1) contributing to the delinquency of a minor; (2) moral turpitude, if the offense bears directly on the fitness to teach; or (3) controlled dangerous drug offenses. Ms. Kameen advised the Board to deny the petition.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Gates and with unanimous agreement, the Board voted to deny the petition. (In favor of denial 7-0)

OPINIONS

Ms. Kameen then announced the following Opinions:

- 13-19 *Cindy Rose and Kristen Eddins v. Frederick County Board of Education* – textbook appeal (affirmed the local board’s decision)
- 13-20 *Diana R. Williams v. Baltimore County Board of Education* – termination – (affirmed the local board’s decision)

Ms. Kameen announced the following Order:

- OR13-01 *Daryl Hunsberger v. Washington County Board of Education* – reassignment of assistant principal (dismissed as untimely)

ADJOURNMENT

With no further business before the Board, the meeting adjourned at 12:30 p.m.

Respectfully submitted,



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

Date: *April 23, 2013*

MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this **28th** day of **March 2013**, at the hour of 11:30 ~~am~~, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Ms. Steton

Seconded by: Mr. DeGraffenreid

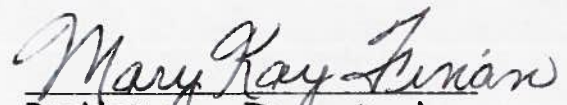
In Favor: 7 Opposed: — Member(s) Opposed: _____

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 or proposal process.

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

1. Discuss 6 legal appeals.
2. Review 1 draft order.
3. Review 2 draft opinions.
4. Receive legal advice on a request to amend regulations.
5. Discuss 2 internal Board management matters.


President Vice President

**MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE March 28, 2013 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>
Amirault, Cynthia	Education Program Supervisor, Non-Public Special Education/Tuition Assistance	22	Special Education/Early Intervention Services	TBD

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>
Chase, Raymond	Vocational Rehabilitation Specialist II	13	Rehabilitation Services, Region II	03/20/2013
Edmondson, Jonathan	Vocational Rehabilitation Specialist II	13	Disability Determination Services	03/06/2013
Hagner, Erin	Vocational Rehabilitation Specialist I	12	Disability Determination Services	03/06/2013
Jackson, Mustafa	Vocational Rehabilitation Specialist I	12	Disability Determination Services	03/06/2013
Leeper, Candice	Vocational Rehabilitation Specialist II	13	Disability Determination Services	03/06/2013
Mark, Kashana K.	Vocational Rehabilitation Specialist I	12	Disability Determination Services	03/06/2013
Pugh, Genardra	Vocational Rehabilitation Specialist II	13	Rehabilitation Services, Region VI	03/06/2013
Simington, Leanne	Vocational Rehabilitation Specialist II	13	Disability Determination Services	03/06/2013
Telford, Christine	Staff Specialist III	18	Rehabilitation Services, Office of Blindness and Vision Services	03/20/2013

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



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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March 28, 2013

BOARD LIST

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

Name: Cynthia Amirault
Position: Education Program Supervisor, Non-Public Special Education/Tuition Assistance
Division: Special Education/Early Intervention Services
Salary Grade: 22 (\$61,496 - \$98,745)
Effective Date: TBD

JOB REQUIREMENTS:

Education:

A Master's Degree or equivalent 36 credit hours of post-baccalaureate course work in Education, Special Education, Education Policy or a closely related field.

Education:

Five (5) years of administrative or affiliated experience working with, special education programs or service delivery. Professional experience interpreting, implementing and communicating education policies and procedures and supervision of professional staff are desirable.

DESCRIPTION:

This is a professional supervisory position responsible for providing oversight and supervision to the Nonpublic Tuition Assistance Program's collaborative efforts with State agencies, local interagency committees and local school systems (LSS).

Maryland Public Schools: *#1 in the Nation Five Years in a Row*

Cynthia Amirault
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Qualifications:

The Johns Hopkins University (Baltimore, Maryland) 1998 – Master’s Degree in Communication Disorders

University of Maryland (College Park, Maryland) 1979 – Bachelor’s Degree in Special Education/Elementary Education

Experience:

Maryland State Department of Education (Baltimore, Maryland)

2009 – Present: Education Program Specialist I, Nonpublic Tuition Assistance Program

Baltimore County Public Schools (Towson, Maryland)

2003 – 2009: Supervisor, Nonpublic Placements

1997 – 2003: Nonpublic Case Manager (Resource Teacher)

1984 – 1997: Special Education, Department Chairman

1981 – 1984: Middle School Teacher

Goucher University (Towson, Maryland)

2004 – 2005: Guest Instructor (Part-time)

Prince George’s County Public Schools (Upper Marlboro, Maryland)

1979 – 1981: Middle School Teacher

EMPLOYMENT STATUS:

Contractual Conversion