

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Wednesday-Thursday
January 27-28, 2009

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

The Maryland State Board of Education met in regular session on Wednesday and Thursday, January 27-28, 2009, at the Nancy S. Grasmick State Education Building. The following members were in attendance: Mr. James H. DeGraffenreidt, Jr., President; Mr. Blair G. Ewing, Vice President; Mr. Dunbar Brooks; Dr. Charlene M. Dukes; Dr. Mary Kay Finan; Ms. Rosa M. Garcia; Mr. Richard Goodall; Dr. Karabelle Pizzigati; Ms. Kate Walsh; Mr. D. Derek Wu and Dr. Nancy S. Grasmick, Secretary/Treasurer and State Superintendent of Schools. President DeGraffenreidt reported that Dr. Ivan Walks would be out the first day and attend the meeting on Wednesday. He also reported that Dr. Lelia T. Allen resigned from the Board due to personal commitments and expressed the Board's gratification for her prior service.

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

CONSENT AGENDA

President DeGraffenreidt reported that Maryland was recognized as number one in the country for its excellent education system by *Education Week*, the nation's leading education publication. He congratulated Dr. Grasmick, Department staff, local school system staff members and all school staff members for their hard work and dedication to Maryland's students.

Upon motion by Dr. Pizzigati, seconded by Mr. Brooks, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 9; Dr. Dukes arrived late.)

Approval of Minutes of December 17-18, 2008
Personnel **(copy attached to these minutes)**
Budget Adjustments for December, 2008

The Superintendent reported on the recent sudden death of the Superintendent of the Harford County Public Schools, Dr. Jacqueline Haas. She expressed her sadness and asked for a moment

of silence to commemorate the life and work of a wonderful person who was “loved and admired.

STATE LEGISLATIVE UPDATE

Dr. Grasmick introduced Renee Spence, Executive Director, Governmental Relations, to provide a report on the developments occurring since the recent opening of the 2009 Maryland General Assembly.

Ms. Spence introduced Mr. Steve Brooks, Assistant State Superintendent, Division of Business Services and reported that the General Assembly Session begins with briefings. She noted Administrative, Executive and Legislative Review Committee held a hearing on the State Board’s HSA waiver emergency regulations and that the Committee voted unanimously to move these regulations forward. She reported that approximately five hundred bills have been introduced thus far and that she will be providing the Board with daily updates on all education related legislation. She noted that the budget bills were significant pieces of legislation with dire consequences to funding of public education in Maryland. Ms. Spence provided the Board with a synopsis of education bills submitted thus far.

In response to a question by Ms. Garcia, Ms. Spence said that Senate Bill 41 – Higher Education – Tuition Charges – Maryland High School Students, is a higher education bill and that she would provide the Board with more information on this at a later time during the meeting after she has contacted the Maryland Higher Education Commission.

Mr. Brooks discussed the potential effects of the massive reductions of funding in the budget bills and noted that the potential federal government stimulus package will determine the financial impact on the State’s programs. He stated that the Headquarters’ Budget includes the elimination of eight more staff positions for a total reduction of more than eighty positions over the last two years. He noted that in the FY 2010 budget proposal, the Governor has requested 30% of the Geographical Cost of Education Index funding. He also said that the budget proposal calls for the elimination of the State’s grant for the Summer Centers Gifted and Talented Program.

In response to a question by Mr. Goodall, Dr. Grasmick said that the loss of funding for mandated programs does not preclude the Department from fulfilling the mandates. She said that she will be providing the Board with a “triage analysis” of the Department’s programs to gain the Board’s consensus on what programs on which are the most important and which are the least important.

Mr. DeGraffenreidt said “we should come up with a sustainable model to maintain educational excellence.” Dr. Grasmick said, “We don’t want to starve every program.” She reported that she

is working with the Public School Superintendents Association of Maryland (PSSAM) on this budget crisis.

In response to a suggestion by Ms. Walsh to join forces with other states to provide educational services such as testing, Dr. Grasmick said that she agrees with this proposal but that adoption of national curriculum standards would be necessary for this to occur.

In response to a question by Dr. Dukes, Dr. Grasmick said that Ms. Spence will provide the Board with the dates and times of budget hearings and welcomed the Board's advocacy.

EVALUATION OF THE BRIDGE TO EXCELLENCE ACT FUNDING

Dr. Grasmick introduced Dr. Jerome Ciesla, Senior Partner, MGT of America, Inc., who, for the last two years, has provided the Board with a General Assembly mandated yearly progress report on the evaluation of the effect of increased State aid to local school systems through the Bridge to Excellence Act. She reported that the evaluation is now complete and that Dr. Ciesla will provide an overview of the findings.

Dr. Ciesla introduced Dr. Mary McKeown-Moak, Senior Partner, MGT of America, Inc., and Dr. Elena Vinogradova, Research Analyst, REDA International, Inc. He noted that the MGA Reports can be used as reference documents for local school systems and praised the Department and the Maryland school systems for ranking first in the nation. He explained that MGT was contracted to provide an independent study and that it conducted the largest survey in Maryland with findings that prove statistically that investment in high quality personnel does make the difference in student learning. Dr. Ciesla went over the key findings in the Report which included substantially improved student performance by all cohorts of students. He provided statewide financial trends for all school systems in Maryland which reflected substantial increases in personnel and the acquisition of student data systems. He provided data on the student populations targeted by financial enhancements.

Dr. Ciesla reported on the statewide survey conducted to determine educational best practices used in Maryland's schools. He noted that Dr. Grasmick was influential in the tremendous number of survey responses received. He reported that best practices are being implemented in almost all schools in Maryland and said "Money does make a difference."

Dr. Grasmick noted the enormous importance of this report. She said, "This report is a validation that school systems have used these dollars wisely." She said that local school systems have worked very hard to benefit students and she expressed her appreciation to MGT personnel for the excellent work they provided. She acknowledged the various members of the Department staff who assisted MGT staff in this effort as well.

In response to a concern by Ms. Garcia on the need for more funding to assist English language learners (ELL), Dr. Grasmick noted that since 2000, the ELL population in Maryland has increased from approximately 20,000 students to 40,000 students and that 62.5 percent more English language teachers will be needed over the next five years. She said that this is a very important issue for Maryland public schools and noted the vast dependence on federal Title III funding to Maryland schools. She said that she is working with the Higher Education Commission to alleviate this disparity in the number of English language teachers and said that she will provide the Board with an analysis of the overall needs for ELL teachers in the school systems in Maryland.

In response to a question by Ms. Walsh, Dr. Ciesla said that MGT did not include the scores on the National Assessment of Education Progress (NAEP) since they use a relatively small sampling of schools and would preclude an in-depth analysis.

In response to a question by Mr. Ewing, Dr. Ciesla said that providing high quality teachers is necessary to carry out the best practices in educating all cohorts of students. He said, "Education is very labor intensive." In response to Mr. Ewing's question about the comparison of funding for professional development and the use of funding to provide smaller classes, Dr. Ciesla and Dr. Vinogradova indicated that they did not have information to comment on such a comparison.

In response to a question by Dr. Pizzigati, Dr. Ciesla said that a vast amount of funding was invested in setting up data collection systems and that this is generally a one-time investment which can free up funding once the systems are in place.

Mr. Brooks thanked the presenters for a very thorough report and noted that in many schools, larger class sizes can be accommodated without jeopardizing the learning process.

In response to a question by Ms. Garcia, Dr. Grasmick said that the best practices provided in this report will be disseminated on the Department's website and will be translated into several languages.

Dr. Grasmick acknowledged the President of REDA International, Inc., a Maryland certified Minority Business Enterprise, and thanked the presenters for their hard work and dedication.

ANNUAL REPORT ON THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM (BCPSS)

The Superintendent reported that the BCPSS is required to submit an annual report to the State Board as mandated by in the City/State Partnership legislation passed by the General Assembly in 1997. She said that the State Board and the State Superintendent are required to review the report and provide comments on the progress made towards achieving both managerial and educational goals. In that regard, she introduced Dr. Andres Alonso, Chief Education Officer of the BCPSS to provide an overview of the report.

Dr. Alonso introduced members of his staff who were instrumental in completing the report provided today. He provided data showing the excellent progress made toward closing of achievement gaps by all cohorts of students. He noted the importance of providing higher mathematics in middle schools and said that every Baltimore City school was required to provide an algebra component in all eighth grade classes. Dr. Alonso discussed interventions taking place in the schools and invited Board members to Bridge Project grading sessions.

Dr. Alonso reported that student attendance remains a problem in the schools but that combining kindergarten through eighth grade in schools has alleviated some of the problems. He noted that suspensions have decreased significantly during the period between 2003-2004 and 2007-2008 and reported that enrollments have increased this year.

Mr. Brooks noted that a decline in the dropout rate and increased school enrollment has a great impact on school facilities. Dr. Alonso said that a Request For Proposals has been disseminated to pursue alternative financing for new schools in the City. He reported that of the 5400 students eligible for pre-kindergarten, only 4100 can be served at this time.

Dr. Alonso reported that providing planning time for teachers to collaborate has been a tremendous asset this year. He stated that providing highly qualified teachers has proven to be the most important factor in the success of the schools. He thanked the Board and the Department for their excellent partnership with BCPSS.

In response to a question by Ms. Garcia about violence in the schools, Dr. Alonso said metal detectors were introduced into the schools last year and that BCPSS has established a partnership with the Department of Juvenile Services (DJS) to share data. He said that there are currently DJS staff members in fourteen of the City schools and that the school system is working to include the Department of Social Services (DSS) in this partnership. He reported that there are approximately 9000 students in mentoring programs and that the number of instances of violence has declined this year.

In response to a question by Ms. Garcia about increasing college participation rates, Dr. Alonso said that the Baltimore Scholars Program does not go far enough to provide resources for students to attend colleges and live on campus.

In response to questions by Dr. Pizzigati about how HSAs have affected the dropout rate and what planning is taking place to provide facilities, Dr. Alonso said he doesn't have data yet on how the HSAs and the Bridge Projects will affect the dropout rate but that there are approximately ten schools that are under-utilized and that these schools may help to address the student population increase.

In response to a request by Ms. Walsh to provide the Board with ways in which the Board can assist the BCPSS, Dr. Alonso said that he will contemplate her offer for assistance and provide the Board with his suggestions.

Mr. Ewing suggested that expanding the police force in Baltimore City for use in the schools might help to address the problem of school violence since the schools are not equipped to deal with crime prevention.

President DeGraffenreidt said, "This was an excellent presentation. Thank you for your comments."

HIGH SCHOOL ASSESSMENT UPDATE

Dr. Grasmick reported that Department staff appeared before the AELR Committee about an appeal regarding the HSA waiver/appeal emergency regulations. She said that the vote was thirteen to zero in support of the State Board's submission. She cautioned the Board that High School Assessment (HSA) information is "very fluid" and changes every day and that the Board will not get full information until the January testing scores are complete. She introduced Dr. Leslie Wilson, Assistant State Superintendent, Division of Accountability and Assessment, to provide an update which includes data on the October 2008 HSA administration. She also reported that representatives from the Baltimore County Public Schools (BCPS) will provide some remarks on the support efforts underway to help students succeed on the HSAs in the Baltimore County schools.

Dr. Wilson acknowledged local school system personnel for their data and assistance in preparing an analysis on graduation rates. She reported that many school systems were reluctant to provide data since the statistics change every day. She reported that more than 900 students recently transferred into Maryland public schools and many of the other states do not require a government course for graduation which is one of the many factors impacting graduation rates in Maryland schools. She reported that more than 3000 Bridge Projects have been scored and approved, and that many school systems do not have the capacity to enter the Bridge data. She provided detailed data by local school systems about the numbers of students yet to meet the requirements for graduation. She explained that obtaining up-to-date, accurate numbers will continue to be a challenge for large local school systems. Dr. Wilson said that waivers are expected to number in the 100s rather than 1000s through the State.

Dr. Wilson introduced Dr. Patti Abernathy, Chief Academic Officer, Baltimore County Public Schools (BCPS), and Dr. Robert Tomback, North East Area Assistant Superintendent, BCPS, to provide an update on the support efforts underway in Baltimore County to help students succeed on the HSAs.

Dr. Abernathy introduced other staff members attending the meeting and provided data on the percent of students meeting graduation requirements in the class of 2009.

Dr. Tomback explained the supports needed to assure success on the HSAs.

In response to a request from Ms. Walsh to have data from every school system on the percentage of students who have not met the requirements for graduation, Dr. Wilson explained that the larger school systems do not have data systems programmed to transfer data from the school level to school system level. Mr. Brooks and Ms. Garcia reiterated Ms. Walsh's request. Dr. Grasmick suggested that the Department will contact all local school systems and ask that school-by-school data be provided to the Department for the Board. Ms. Garcia further requested that the data be disaggregated by subgroups.

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 Dr. Pizzigati, seconded by Dr. Dukes, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, January 27, 2009, in Conference Room 1, 8th Floor, at the Nancy S. Grasmick State Education Building. All board members were present except Dr. Ivan Walks. In attendance were Dr. Nancy S. Grasmick, State Superintendent of Schools, Dr. John Smeallie, Deputy State Superintendent for Administration, Dr. Ronald Peiffer, Deputy State Superintendent for Academic Policy, and Tony South, Executive Director to the State Board. Assistant Attorneys General, Elizabeth M. Kameen and Jackie C. La Fiandra were also present. The Executive Session commenced at 1:15 p.m. (In favor – 10)

The Board considered and deliberated the following appeals. Opinions will be issued at an upcoming meeting.

- *Susan Gruz v. Baltimore City Board of School Commissioners* - reconsideration
- *Alagiri & Rajalaxmi S. v. Howard County Board of Education* - early entry
- *Linda S. v. Baltimore County Board of Education* - student transfer

The State Board approved three decisions and one order for publication.

- *George & Thaviphone B. v. Howard County Board of Education* - early entry to kindergarten 09-01
- *Danuta W. v. Montgomery County Board of Education* - animals on school property 09-02
- *Imagine Harford, LLC v. Harford County Board of Education* - charter school application 09-03
- *Jose C. v. Montgomery County Board of Education* - student transfer OR 09-01

Dr. Grasmick and Steve Brooks presented a budget reduction update including projections of future reductions and possible impact on staffing and the relationship to strategic planning.

Dr. Grasmick received the approval of the Board to assist the Catholic Diocese on school closure issues.

President DeGraffenreidt addressed three internal board management issues - - finalizing the Superintendent's evaluation process; the Website for Board materials; and the Governor's attendance at the February meeting.

The Executive Session ended at 2:15 p.m.

RECONVENE

The public meeting reconvened at 2:20 p.m.

VOLUNTARY STATE CURRICULUM: HEALTH EDUCATION

Dr. Grasmick reported that, in January 2002, the Visionary Panel for Better Schools recommended that the State develop curricular guides for all subject areas for grades K-12 indicating what students should know and be able to do throughout their school careers. She said that the State has thus far accepted Voluntary State Curriculum (VSC) for reading, English/language arts, mathematics, science, social studies and fine arts. She introduced Dixie Stack, Director of Curriculum, Division of Instruction, to discuss and answer any questions on a recommendation to accept a VSC for Health Education.

Ms. Stack acknowledged and thanked many of her staff for their efforts to create a VSC for Health Education. She went over the procedures used to develop the VSC and explained that health literacy can be divided into the following subgroups:

- Mental and emotional
- Alcohol, tobacco and other drugs
- Personal and consumer
- Family life and human sexuality
- Disease prevention and control
- Safety and injury prevention
- Nutrition and fitness

Ms. Stack said that the State's procurement process was used to identify an Expert Review Panel to conduct a review of the proposed VSC in Health Education. She then introduced the two leaders of the Review Panel, Ms. Kathleen Middleton, President and CEO of ToucanEd Inc., and Dr. Donna Lloyd-Kolkin of Catalyst Health Concepts. She also introduced Mr. Brian Griffith, Specialist in Health Education in MSDE's Division of Instruction. Ms. Middleton and Dr. Lloyd-Kolkin stated that the purpose of the review was to ensure appropriate scope and sequence

for essential learnings in health by analyzing the draft document in health education at gradesPreK-12 for content rigor, developmental appropriateness, clarity of language, parallel levels of specificity in format, assess ability, and consistency of format with the Voluntary State Curricula in mathematics and reading. They then explained their input into the review and explained that the VSC is a framework for local school systems to provide health education.

Ms. Stack went over the next steps which include developing a toolkit, continuing the relationship with local school systems to provide professional development, and revisiting COMAR to make appropriate modifications.

In response to a question by Dr. Finan, Mr. Griffith said that middle and high schools will require courses taught by health education teachers and elementary schools will rely on their general education teachers to provide the needed teaching. Ms. Stack said that in some school systems, health education is incorporated into other curricula.

In response to a suggestion by Mr. Ewing to include training to identify violence prone behavior and suicide tendencies in the curriculum, Ms. Middleton said that these subjects are built into the skills based part of the curriculum.

In response to a concern by Ms. Walsh, Ms. Stack said that the VSC curriculum development process began with using national documents with standards identified by national experts. She noted that it was imperative to create the same organizational document as all other VSCs in Maryland.

Upon motion by Mr. Brooks, seconded by Dr. Dukes, and with unanimous agreement, the Board accepted the VSC for Health Education. (In Favor – 10)

RECOMMENDATION OF THE TASK FORCE TO STUDY HOW TO IMPROVE FINANCIAL LITERACY IN THE STATE

Dr. Grasmick reported that as a result of action taken by the 2008 General Assembly, legislation was approved establishing the Task Force to Study How to Improve Financial Literacy in the State. She thanked Dr. Dukes and Dr. Lynne Gilli, Program Manager for Career and Technology Education for representing the State Board and State Department on the Task Force. The Superintendent introduced Delegate Dana Stein, Co-Chair of the Task Force and Task Force members Senator Katherine Klausmeier and Delegate Susan Krebs, and asked them to discuss some of the preliminary recommendations of the Task Force. Dr. Grasmick also acknowledged Jane Stern, a member of the Task Force from Montgomery County who was in attendance.

Delegate Stein presented the recommendations of the Task Force, which include mandating a financial literacy curriculum in all Maryland schools.

Delegate Krebs stated that there is a void in student learning in regard to financial literacy. She reported that the Carroll County Public School System implemented a course on financial literacy into its high schools at a cost of approximately \$1200 per school for textbooks and

teaching guides. She reported that students and parents have been very positive about the courses due to the relevant nature of the information. She also noted that the House and Senate members have been overwhelmingly supportive of this endeavor.

Mr. Goodall thanked the presenters for their hard work and agreed with the importance of the material to students but noted the current financial climate in the State and the cumulative reduction of staff positions in the Department. He said, “We don’t have enough people to do this.”

Delegate Krebs said that the Task Force members feel that this should be considered a priority and can be accomplished using existing resources. Senator Klausmeier noted that many banks are willing to provide teachers to conduct the courses. Mr. Brooks noted his concerns with adding more responsibilities to already strained school systems and the MSDE. Delegate Stein noted that non-profit organizations are willing to provide resources to the schools as well.

In response to Ms. Walsh’s question, Delegate Stein noted that a report by the National Association of State Boards of Education (NASBE) showed that teaching financial literacy does have a substantial impact on the students. Senator Klausmeier agreed to send the State Board members evidence that teaching financial literacy is worthwhile.

Mr. Ewing moved and Mr. Brooks seconded a motion to accept the report and give serious consideration to its recommendations.

In response to a suggestion by Ms. Garcia, Delegate Stein said that consumer protection is included in the recommendations for the courses.

Dr. Grasmick said that many of the recommendations are extremely appropriate and she stated that she will provide the Board with input from Department staff regarding this proposal.

With no further discussion and with unanimous agreement, the Board accepted the report of the Task Force and agreed to give serious consideration to its recommendations. (In Favor – 10)

Dr. Dukes thanked Senator Anthony Muse and Delegate Dana Stein, Co-Chairs of the Task Force, and Delegate Stein, Delegate Krebs and Senator Klausmeier for their diligence and hard work. She also thanked Dr. Gilli for her work on the Task Force.

SENATE BILL 41—HIGHER EDUCATION – TUITION CHARGES

Ms. Garcia asked Board Members to support Senate Bill 41 – Higher Education – Tuition Charges – Maryland High School Students which exempts certain individuals from paying nonresident tuition at certain public institutions of higher education. Ms. Garcia moved and Mr. DeGraffenreidt seconded the motion to support Senate Bill 41. Dr. Dukes recused herself from the vote since it was quite likely she would be asked to testify on the bill in her professional capacity.

Ms. Walsh and Mr. Brooks said they would abstain due to a lack of information about the consequences of passage of the bill. Ms. Spence said that the bill is very controversial throughout the General Assembly and that, thus far, no hearing has been scheduled. The President asked Ms. Spence to prepare a summary for the Board about the discussions, opinions and possible effects of the legislation.

Upon motion by Mr. Brooks, seconded by Ms. Walsh, the Board agreed to table the vote until a summary is provided to them on the effects of the legislation. (In Favor – 8; Dr. Dukes abstained and Ms. Garcia opposed)

COMAR 13A.12.02.18 (AMEND) CERTIFICATION IN SPECIALTY AREAS
COMAR 13A.12.02.12 (REPEAL) OUTDOOR EDUCATION

Dr. Grasmick introduced Dr. John Smeallie, Acting Deputy State Superintendent and Assistant State Superintendent, Division of Certification & Accreditation and Dr. Joann Ericson, Chief, Certification Branch, Division of Certification & Accreditation, to provide some background on the changes in the certification regulations recommended by the Professional Standards and Teacher Education Board (PSTEB). She reported that the State Board received a number of letters from a variety of groups endorsing the new specialty area in Environmental Education. She recommended State Board approval of the regulatory changes.

Dr. Smeallie reported that the proposed amendments would add two new content areas, Environmental Education and Dance and bring the number of credit hours into alignment with another regulation. He noted that the proposed repeal would eliminate the area of Outdoor Education.

Upon motion by Dr. Pizzigati, seconded by Dr. Dukes, and with unanimous agreement, the Board approved the amendment of COMAR 13A.12.02.18 Certification in Specialty Areas and repealed COMAR 13A.12.02.12 Outdoor Education. (In Favor – 10)

COMAR 13A.12.03.09 (REPEAL) SPEECH PATHOLOGIST
COMAR 13A.12.03.10 (AMEND) THERAPISTS (OCCUPATIONAL OR PHYSICAL THERAPISTS OR BOTH

The Superintendent asked Dr. Smeallie to address the proposed regulatory changes initiated by the PSTEB to COMAR 13A.12.03.09 (Repeal) Speech Pathologist and COMAR 13A.12.03.10 (Amend) Therapists (Occupational or physical Therapists or Both). She recommended approval of the changes.

Dr. Smeallie explained that the proposed changes would clarify and streamline certification for certain professionals required to hold licensure in accordance with the Maryland Health Occupations Article and who practice in schools. He noted that the updated proposal would also preserve the certificated status of affected professionals. Dr. Smeallie reported that no public comments were received on these proposals.

Upon motion by Mr. Goodall, seconded by Dr. Pizzigati, and with unanimous agreement, the Board approved the proposed regulatory changes. (In favor – 10)

COMAR 13A.12.03.12 (NEW) GIFTED AND TALENTED EDUCATION SPECIALIST

Dr. Grasmick reported that there is broad support for this new area of certification and asked Dr. Smeallie to discuss the proposal. She recommended State Board approval of COMAR 13A.12.03.12 Gifted and Talented Education Specialist.

Dr. Smeallie acknowledged the work of a statewide stakeholders group that partnered with the Professional Development Subcommittee on Gifted and Talented and introduced the Subcommittee members. He explained that the purpose of the regulation is to provide educators with recognition of and the opportunity to pursue specialized preparation enabling them to provide more effective instruction for gifted and talented students who present a unique set of educational needs. He reported that twenty-seven comments were received during the publishing period -- twenty-six were in favor and one was opposed.

Mr. Wu explained that gifted and talented programs are extremely helpful to students to cultivate their special interests.

Upon motion by Mr. Brooks, seconded by Mr. Goodall, and with unanimous agreement, the Board approved the new regulation creating certification in Gifted and Talented Education. (In favor – 10)

SUPERINTENDENT'S REPORT

Dr. Grasmick reported that the Transition Council completed its report on the transfer of Adult Education and Corrections Education to the Department of Labor, Licensing and Regulation (DLLR) and offered the Board copies of the Report.

In response to a question by Mr. DeGraffenreidt, Dr. Grasmick said that providing General Education Diplomas (GEDs) to students without the Department having oversight of the program is an issue of significant importance that remains to be resolved.

Patricia Bennett, Program Manager in the Division of Career Technology and Adult Learning, explained that in most states where a similar transition for adult education took place, the GED Program was not transferred to the DLLR. She explained that in states where the GED Program was transferred, the GED was not signed by the State Board of Education President. Dr. Grasmick reported that her staff members are working with the Senate Finance Committee to deal with this issue. Mr. DeGraffenreidt said that control procedures can be put in place to provide the necessary quality assurances to allow the State Board President to sign the diploma. Ms. Bennett said that there is a recommendation to create a staff position to review and attest to the integrity of the program.

In response to a question by Dr. Finan, Ms. Kameen said that Maryland State statute mandates that the State Board President sign the GED. Dr. Grasmick said that staff is working on establishing an internal control process.

On a second issue, the Superintendent reported that she was encouraged to and subsequently submitted a proposal to the National Governors' Association for dealing with low-performing schools.

Thirdly, Dr. Grasmick reported that the Governor will be conducting a teacher survey patterned after a survey conducted in North Carolina on school climate and perceptions of education in Maryland schools. She said the Mr. South and Dr. Foran, Division of Leadership Development, were representing the State Board and MSDE on the stakeholder committee that was assisting with the implementation of this survey.

Mr. South said the survey will be launched on February 17th with a Governor's press conference. He further stated that all school-based certificated educators, to include teachers and principals, will be asked to complete the electronic survey by March 18th. He pointed out that all responses will be kept confidential and that summary reports would be prepared at three levels of response: school, school system, and State. He also noted that school and school system reports would only be issued when the response rate was 50% or greater of the eligible responders.

NASBE REPORT

Dr. Pizzigati reported that the National Association of State Boards of Education held its first meeting of the year and reported on two study groups created to study school/community partnerships and assessments.

She reported that the first meeting of NASBE Board of Directors addressed the stimulus package being debated in the United States Congress to supplement, among other areas, education funding to states. She noted that NASBE is playing a prominent role in the creation of the stimulus package and urged State Board members to provide suggestions on areas of the deepest need in Maryland education. Dr. Pizzigati reported that NASBE will hold its legislative conference in March and asked Board members to provide her with legislative and budget issues to share with NASBE.

PUBLIC COMMENTS

Mr. DeGraffenreidt explained procedures by which the Board hears public comments. The following person provided public comment: George VanHook, Representing the Maryland Association of Boards of Education (MABE). Mr. VanHook spoke on the MABE legislative agenda and extended an invitation to all State Board members to have dinner with the MABE Board of Directors on the evening of February 24th.

ADJOURNMENT

The meeting adjourned at 4:40 p.m.

RECONVENE

The meeting reconvened at 9:07 a.m. Ms. Garcia and Dr. Dukes were absent. Dr. Grasmick was unable to attend due to her required attendance at a meeting of the State Board of Public Works. Dr. Peiffer was also absent.

LEGAL ARGUMENTS

Legal Arguments were heard in the following cases:

- *Patrick McSwain v. Howard County Board of Education*
- *Somerset County Board of Education v. Teachers Association of Somerset County*
- *Howard County Board of education v. Teachers Association of Somerset County*

OPINIONS

Ms. Kameen announced the following Opinions:

- 09-01 *George & Thaviphone B. v. Howard County Board of Education* – early entry to kindergarten (affirmed the local board’s decision)
- 09-02 *Danuta W. v. Montgomery County Board of Education* – animals on school property – school system policy (affirmed the local board’s decision)
- 09-03 *Imagine Harford, LLC v. Harford County Board of Education* – charter school denied (affirmed the local board’s decision in part; reversed the local board’s decision in part)

Ms. Kameen announced the following Order:

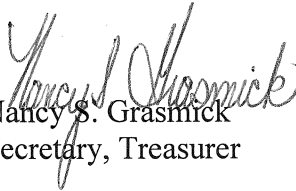
- OR 09-01 *Jose Colato v. Montgomery County Board of Education* (dismissed as premature)

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. Brooks, seconded by Mr. Ewing, and with unanimous agreement, the Maryland State Board of Education met in closed session on Wednesday, January 28, 2009, in the Board Room at the Nancy S. Grasmick State Education Building. All board members were present except Charlene Dukes and Rosa Garcia. In attendance were Dr. John Smeallie, Deputy State Superintendent for Administration,

and Tony South, Executive Director to the State Board. Assistant Attorney General, Elizabeth M. Kameen was also present. The Executive Session commenced at 12:45 p.m.

Respectfully submitted,


Nancy S. Grasmick
Secretary, Treasurer

NSG/rms

APPROVED: 3/3/09

MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this **27th** day of **January 2009**, at the hour of 1:00 ~~am~~/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Arzrate

Seconded by: Dunkey

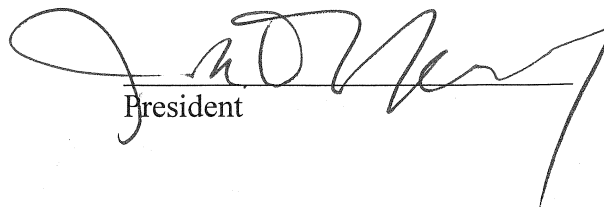
In Favor: 10 Opposed: 0 Member(s) Opposed: _____

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 or proposal process.

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

1. Discuss four legal appeals.
2. Review two draft opinions.
3. Discuss a personnel matter.
4. Discuss 2 internal Board management items.



President

MARYLAND STATE BOARD OF EDUCATION
CLOSED SESSION

On this 28th day of **January 2009**, at the hour of 12:32 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: B. Smith

Seconded by: T. W. King

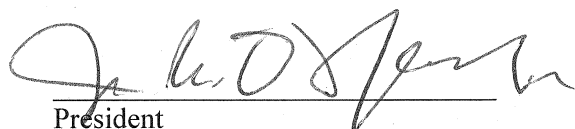
In Favor: 9 Opposed: 0 - Member(s) Opposed: _____

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)

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- (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 discussed during this closed session include:

Discuss the 3 legal arguments heard today.



President

**MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE January 27 - 28, 2008 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> |
|--------------------|---|---------------------|--|----------------------------|
| Grayman, Glenn | Education Program Specialist I, Special Education Program Administration/Evaluation | 21 | Special Education/Early Intervention Services | TBD |
| Tyler, Patricia H. | Education Program Supervisor, Adult Instructional Services | 22 | Career Technology and Adult Learning | TBD |
| Ugwu, Camillus O. | Education Program Specialist II, Nonpublic Schools Section | 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> |
|--------------------|---|---------------------|--|----------------------------|
| Ayyub, Tehseena | Vocational Rehabilitation Specialist I | 12 | Vocational Rehabilitation Services, Disability Determination Services | 01/28/2009 |
| Clark, Wanda | Vocational Rehabilitation Specialist II | 13 | Vocational Rehabilitation Services, Region V | 01/28/2009 |
| DeWitt, Wanda D. | Vocational Rehabilitation Specialist I | 12 | Vocational Rehabilitation Services, Region III | 01/28/2009 |
| Edwards, Justin D. | Vocational Rehabilitation Specialist I | 12 | Vocational Rehabilitation Services, Disability Determination Services | 01/28/2009 |
| Flight, Vel J. | Vocational Rehabilitation Specialist II | 13 | Vocational Rehabilitation Services, Region III | 01/14/2009 |
| Lee, Joyce | Vocational Rehabilitation Specialist II | 13 | Vocational Rehabilitation Services, Disability Determination Services | 01/28/2009 |