

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday
February 24, 2009

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

The Maryland State Board of Education met in regular session on Tuesday, February 24, 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; Dr. Ivan Walks; Ms. Kate Walsh; and Mr. D. Derek Wu. Dr. Nancy S. Grasmick, Secretary/Treasurer and State Superintendent of Schools, was also in attendance.

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

President DeGraffenreidt announced that Brenda Welburn of the National Association of State Boards of Education (NASBE) had planned to be in attendance to hear the Governor's comments in order to better assist the Board with the Board's effort to refresh our strategic vision. He reported that Ms. Welburn was not able to be present due to a death in her family. He then introduced Douglas Levin, her deputy, who was present in her place. He also noted that new members of local boards of education were present and asked Kitty Blumsack, Director of Board Development, Maryland Association of Boards of Education, to introduce them. Ms. Blumsack introduced Patricia Nalley, member of the Anne Arundel County Board of Education.

CONSENT AGENDA

The President asked for approval of items listed under Consent Agenda.

In response to a question by Mr. Ewing, Mr. Steve Brooks, Assistant State Superintendent, Division of Business Services, explained that items 5 & 6 under major budget realignments represent offsetting adjustments of federal funds where funds were not received.

Upon motion by Mr. Brooks, seconded by Dr. Dukes, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 10; Dr. Walks arrived late.)

Approval of Minutes of January 27-28, 2009
Personnel (**copy attached to these minutes**)
Budget Adjustments for January, 2009
Permission to Publish:

COMAR 13A.05.09.02B(3)(b)(v)(NEW)
Child Awaiting Foster Care Placement

COMAR 13A.08.05 (AMEND)
Informal Kinship Care

SUPERINTENDENT'S REPORT

Dr. Grasmick noted that she recently attended the P-20 Council Meeting and reported on the release of the College Board's report on Advanced Placement (AP) results which revealed that Maryland now holds first place in the number of students taking AP courses and also scoring three or better on the tests. She said the Council reviewed the MGT Report and the Bohanan Commission Report on Higher Education. She also reported that the Governor launched a comprehensive teacher survey to glean input on education in Maryland.

Dr. Grasmick reported that staff is reviewing the findings contained in the report released by the National Council on Teacher Quality and a national education survey conducted by the Fordham Foundation.

Dr. Grasmick also updated the Board on steps she has taken on the concerns and recommendations raised by the Task Force to Improve Financial Literacy in Maryland. In response to a question by President DeGraffenreidt, Dr. Grasmick said that a discussion of the GED will be addressed during a later portion of the Board meeting. She also noted that she is looking at creating a Task Force to review the physical education facilities in schools in Maryland.

In response to a question by Dr. Dukes regarding the recommendations of the Task Force to Improve Financial Literacy in Maryland, Dr. Grasmick said that a proposed formalized response to the Maryland General Assembly will be provided to the Board at its March meeting to allow time for staff to complete their work on preparation of content standards and course work for local school systems to improve financial literacy among Maryland's students.

In response to a question by Ms. Garcia, Dr. Grasmick said that she will notify Ms. Garcia when the English Language Learners (ELL) Task Force meets.

NASBE REPORT

Dr. Pizzigati reported that NASBE's Legislative conference will be held in March in Washington, DC as well as a Symposium on Healthy Eating and Physical Activity. She thanked Debra Lichter, Director, Departmental Coordination and National Legislation Liaison, and Tony South for their timely responses to NASBE's requests for information regarding the national stimulus package.

FEDERAL LEGISLATIVE UPDATE

Debra Lichter reported that although one-half of the federal fiscal year has elapsed, a federal budget has not yet been adopted. She reported that the government released an Omnibus Budget Bill last night and that the President will be addressing Congress and will be focusing his remarks on the stimulus package and the FY 2010 budget.

She reported on the various areas designated in the American Recovery and Reinvestment Act (stimulus package) for funding for Maryland's schools. She said that Maryland is slated to receive a total of \$1.1 billion in education funding. Ms. Lichter said that Governor O'Malley will provide the Board with more detailed information about the funding Maryland will receive.

GOVERNOR'S ADDRESS

President DeGraffenreidt introduced the Honorable Martin O'Malley, Governor of Maryland to provide an outlook for Maryland's future.

Governor O'Malley thanked Mr. DeGraffenreidt, Dr. Grasmick and her staff for the "terrific work done to get us to this point." He noted the good work and important progress made in Maryland's public schools and noted the hard work of the students, teachers, school leaders and parents to bring Maryland schools to number one in the nation. He noted the record investment of funding to provide all-day kindergarten in Maryland's schools and the importance of such an achievement.

The Governor said "We need to protect the progress. We need to remain being the best in the nation, but we should be the best public school system in the world." He said that he is proposing a \$5.4 billion investment in public schools, \$1 billion for school construction, fully funding the Geographic Cost of Education Index (GCEI), fully

funding the Thornton Commission recommendations and placing a freeze on state college tuition.

Governor O'Malley recognized the hard work of the Maryland Congressional Delegation and discussed the following seven strategic areas to move Maryland forward:

1. Seeking competitive grants established in the American Recovery and Reinvestment Act
2. Benchmark Maryland student performance against international standards
3. Creation of a single longitudinal data system in Maryland
4. Closing the college readiness gap
5. Improve Science, Technology, Engineering and Mathematics (STEM) education and expand STEM curricula to include financial, environmental and the arts literacy.
6. Step up career and technology education
7. Principal and teacher recruitment and retention.

Governor O'Malley said that he is "looking forward in continuing to work with the Board and the Department in our pursuit of educational progress."

President DeGraffenreidt said, "We can use what you gave us today to plan our strategic plan for the future."

Mr. Goodall thanked the Governor and noted the importance of the STEM curriculum and funding to support school administrators initiative. Governor O'Malley explained that the funding for recruiting and retaining good school leaders will "precede" the initiative and noted that competitive salaries and signing bonuses are needed to meet this initiative. He discussed the possibilities of schools hiring business managers to fulfill the role of Assistant Principal to manage schools.

In response to a concern expressed by Dr. Dukes, the Governor asked for suggestions from her on how to make the transfer from high school to college more seamless for male students of color. In regards to the alignment of K-16, Dr. Dukes said that we need to make sure the alignment is seamless, especially between our community colleges and the University System. She suggested looking at Florida as a model. She also suggested that there needs to be more support for this cohort of students after school and on weekends noting the SEED School of Maryland as an excellent example. The Governor noted the success of extended day schools.

In response to Dr. Walks' suggestion to incorporate healthy living into the school curriculum, the Governor said that this could be done within the parameters of the STEM initiative.

Mr. Ewing thanked the Governor for providing a framework for the Department's strategic plan and stressed the need for standardized data collection in Maryland. Governor O'Malley offered to host a meeting between the state boards of education of Maryland, Virginia and Washington DC to elicit input into standardizing data collection.

Ms. Walsh expressed her concern for the current math standards explaining that passage of the test for elementary school teachers in mathematics requires that test takers need only answer 40% of the questions correctly.

Dr. Pizzigati said that collecting and mining best practices in other states is very important in order to model, expand or begin anew with programs in Maryland schools.

Ms. Garcia expressed her concern about the need to close the achievement gaps and provide accountability for how the various subgroups of students are doing.

Mr. Brooks noted the need for the preK – 20 longitudinal data system and said that there is great disparity among school districts in providing these services. He said that the Department will need additional funding to help local education agencies make this happen. Governor O'Malley said that the additional funding for Maryland's public schools can help with longitudinal tracking although he urged that legislation may be needed to fulfill this initiative. He noted that contracting out for information technologists has been very reliable.

Mr. Wu noted that education in the arts and music education are also important to students and that they can be used to help students learn other subjects. The Governor said that he restored the fine arts and music in the Baltimore City Public Schools saying that "it is much easier to end them, than to start them." Governor O'Malley said that middle school is where the STEM and music and arts can develop curiosity in students to keep them engaged in school.

Governor O'Malley said that he will share the Board's messages around the State and would lend his assistance in establishing a meeting between the Virginia and DC school boards and the Maryland State Board to gather input into standardizing data collection.

President DeGraffenreidt reminded the Governor that 98 percent of the financial resources that flow through the Department are mandates and provide no strategic leverage to the Department on how these funds are used. He said that the Governor's influence on increasing the State Board's leverage on how the Department and local school systems spend their funding would be extremely helpful.

Dr. Finan expressed the need for incentives for attracting the best and brightest teachers and administrators for the schools. The Governor said that it is important to let the public

know about the funding and programs available to recruit and retain teachers and principals.

The Board thanked the Governor for his time and commitment to education.

RECOGNITION OF WILLARD HACKERMAN

Dr. Grasmick introduced Mr. Willard Hackerman who contributed the funding for the Willard Hackerman Reading Project which provides opportunities for teachers at fifteen schools in four Maryland school systems to provide texts, in a variety of literary styles, to read aloud to students. She explained that teachers in the fifteen schools have committed to reading aloud to their students for approximately ten minutes each day and engaging their students in meaningful dialogue concerning the daily reading. She further noted that Mr. Hackerman has also funded a STEM initiative at Towson University

Dr. Grasmick introduced the following Superintendents/CEOs of three of the four school systems that are benefiting from the reading project: Dr. Andres Alonso, Baltimore City Public School System; Dr. Joe Hairston, Baltimore County Public Schools; and Dr. Edward Shirley, Caroline County Public Schools. She said that two schools in Howard County also participate in this program but Superintendent Cousins was unable to attend this meeting. In reference to Mr. Hackerman, she said, "He has never lost his quest for learning. We are indebted to you."

Mr. Hackerman said that he is a product of the Baltimore City School System. He thanked all of the people in the education community for all that they do and said, "You are heroes and you deserve all of the appreciation for what you do."

The Superintendents thanked Mr. Hackerman for his support and Dr. Alonso noted the need for libraries in all classrooms in Maryland. Mr. Hackerman said, "Call me up."

Mr. Brooks said, "His generosity knows no bounds" noting that in addition to the projects already reported, he has financed many scholarships for students as well.

Mr. DeGraffenreidt remarked that Mr. Hackerman is a "true State icon."

Mr. DeGraffenreidt and Dr. Grasmick presented Mr. Hackerman with a gift of recognition and applauded his support for Maryland schools.

RECOGNITION OF DR. LELIA ALLEN

The Superintendent recognized Dr. Lelia Allen who served on the Board from July, 2004 to January, 2009. Dr. Grasmick explained that due to Dr. Allen's teaching schedule, she found it necessary to resign from the Board before her term ended. Dr. Grasmick noted that Dr. Allen made significant contributions to the Board and the education community during her tenure.

Dr. Allen said, "This is the highlight of my service." She noted that she has taught for fifty-two years and said, "Dr. Grasmick is without peer in her leadership." She expressed her deep gratitude to the Board for their work and said she is very proud of the excellence of the Maryland public schools.

Board members each spoke of their high regard for Dr. Allen and the insightful wisdom she imparted during the many discussions and decisions made by the Board. Mr. DeGraffenreidt and Dr. Grasmick presented her with a gift in appreciation for her outstanding service to Maryland's schools and students.

STATE LEGISLATIVE UPDATE

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

Ms. Spence reported on the following education-related bills that are being monitored by her and her staff:

- HB 569/HB792 Collective Bargaining – Topics of Negotiations. Ms. Spence said this legislation would expand the topics of negotiations to include discipline and discharge. Dr. Grasmick noted that Maryland ranks at the bottom regarding the number of highly qualified teachers working in the neediest schools. She reported that all twenty-four local superintendents, the Maryland Association of Boards of Education (MABE) and the Maryland Association of Counties (MAC) are opposed. The Board agreed unanimously to oppose this legislation.
- HB 1243 Fairness in Negotiations Act – Ms. Spence introduced Donald Kopp, Director of Association Relations, Montgomery County Public Schools and Jonathan O'Neal, Assistant Superintendent of Human Resources, Harford County Public Schools, to comment on this legislation. Mr. Kopp stated that this legislation removes the State Board from decisions relative to personnel and nullifies all previous decisions of the State Board. Upon motion by Mr. Brooks,

seconded by Mr. DeGraffenreidt, the Board opposed this legislation. (In Favor – 10; Ms. Walsh abstained due to lack of input from both sides)

- SB 340 High School Diploma – GED Options Program – Ms. Spence reported that this requires the State Board to establish a GED Options Program that provides specified students with an alternative course for obtaining a high school diploma. She noted that this legislation would waive the required three month dropout period enabling students to enter the program immediately after leaving high school. Upon motion by Dr. Pizzigati, seconded by Mr. Goodall, the Board voted to oppose SB 340. (In favor – 10; Ms. Walsh abstained due to lack of input from both sides).

In response to President DeGraffenreidt's request that Ms. Spence include future materials for the Board a synopsis of input from opponents and proponents of legislation, Ms. Spence agreed to provide those details.

- HB 1223/SB857 Public High Schools and Public High School Students – Revisions and Requirements – Ms. Spence explained that this legislation deals with high school enrollment options regarding students who graduate from high school in three, four and five years as well as requiring county boards of education to partner with community colleges to offer a fifty percent discount on tuition to students who take college courses while still in high school. Ms. Spence reported that this legislation has a very high fiscal note attached. Upon motion by Mr. DeGraffenreidt, seconded by Mr. Brooks, the Board voted to support these bills with amendments. (In Favor – 11)
- HB 1264/SB 879 Gwendolyn Britt Student Health and Fitness Act – Ms. Spence reported that this bill requires each local school system to develop and implement an annual physical fitness measurement program. Dr. Grasmick explained that this legislation is a compromise set of recommendations made by a task force that studied physical education in Maryland's schools. Upon motion by Mr. Ewing, seconded by Ms. Garcia, the Board voted to support this legislation. (In Favor – 9; Dr. Dukes and Ms. Walsh abstained)

In response to a request by Dr. Dukes, Dr. Grasmick said she will provide the Board with the Department's expectations if this legislation is enacted. Dr. Walks noted that there are costs associated with students missing school due to unhealthy living. Dr. Grasmick reported that MABE and the local school superintendents are opposing this legislation citing that it as an unfunded mandate.

- HB 1259 Building Opportunities for All Students and Teachers (BOAST) in Maryland Tax Credit – Ms. Spence reported that this legislation has been introduced many times over the past several years and has a very large fiscal note

attached. She said it provides money for students to attend nonpublic schools. The Board agreed to take no position on this legislation.

- SB 762 Workforce Development and Adult Learning - Administration – Ms. Spence reported that this is a “clean up” bill regarding the transfer of employees to the Department of Labor, Licensing, and Regulation (DLLR) and the securing of their benefits. Ms. Spence urged the Board to send a letter of support to the Maryland General Assembly regarding this legislation. There was some discussion relative to the GED program being transferred to the DLLR and the Board’s lack of oversight of this program. Mr. DeGraffenreidt requested information on what “change management” process is being established to provide assurance to the State Board that GED quality standards are being that when the GED program is under the direction of DLLR. Dr. Grasmick assured him that she will provide the Board with information as it becomes available. Upon motion by Mr. DeGraffenreidt, seconded by Dr. Pizzigati, the Board voted to support SB 762 and send a letter of support to the General Assembly.
- HB 184/SB234 Maryland’s Preschool for All Business Plan – Ms. Spence reminded the Board that they received a draft Preschool for All Business Plan in September 2008. She reported that it is being finalized and has received a vast amount of support from the school community. Upon motion by Mr. Ewing, seconded by Dr. Dukes, and with unanimous agreement, the Board supported HB 184/SB234. (In Favor – 10, Dr. Walks not present when the vote was taken)
- HB 612/SB41 Higher Education – Tuition Charges – Maryland High School Students – Ms. Spence said that this legislation would exempt certain students from paying nonresident tuition to attend public institutions of higher education in Maryland. Ms. Garcia spoke in support of this legislation and Dr. Pizzigati stated that since this legislation impacts Maryland students, it should not be considered solely under the purview of higher education but rather impacts the entire education community in Maryland. Upon motion by Ms. Garcia, seconded by Mr. DeGraffenreidt, the Board voted to support this legislation. (In favor – 9; Dr. Dukes abstained and Mr. Goodall opposed)

With no further discussion of activities of the Maryland General Assembly, the Board thanked Ms. Spence for her informative presentation.

FEDERAL LEGISLATIVE UPDATE (cont’d)

Ms. Lichter reported that though there is no funding specifically designated in the American Recovery and Reinvestment Act for school construction, there are certain assurances to address the needs in Maryland’s schools. She noted that there are some

concerns by the Department that the use of funds under the Act to establish a longitudinal data system in the State requires a fifty percent funding match by the State. Dr. Grasmick assured the Board that she will provide them with more information on the issues of concern in regard to the federal stimulus package.

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. Goodall, seconded by Mr. Brooks, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, February 24, 2009, in Conference Room 1, 8th Floor, at the Nancy S. Grasmick State Education Building. All board members were present. Along with Dr. Grasmick, the following staff members were in attendance: John Smeallie, Deputy State Superintendent for Administration, 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 1:30 p.m. (In favor – 11)

The Board viewed a demonstration of DocuShare.

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

- *Edward Alpaugh v. Carroll County Board of Education* - student suspension
- *Marisabel Barret v. Prince George's County Board of Education* - teacher termination
- *Board of Frederick County Commissioners v. Frederick County Board of Education* - Declaratory Ruling
- *Mr. & Ms. Benjamin Walker v. Prince George's County Board of Education* - student transfer
- *Board of Education of Howard County v. Howard County Education Association* - collective bargaining
- *Somerset County Board of Education v. Teachers Association of Somerset County* - collective bargaining

The State Board approved four decisions for publication.

- *Susan Gruz v. Baltimore City Board of School Commissioners* - reconsideration 09-04
- *Alagiri & Rajalaxmi S. v. Howard County Board of Education* - early entry 09-05
- *Linda S. v. Baltimore County Board of Education* - student transfer 09-06

- *Patrick McSwain v. Howard County Board of Education* - teacher discipline 09-07

Dr. Grasmick and Ms. Kameen explained the Board's process if a county requests a waiver of their maintenance of effort requirements.

President DeGraffenreidt asked Mr. South to set up an additional Board meeting to address the Governor's seven goals and the stimulus funding.

The Executive Session ended at 3:00 p.m.

RECONVENE

The meeting reconvened at 3:10 p.m.

OVERVIEW OF FINDINGS OF THE 2007 MARYLAND ADOLESCENT SURVEY AND MARYLAND YOUTH RISK BEHAVIOR SURVEY

Dr. Grasmick reminded Board members that Mr. Ewing requested that the 2007 Maryland Adolescent Survey (MAS) provided to the Board in October, 2008, be discussed at a future Board meeting. She introduced Ann Chafin, Assistant State superintendent, Division of Student, Family and School Support Services (DoSFSSS), Chuck Buckler, Director, Student Services and Alternative Programs Branch; Pete Singleton, Specialist, Tobacco Prevention and Special Initiatives; and Brian Bartels, Specialist, Psychological Services, DoSFSSS, to provide an overview of the survey as well as an additional survey conducted in 2007 entitled, 2007 Maryland Youth Risk Behavior Survey (YRBS).

Ms. Chafin introduced several staff members in attendance who were critical to conducting both surveys.

Mr. Singleton reported that the MAS is administered every two years in grades six, eight, ten and twelve, as mandated by the Maryland General Assembly, to determine the nature, extent, and trends of alcohol, tobacco, and other drug use among adolescents. He said the 2007 survey included approximately 41,000 students and approximately 33,000 responses were received. He noted that the survey is voluntary and that students are able to opt out and that parents can opt their students out from participation as well. He reported that, except for marijuana use in grade twelve, which increased slightly in 2004, the use of alcohol, cigarettes, and marijuana declined or remained the same. He provided data showing the usage rates of each item by grade level and provided prevention efforts to be used to reduce substance abuse.

Mr. Bartels reported that Maryland first participated in the Youth Risk Behavior Survey (YRBS) in 2005 as mandated by the Maryland General Assembly. The survey is administered every two years to students in grades nine, ten, eleven and twelve. He reported

that local school superintendents requested that questions about sexual behavior be omitted from the survey. Mr. Bartels reported that Maryland law requires youth suicide prevention programs in the all Maryland schools. Mr. Bartels stated that the survey showed that, overall, Maryland youth rate their health positively. He reported that there were declines in the percentage of males and white youth reporting having being taught about AIDS or HIV, and that Maryland youth are significantly less likely to report attending physical education classes than are youth nationwide. Mr. Bartels said that the 2007 survey results highlight a reduction in suicidal behavior among Maryland youth and that they are slightly more likely to attempt suicide than are youth nationwide. He reported on youth suicide prevention program initiatives and community and school safety issues. Mr. Bartels said the survey showed a slightly lower rate of bullying and harassment in Maryland schools in 2007 than was reported in 2005. He said that the State will be focusing grant awards to school systems that have higher rates of teen suicides.

In response to a question by Dr. Pizzigati, Mr. Buckler said that omitting the questions relative to sexual activity was supported by members of the Maryland General Assembly as well as parents. He said that including the questions could jeopardize participation in the survey since there are so many stakeholders in favor of the omission.

Dr. Walks said that he would like to discuss the issue of omitting the questions about sexual activity and other areas of concern with members of the Maryland General Assembly, parents and school personnel. In response to a question by Dr. Walks, Mr. Bartels said that there are many groups working on the suicide prevention curriculum and that best practices are being garnered to provide to the schools.

Dr. Grasmick said it would be helpful if Dr. Walks could speak with the Maryland Congress of Parents and Teachers Association at the annual convention.

Board members thanked the presenters for their excellent work and important information.

PROPOSED MODEL ANTI-BULLYING, HARRASMENT, OR INTIMIDATION POLICY

The Superintendent asked Ms. Chafin and Mr. Buckler to remain to present a proposed Model Anti-Bullying, Harassment, or Intimidation Policy and recommended Board adoption of the Policy. She also introduced Dominic Romano, Specialist, School Safety, DoSFSSS, to give a brief overview of the proposed Policy.

Mr. Romano reported that Maryland law requires the State Board to develop a model anti-bullying, harassment, or intimidation policy. He stated that a workgroup was formed which included many stakeholders and that the policy was discussed at a conference where many students provided input. He noted that the workgroup looked at policies adopted by other states prior to drafting the proposed policy.

Upon motion by Mr. Brooks, seconded by Mr. Goodall, and with unanimous agreement, the Board adopted the proposed Model Anti-Bullying, Harassment, or Intimidation Policy. (In Favor – 10; Dr. Duker was not present when vote was taken)

LABELING OF PERSISTENTLY DANGEROUS SCHOOLS

Superintendent Grasmick reminded Board members that they took action last July to identify schools which met the criteria to be identified as “Persistently Dangerous Schools.” She noted that the Board requested a further discussion about the implications of applying this labeling to schools. She asked Ann Chafin and Chuck Buckler to discuss this and other options available to the Board for meeting the requirements of the NCLB regarding school safety.

Ms. Chafin said that prior to a designation being proposed for a school there is always an onsite visit to the school in question. She noted that there is a good possibility that reauthorization of the law will include a drastically different policy regarding this issue.

Dr. Grasmick said that she has discussed this topic with staff at the U.S. Department of Education and that the Department is being given “latitude” in this area. She said, “I don’t want to elevate the school to a headline as persistently dangerous.”

Ms. Walsh suggested that climate surveys in the schools are excellent tools for measuring how safe a school is perceived. In response to a question by Ms. Walsh, Ms. Chafin said that climate surveys, rather than onsite visits, could be used as a basis for designating a school persistently dangerous as long as the surveys are consistent throughout the State.

In response to a question by Mr. Ewing, Dr. Grasmick said that feedback from the federal government is that the language requiring this designation will be eliminated from the law.

MSDE DIVERSITY AND CULTURAL PROFICIENCY INITIATIVES

The Superintendent noted that the Board requested that the Department review its efforts to promote racial and cultural diversity and understanding among its staff. She introduced Richard Pescatore, Director, Office of Human Resources; Woodward Grant, Chief, Equity Assurance and Compliance Branch; and Linda Shevitz, Senior Educational Equity Specialist, and asked them to provide the Board with an overview of current and expanding initiatives focused on developing and enhancing diversity awareness and cultural proficiency in the Department.

Mr. Pescatore reported that vacancy notices are distributed to more than 200 different diverse groups and reported on the various advertising vehicles and job fairs that are conducted to recruit minority individuals. He noted that employees who conduct interviews are trained in advanced interviewing skills and that interview questions are reviewed to comply with Equal

Employment Opportunity guidelines. He discussed the various recommended enhancements to the MSDE's Diversity Plan.

Ms. Shevitz reported that the Department developed a course on multicultural education for employees and provides various brochures dealing with multiculturalism.

Mr. Grant said that the Department is moving toward cultural proficiency and that the Superintendent created an accountability plan for each Division to increase black male achievement.

Ms. Garcia said that she had asked for data on the numbers of culturally diverse employees and their positions in the Department. Dr. Grasmick responded that she had provided Ms. Garcia with diversity data for all local school systems but explained the difficulties in recruiting minorities at the State level since the salary schedule is considerably lower than at the local school system level. She stressed that regardless of the ethnicity of the person employed, the employee needs to be trained to be culturally literate. She noted that often, subsequent to advertising a vacancy, there are no minority applications received. Ms. Garcia asked that the data provided to her by Dr. Grasmick on employee diversity in local schools systems be provided to the Board on a regular basis.

In response to a question by Dr. Pizzigati about how to assist local school systems in recruiting minorities, Mr. Grant said that local school personnel state, "If it is monitored, we do it." Ms. Shevitz said that most school systems are stressing cultural proficiency in all employees.

Mr. Brooks stressed the need to elevate the education profession in order to recruit more culturally diverse teachers.

Mr. Pescatore reported that the supply of employees has not kept pace with the demand at the both MSDE and throughout the State.

In response to a question by Mr. DeGraffenreidt, Mr. Grant said that data shows that new teachers leave the profession after three to five years. He said this is due to the lack of cultural competence, lack of teacher support and a lack of discipline in the schools.

Ms. Walsh noted that many upper positions at the MSDE require a Master's Degree and asked if that deters many applicants. Mr. Pescatore said that there is a waiver clause which allows for the substitution of experience for the advanced degree. Ms. Walsh suggested reviewing the criteria for positions in the Department and Mr. Grant noted that there are difficulties in recruiting employees who meet the minimal qualifications for employment in upper level positions.

The President noted that the Department has gotten beyond the compliance mentality and urged that the Department work to cultivate a reputation that working for the Department provides a very positive work experience. On behalf of the Board, he thanked the presenters.

OPINIONS

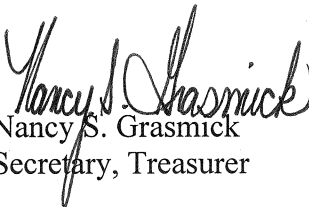
Ms. Kameen announced the following Opinions:

- 09-04 *Susan Gruz v. Baltimore City Board of School Commissioners* – reconsideration (denied)
- 09-05 *Alagiri & Rajalaxmi S. v. Howard County Board of Education* – early entry into kindergarten (affirmed the local board’s decision)
- 09-06 *Linda S. v. Baltimore County Board of Education* – student transfer (affirmed the local board’s decision)
- 09-07 *Patrick McSwain v. Howard County Board of Education* – teacher discipline (vote of 6 to 4 to reverse; reinstate the local board’s decision)

ADJOURNMENT

With no further business before the Board, the meeting adjourned at 4:40 p.m.

Respectfully submitted,


Nancy S. Grasmick
Secretary, Treasurer

NSG/rms

APPROVED: 3/24/09

MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this **24th** day of **February 2009**, at the hour of 1:05 ~~am~~/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Goodale

Seconded by: Broder

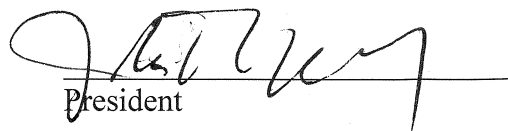
In Favor: 11 Opposed: 0 Member(s) Opposed: _____

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 five draft opinions.
3. Discuss additional material submitted for an appeal under deliberation.
4. Discuss 1 internal Board management item.


President

MARYLAND STATE DEPARTMENT OF EDUCATION
 PERSONNEL APPROVALS FOR THE February 24 - 25, 2009 BOARD MEETING

I. Appointments Grade 19 and above:

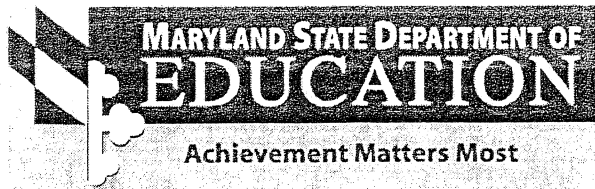
<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
Smeallie, John E.	Deputy State Superintendent for Administration	ES8	Office of the State Superintendent	TBD

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>
Billler, Zachary I.	Vocational Rehabilitation Specialist I	12	Vocational Rehabilitation Services, Disability Determination Services	02/11/2009
Mills, Shawnnett	Vocational Rehabilitation Specialist II	13	Vocational Rehabilitation Services, Workforce and Technology Center	02/25/2009
Travers, Jr., Marion F.	Vocational Rehabilitation Specialist II	13	Vocational Rehabilitation Services, Region IV	02/11/2009
Zedney, April	Vocational Rehabilitation Specialist I	12	Vocational Rehabilitation Services, Disability Determination Services	02/25/2009

III. Other Actions:

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



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street · Baltimore, MD 21201 · 410-767-0100 · 410-333-6442 TTY/TDD

February 24, 2009

BOARD LIST

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

Name: John E. Smeallie
Position: Deputy State Superintendent for Administration,
Office of the State Superintendent
Division: Office of the State Superintendent
Salary Grade: ES8
(Loaned Educator from Baltimore County Public Schools)
Effective Date: TBD

JOB REQUIREMENTS:

Education:

A Master's Degree or 36 hours of post baccalaureate coursework in Education or Education Administration/Supervision.

Experience:

Extensive experience in educational supervision and management in the areas of school administration, school improvement, school performance, program assessment, and teacher development.

JOB DESCRIPTION:

This is a professional position that serves as the Deputy State Superintendent responsible for Coordinating all administrative services for the Department, including Pre-K to adult education programs, the Immediate Office of the State Superintendent, Library Services, and Rehabilitation Services.

Qualifications:

University of Maryland (College Park, Maryland) 1997 – Doctor of Education

Towson University (Towson, Maryland) 1980 – Master of Education

University of North Carolina (Chapel Hill, North Carolina) 1973 – Bachelor of Music Education

Experience:

Maryland State Department of Education (Baltimore, Maryland) on Loan from Baltimore County Public Schools

2008 - Present: Acting Deputy Superintendent for Administration

2003- Present: Assistant State Superintendent for Certification and Accreditation

Baltimore County Public Schools (Towson, Maryland)

2003: Principal, Inverness Alternative Center

1998 – 2003: Director of Personnel

1993 – 1998: Director of Teacher Personnel

1991 – 1993: Principal, Parkville High School

1989 – 1991: Executive Assistant, Division of Administration

1982 – 1989: Assistant Principal, Sparrows Point High School

1973 – 1982: Teacher, Vocal Music (Howard, Oakland Mills and Patapsco High Schools)

EMPLOYMENT STATUS:

Promotion

Revised 2/20/2009

MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE February 24 - 25, 2009 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>
Li, Xiaoyan	Education Program Specialist I, Research Associate	21	Accountability and Assessment	TBD
Miller, Pamela R. (Transfer)	Education Program Specialist I, Infant and Toddlers Quality Assurance	21	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>
None				

III. Other Actions:

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