

# MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Monday  
April 27, 2009

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

The Maryland State Board of Education met in regular session on Monday, April 27, 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; Donna Hill Staton, Esq.; Dr. Ivan Walks; and, Mr. D. Derek Wu. Also present was Dr. Nancy S. Grasmick, Secretary/Treasurer and State Superintendent of Schools. Ms. Kate Walsh was absent.

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

President DeGraffenreidt introduced and welcomed new Board Member Donna Hill Staton, Esq.

## **CONSENT AGENDA**

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

Mr. Ewing asked when the Board can expect a response to his request for a report reflecting the effects of budget cuts to each Division in the Department. Dr. Grasmick reminded Mr. Ewing that following last month's meeting of the Board, she had sent the Board a Division by Division report on priorities and program eliminations and that the Major Budget Alignment Request for 2009 was included with today's consent agenda items.

He also asked when a response to Ms. Walsh's requests made at the March Board meeting relative to the status of students in Maryland meeting high school requirements for graduation would be provided to Board members. Dr. Grasmick said that staff is in the process of gathering this data and that it can be provided at the May Board meeting. She added that the results will not be available until the May Board meeting since local

education agencies (LEAs) have to undertake a vast amount of analyses to provide for this report.

Upon motion by Mr. Brooks, seconded by Mr. Ewing, and with unanimous agreement, the Board approved the following Consent Agenda items:

- Approval of Minutes of March 24, 2009
- Personnel (**copy attached to these minutes**)
- Budget Adjustments for March, 2009
- Permission to Public:
  - COMAR 13A.08.01.11 (Repeal and New)  
Disciplinary Action
  - COMAR 13A.05.01 (Amend)  
Provision of a Free Appropriate Public Education
  - COMAR 13A.05.02 (Amend)  
Administration of Services for Students with Disabilities
  - COMAR 13A.08.03 (Amend)  
Discipline of Students with Disabilities
  - COMAR 13A.08.04 (Amend)  
Student Behavior Interventions
  - COMAR 13A.13.01 (Amend)  
Maryland Infants and Toddlers

### **REQUEST FROM A LOCAL SCHOOL SYSTEM FOR A CALENDAR MODIFICATION**

Dr. Grasmick reported that the Superintendent of the Charles County Public Schools has requested permission to amend the school year calendar by eliminating the last day of the school year which falls on a Monday, June 15, 2009. She reported that under the Code of Maryland Regulations, the State Board is permitted to waive the final day needed to complete the required 180-day schedule for school systems if that day falls on a Monday. She recommended that the Board approve the request made by the Charles County Public Schools and requested that the Board grant her authorization to approve any similar requests that are submitted by other local school systems for this school year.

Upon motion by Mr. Ewing, seconded by Dr. Finan, and with unanimous agreement, the Board approved the Superintendent's two recommended actions. (In Favor – 11)

## LEGISLATIVE UPDATE

The Superintendent introduced Renee Spence, Executive Director, Governmental Relations, and Steve Brooks, Assistant State Superintendent, Division of Business Services, to provide the Board with a summary of the actions of the 2009 Maryland General Assembly relative to legislation and state funding.

Ms. Spence reported that during the 2009 legislative session, more than 2500 bills were introduced of which more than 375 were education related and tracked by Department staff. She noted that much of the activities of this legislative session were budget related. She acknowledged the excellent leadership of Dr. Grasmick who successfully lobbied to save seventeen Departmental employee positions which were slated to be eliminated.

Ms. Spence reported on the following bills which were approved by the General Assembly and which have a direct impact on the Department and local school systems:

- HB 20 Intellectual Disability (Rosa's Law) – which changes the language referencing mental retardation to an intellectual disability.
- HB 184 – Maryland's Preschool for All Business Plan – which requires the Department to submit a Preschool for All Business Plan to the Governor and General Assembly
- HB 587-Teacher Identification Number and HB 588 Numbering System-which facilitate more data collection on teachers and courses
- HB 623 – Biannual Financial Status Report Requirement – repealed the requirement that a local superintendent or chief executive officer of a local school system file a biannual report on the financial status of the system
- HB 792/SB 569– Collective Bargaining – Topics of Negotiation – which includes the discipline and discharge of an employee for just cause and employee transfers and assignments among the matters about which a public school employer must meet and negotiate with a specified employee organization on request
- SB 235 – MDK12 Digital Library – established the MDK12 Digital Library in the Department
- SB 500 – Prince George's County – Board of Education – Financial Literacy Curriculum Content – requiring the Prince George's County Board of Education to develop curriculum content for a pilot program on financial literacy as an elective course
- SB 689 – Study Group on Expanding Enrollment Options for High School Students – requiring the establishment of this Study Group
- SB 879/HB 1264 – Gwendolyn Britt Student Health and Fitness Act – requiring each school system to develop and implement an annual physical fitness measurement program
- SB 762 – Workforce Development and Adult Learning – Administration – providing personnel who transfer from a county school system or the public

library system to the Department of Labor, Licensing and Regulation (DLLR) be given service credit for time served with the county or public library and authorizing the Secretary of DLLR to waive resident and withdrawal requirements relating to the high school diploma by examination under specified circumstances

- HB 1396 – Higher Education – Student Financial Assistance – Dually Enrolled Students – expanding eligibility in the Part-Time Grant Program to include specified students who are dually enrolled in specified secondary schools in the State and specified institutions of higher education

Mr. Steve Brooks provided the Board with a synopsis of the Major FY 2010 Budget Adjustments which highlights changes to the FY 2010 budget as a result of actions of the 2009 General Assembly. He reported that the legislature fully funded the Geographic Cost of Education Index (GCEI), the teachers' retirement program and the Bridge to Excellence Program. He provided a synopsis of changes to the Department's Headquarters Budget with a total reduction of \$13,002,454 and the Aid to Education Budget with a total budget increase of \$251,245,702.

Dr. Grasmick noted that the reduction of \$2,874,579 under Statewide Contractual Services will reduce the Department's ability to achieve its mandated goals. She said that she plans to make a request to the US Department of Education to enable the Department to use special education funding to accomplish its goals in the assessment area. Mr. DeGraffenreidt said that it is wise to proceed in a forthright manner to ensure a clear federal audit of the Department's finances.

In response to a question by Dr. Pizzigati, Mr. Brooks said that the reduction of \$1.2 million from the Head Start Program reflects funding for the summer programs.

In response to a question by Dr. Dukes about how the Department will proceed in two years when the federal stimulus money will no longer be forthcoming, Ms. Spence explained that the Department received no direct federal stimulus money.

Mr. Ewing recommended that the Department join with other state departments of education to create a joint request to state legislators and governors for increased funding of the State agencies. Dr. Grasmick said that the Council of Chief State School Officers (CCSSO) has discussed this and said "it is a challenge for all departments of education to do more with less."

In response to a question by Dr. Walks, Ms. Spence said that the fitness bill stipulates that local education agencies "may" implement a wellness policy. She said that all school systems currently have a wellness policy but that this bill increases awareness in the public schools about this issue.

President DeGraffenreidt said that when he is in Annapolis and has the opportunity to meet State legislators, he has asked them if they understand the “pass through” of dollars flowing through the Department to local school systems. He said that, unless a legislator serves on one of the education committees, they aren’t fully aware of the budget procedures and urged that this information be provided to Maryland legislators so they can make informed decisions about education budget issues.

### **STATE SUPERINTENDENT’S UPDATE**

Dr. Grasmick reported that she met with Dr. Andreas Schleicher, head of the Indicators and Analysis Division, PISA, Organization for Economic Co-Operation and Development, to discuss a Maryland specific international benchmarking project. She said that he is very interested in this project and that he can work with the Department to provide a large enough sample to compare Maryland’s student response with responses from other countries. She noted that he encouraged her to work with other states that might be interested in collaborating. Dr. Grasmick noted that there may be funding available through the “race to the top” grant.

The Superintendent reported that she will be meeting with staff at the U.S. Department of Education to discuss national standards. She said that these standards would provide consistency throughout the country and that the Board will need to indicate whether or not it is interested in participating in this national effort. She reported that there is approximately \$5 billion available for this effort and that several states can collaborate on a joint project but that the application submission must be made by each state individually. She enumerated the following principles to be measured in the application:

1. creation of standards and assessments including international benchmarks
2. provision of highly qualified teachers
3. elimination of chronically low performing schools
4. creation of a longitudinal data system

Dr. Grasmick reported that there is a \$6.5 million grant available for this venture and reminded the Board that the 2009 Maryland General Assembly enacted legislation creating a comprehensive data system for pre-K through college.

Regarding principle #3, the Superintendent reported that, through a competitive grant, Department staff are working with leaders in Kent County and Baltimore City to meet this criterion.

Dr. Grasmick said that in order to be competitive, states must meet all four criteria. She said that the Department will pursue partners who can draft a request for proposal (RFP) to provide technical assistance. Dr. Grasmick reported that she is considering inviting Dr.

Uri Treisman, the individual who invented “U Teach,” to work on math standards. She said that Maryland is in the best position in the nation to disaggregate the results of analyses in math. She noted that she would like to invite representatives of ACHIEVE, Inc., to present to the Board in May on this topic.

The Superintendent reported that the University of Maryland recently put out an imperative that colleges provide more STEM (Science, Technology, Engineering and Mathematics) teachers. Dr. Grasmick noted that the Department does not currently provide an integrated certification for STEM teachers.

President DeGraffenreidt said that there is an uneven level of understanding among Board members about testing and urged that the Board be provided more information so that it can make informed decisions about assessments.

In response to a question by Mr. Brooks, Dr. Grasmick said that the longitudinal data system mandated by the General Assembly will have to be embedded in the “race to the top” funding due to the high cost of such an endeavor. She reported that she is working with leaders in higher education to make the transition from public schools to higher education more seamless.

In response to a question by Ms. Staton, Dr. Grasmick explained that the “race to the top” funding, collectively \$5 billion, is a term describing competitive targeted education grants that will be awarded under the America Recovery and Reinvestment Act.

Upon motion by Mr. Ewing, seconded by Mr. Brooks, and with unanimous agreement, the Board authorized the Superintendent to complete a “race to the top” application. (In Favor – 11)

Dr. Grasmick said that the application must reflect a commitment by all stakeholders, including local education agencies and the public sector, to Maryland’s public education.

In response to a question by Ms. Garcia, Dr. Grasmick said that the PISA test would provide equity and a representative sampling for English Language Learners (ELL) and other minority students but that there are no accommodations for special education students which, by law, is prohibited.

### **HEARINGS ON MAINTENANCE OF EFFORT WAIVER REQUESTS**

President DeGraffenreidt explained the procedures to be followed in the hearing process. He then introduced Elliott Schoen, Esq. and Laurie McGuire, Esq. from the Maryland Attorney General’s Office who are assisting the Board in its deliberations of the MOE Waiver Requests.

## **Prince George's County Maintenance of Effort Waiver Request Hearing**

The Board heard testimony from the following individuals:

Mr. Jack Johnson, Prince George's County Executive  
Dr. William Hite, Superintendent, Prince George's County Public Schools  
Mr. Mike McLaughlin, Chair, Special Education Advisory Citizens  
Advisory Council of Prince George's County

## **Montgomery County Maintenance of Effort Waiver Request Hearing**

The Board heard testimony from the following individuals:

Mr. Isaiah Leggett, Montgomery County Executive  
Ms. Shirley Brandman, President, Montgomery County Board of  
Education

### **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. Dukes, seconded by Dr. Pizzigati, and with unanimous agreement, the Maryland State Board of Education met in closed session on Monday, April 27, 2009, in Conference Room 1, 8<sup>th</sup> Floor, at the Nancy S. Grasmick State Education Building. All board members were present except Kate Walsh. In attendance were Dr. Nancy 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, Elliott Schoen, and Lauri McGuire were also present. The Executive Session commenced at 12:00 p.m. (In favor – 11)

The State Board approved five decisions for publication.

- *Resalee C. v. Harford County Board of Education* - request to move bus stop 09-14
- *Robert M. v. Calvert County Board of Education* - student transfer 09-15
- *Sandra O. v. Montgomery County Board of Education* - student transfer 09-16
- *Leona V. v. Harford County Board of Education* - student transfer 09-17
- *Timothy & Michelle W. v. Howard County Board of Education* - residency/transfer 09-18

The Board considered the request from a student to waive the requirement that the student member of the State Board be a public school student. The Board declined to consider the request for waiver.

The Executive Session ended at 12:15 p.m.

## **RECONVENE**

The meeting reconvened at 1:00 p.m.

## **HEARINGS ON MAINTENANCE OF EFFORT WAIVER REQUESTS (cont'd)**

### **Wicomico County Maintenance of Effort Waiver Request Hearing**

The Board heard testimony from the following individuals:

Ms. Patricia Peterson, Director of Department of Finance, Wicomico County

Dr. John Fredericksen, Superintendent, Wicomico County Public Schools

## **OPINIONS**

Ms. Kameen announced the following Opinions:

- 09-14 *Resalee C. v. Harford County Board of Education* – change bus stop (affirmed the local board's decision)
- 09-15 *Robert M. v. Montgomery County Board of Education* – student transfer (affirmed the local board's decision)
- 09-16 *Sandra O. v. Montgomery County Board of Education* – student transfer (affirmed the local board's decision)
- 09-17 *Leona V. v. Harford County Board of Education* – student transfer (affirmed the local board's decision)
- 09-18 *Timothy & Michelle W. v. Howard County Board of Education* – student transfer (affirmed the local board's decision)

## **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. Dukes, seconded by Ms. Garcia, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, April 28, 2009, in Conference Room 1, 8<sup>th</sup> Floor, at the Nancy S. Grasmick Building. All board members were present except Kate Walsh. In attendance were Dr. Nancy Grasmick, State Superintendent of Schools; 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, Elliott Schoen, and Lauri McGuire were also present. The Executive Session commenced at 2:00 p.m. (In favor – 11)




The Board considered and deliberated the following MOE Waiver Requests. Decisions will be issued by May 15, 2009, as required by law.

- Montgomery County
- Prince George's County
- Wicomico County

The Executive Session ended at 4:30 p.m.

Respectfully submitted,

  
Nancy S. Grasmick  
Secretary, Treasurer

NSG/rms

**APPROVED:** *June 2, 2009*

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this 27th day of April 2009, at the hour of 11:30 am/~~pm~~, the Members of the State Board of Education met as follows to meet in closed session:

Motion made by: Dr. Dukes

Seconded by: Dr. Pizzigatti

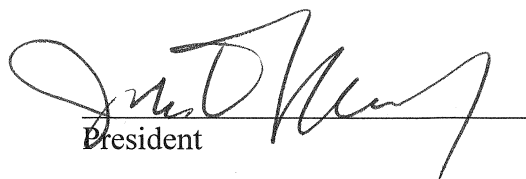
In Favor: All Opposed: 0 Member(s) Opposed: \_\_\_\_\_

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. Review five draft opinions.

  
President

**MARYLAND STATE BOARD OF EDUCATION**  
**CLOSED SESSION**

On this 27<sup>th</sup> day of **April 2009**, at the hour of 1:50 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Dr. Dade

Seconded by: Ms. Garcia

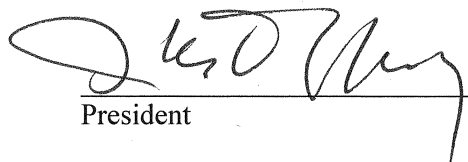
In Favor: All Opposed: 0 - Member(s) Opposed: \_\_\_\_\_

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:

To deliberate the Maintenance of Effort Waiver Requests heard today.

  
\_\_\_\_\_  
President

MARYLAND STATE DEPARTMENT OF EDUCATION  
 PERSONNEL APPROVALS FOR THE April 28, 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>
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None

II. Appointments Grade 18 and below:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
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Knable, Robert S.

Teacher, Occupational – Auto Body  
 Mechanics

IEPP

Career Technology and Adult Learning,  
 Correctional Education Program

03/25/2009

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

MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR THE April 28, 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>
None				

II. Appointments Grade 18 and below:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
Knable, Robert S.	Teacher, Occupational – Auto Body Mechanics	IEPP	Career Technology and Adult Learning, Correctional Education Program	03/25/2009

III. Other Actions:

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