

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday
March 27, 2012

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

The Maryland State Board of Education met in regular session on Tuesday, March 27, 2012 at 8:00 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Mr. James H. DeGraffenreidt, Jr., President; Dr. Charlene M. Dukes, Vice President; Dr. Mary Kay Finan; Dr. James Gates, Jr.; Ms. Nina Marks; Ms. Luisa Montero-Diaz; Mr. Sayed Naved; Mrs. Madhu Sidhu; Mr. Guffrie M. Smith, Jr.; Donna Hill Staton, Esq.; Dr. Ivan Walks; Ms. Kate Walsh and Dr. Bernard Sadusky, Interim Secretary/Treasurer and State Superintendent of Schools.

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

CONSENT AGENDA

Dr. Sadusky recommended State Board approval of the Consent Agenda.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Dukes, and with unanimous agreement, the Board approved the consent agenda as follows: (In Favor – 9; Mr. Naved, Dr. Walks and Ms. Walsh had not yet arrived)

- Approval of Minutes of February 13, 2012
- Approval of Minutes of February 28, 2012
- Personnel (copy attached to these minutes)
- Budget Adjustments for February, 2012

RACE TO THE TOP (RTTT) UPDATE

Superintendent Sadusky introduced Dr. Jim Foran, Assistant State Superintendent, Division of Academic Reform and Innovation, to provide the Board with an update on the Race To The Top (RTTT) initiative.

Dr. Foran reported on an onsite visit by the U.S. Department of Education (USDE) describing it as “very intense” and said “it went very well.” He said that staff did an outstanding job and that the USDE representatives also visited Baltimore City Public Schools, Prince George’s County Public Schools and St. Mary’s County Public Schools. Dr. Foran noted that MSDE will receive a

progress report and that MSDE staff will be attending a “take stock” meeting in Washington, DC to review the grant implementation. He reported that staff is preparing a guidance document on expectations for teacher and principal evaluations which is expected to be distributed on April 15th.

RTTT FOCUS AREA: PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS (PARCC)

Dr. Sadusky invited Mary Cary, Assistant State Superintendent, Division of Instruction, and Dr. Carolyn Wood, Assistant State Superintendent, Division of Accountability and Assessment, to provide an update on the creation and implementation of PARCC assessments. He said that the Board will be asked to take action on several policy items related to PARCC at its next meeting.

Dr. Wood reported that the assessments will include summative and formative tools and will be conducted at the end of courses. She said that details and decisions have yet to be made on the PARCC assessments but that paper and pencil and computer enhanced assessments will be conducted. She reported that work on the assessment items is just beginning with full implementation set for the 2014-2015 school year. Dr. Wood said that the item development process is being contracted out and will begin this spring. She noted that adequate professional development will be provided to teachers and that by the spring of 2013 some items will be piloted in the PARCC states. Dr. Wood reported that standards will be set in the summer of 2015.

In response to a question by Ms. Staton about the Universal Design for Learning (UDL), Ms. Cary said that PARCC made it very clear in the Request for Proposals (RFPs) that UDL will be used and that the curriculum development will be using UDL as well.

In response to a question by Dr. Gates about the effectiveness of standards in math, Dr. Sadusky said he will provide Dr. Gates with the names of the higher education partners working on the standards in math. Mr. DeGraffenreidt noted that PARCC needs to set the bar on what is “college and career ready.” Dr. Sadusky said that the standards and assessments will provide the tools but that the local education agencies (LEAs) need to determine the needed interventions when students are not achieving success.

Ms. Cary reported that educator effectiveness cadres will help school systems make the transition to PARCC and there will be online professional development modules as well.

Dr. Dukes suggested that PARCC create a “Q and A” on their website to provide information to school personnel. Dr. Woods said she would provide the Board with more information about communications that PARCC plans to provide.

In response to a concern expressed by Dr. Dukes about the omission of career ready in PARCC’s communications, Ms. Cary said that students need to be “workforce and post-secondary ready.”

In response to a concern expressed by Dr. Walks, Ms. Cary said that the PARCC assessments will allow educators to determine what specific gifts and needs a student has.

Ms. Sidhu stated the importance of rigor in the testing arena and Dr. Woods stressed the need for professional development for teachers. She noted that there is a survey being conducted to find out what schools need in the way of technology.

In response to a suggestion by Ms. Staton to combine college preparation tests with PARCC, Dr. Woods said that PARCC will be discussing this at its next meeting.

ONLINE LEARNING AND MARYLAND PUBLIC EDUCATION

The Superintendent introduced Valerie Emrich, newly-appointed Director of Instructional Technology and School Library Media, to lay out a vision for online learning and the role of the Department in turning that vision into reality.

Ms. Emrich reported that Maryland has not moved forward as aggressively as other states in online learning. She said that there is a distinction between a virtual school and online opportunities and that there is no plan for a state virtual school in Maryland. She said that MSDE will be extending existing programs in Maryland and that the Department will set guidelines for courses. She noted the need for a statewide evaluation tool and courses for facilitators.

Ms. Cary said, "We need a coherent departmental approach."

Ms. Emrich said that they are preparing modifications of the library media centers to make libraries the "hub of the school." She said she welcomes Board input and will come back to a future Board meeting to discuss what modifications have been made.

In response to a question by Ms. Walsh about a virtual school in Maryland, Ms. Cary noted the significant cost of such an endeavor, citing an example in Florida. Ms. Walsh asked that the Board discuss the obstacles of creating a virtual school at a future Board meeting.

Ms. Diaz suggested the use of media specialists to provide educational programs for suspended students.

Ms. Emrich said that it is important to include all stakeholders in this process. She noted the possibility of master teachers providing online courses.

MSDE WEBSITE UPDATE

Dr. Sadusky explained that, as a result of suggestions gleaned from Board members at its retreat in October, improvements have been made to the MSDE website with the assistance of personnel from the Prince Georges' County Community College and the University of Maryland Baltimore County. He introduced Bill Reinhard, Media Relations Specialist; Mary Gable, Assistant State Superintendent, Division of Academic Policy; and Beth Perlman, Interim Chief, Office of Information Technology, to provide an update on the improvements made to the website.

Mr. Reinhard gave a brief history of the Department's website and introduced the website manager, Joshua Walley.

Ms. Perlman said, "The website is a huge filing system but not a resource to find answers." She said the staff working on the website need to make sure that content has expiration dates and is properly prioritized. She noted the need to engage parents and students to find out what they want in a website. She said, "websites evolve."

In response to a question by Ms. Walsh, Ms. Perlman said her staff looked at many other state websites and have "stolen" some of the best ideas.

In response to a question by Ms. Staton, Ms. Perlman said they are using a service to provide streaming.

In response to a question by Dr. Gates, Ms. Perlman said that there is an LEA Chief Information Officers Group that liaisons with outside stakeholders.

COMAR 13A.07.04-1 EVALUATION OF TEACHERS AND PRINCIPALS **(PERMISSION TO PUBLISH)**

The Superintendent asked Dale Templeton, Assistant Executive Director for Affiliate Services, Maryland State Education Association (MSEA), to accompany him to the dais to answer any questions of the Board regarding the publication of COMAR 13A.07.04-1 Evaluation of Teachers and Principals.

Dr. Sadusky explained that the Education Reform Act of 2010 calls for the State Board to adopt regulations to establish standards for performance evaluations for teacher and principals which include model performance evaluation criteria. He also noted that these regulations would meet the requirements of the Elementary and Secondary Education Act (ESEA) Flexibility Request. The Superintendent noted that Sections .02, Local Education Agency Evaluation System and .03, Model State Performance Evaluation Criteria, address the twenty-two school districts that signed onto the RTTT application and the two that did not. He noted that local school superintendents have expressed their desire not to use the state model fully but will use specific parts of the model. He noted there are two measures for evaluating teachers – qualitative and quantitative and said, "This is a grand experiment in this country." Dr. Sadusky noted that the model is based on providing teachers with professional development to become better teachers.

In response to a question by the President about the use of the language "performance of teachers and principals", Dr. Sadusky said that the Council's working on the evaluation system ensured that instruments measure the teacher's effectiveness on student learning.

Ms. Walsh stressed the need for three years of data to achieve a relatively stable score as well as at least four teacher observations and highly trained evaluators.

Dr. Sadusky told Board members that they will be given a model in the next sixty days and assured them that, "we are not compromising what RTTT requires."

Upon motion by Mr. DeGraffenreidt, seconded by Ms. Diaz, and with unanimous agreement, the Board granted permission to publish the regulatory proposal. (In Favor – 11; Ms. Marks was absent)

COMAR 13A.03.06 UNIVERSAL DESIGN FOR LEARNING (UDL) (PERMISSION TO PUBLISH)

The Superintendent invited Mary Cary to introduce this item and said, “We need to send the message that UDL is for all students. This regulation opens up opportunities for all students.” He recognized participants on the Advisory Task Force and noted that Ms. Staton is a champion of UDL. Dr. Sadusky reported that the curriculum and PARCC assessments are being designed with UDL concepts.

Ms. Staton said that there are still concerns around certification procedures and the assurance that UDL is being implemented. Ms. Cary said, “We haven’t approached the certification front yet. It has to happen over time. There are many initiatives to come.”

Ms. Staton said, “I want to hear that accountability is continuing” and Ms. Cary said, “I am committed to that.” Ms. Staton suggested that an Advisory Committee be appointed to meet her concerns.

Ms. Cary reported that the UDL principles are on the website for all learners and teachers to view.

In response to a question by Ms. Diaz about when this will be used in the classrooms, Ms. Cary said that there are teachers using these principles now and the statewide curricula will include these concepts.

Upon motion by Mr. DeGraffenreidt, seconded by Mr. Smith, and with unanimous agreement, the Board granted permission to publish COMAR 13A.03.06 Universal Design for Learning. (In Favor – 11; Ms. Marks was absent)

**PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD (PSTEB)
PROPOSED REGULATORY ACTION**

Dr. Sadusky introduced Jean Satterfield, Assistant State Superintendent, Division of Certification and Accreditation, to present amendments to COMAR 13A.12.01 General Provisions, as proposed by the PSTEB.

Ms. Satterfield reported that the PSTEB is requesting a Joint Conference Committee to discuss its differences with the State Board. She gave a brief overview of the recommendations.

The President expressed concern that PSTEB’s proposed amendments are not consistent with language in Maryland’s RTTT submission pertaining to the restructuring of the credentialing

system. In response to his question to Ms. Kameen, she stated that a conference committee could work through these issues.

Upon motion by Dr. Dukes, seconded by Mr. Smith, the Board voted to participate in a joint conference committee with PSTEB to address its concerns. (In Favor – 9; Opposed - Mr. DeGraffenreidt and Ms. Walsh; Ms. Marks was absent).

It was then agreed that Ms. Walsh, Dr. Dukes, Mr. Smith and Mr. DeGraffenreidt will represent the Board on the joint conference committee.

STATE LEGISLATIVE UPDATE

Dr. Sadusky invited Rene Spence, Executive Director, Government Relations, and Steve Brooks, Deputy State Superintendent for Finance, to provide updates on legislative proposals and the State education budget.

Mr. Brooks noted the incredible amount of work being done on two bills: Maintenance of Effort (MOE) and the transfer of pension costs from the State to the counties. He said that the MOE legislation will make it mandatory for county governments to meet MOE and provide two new waivers provisions. He explained the waiver requirements and noted that they allow tax increases in counties that currently have tax caps. He reported that the pension shift legislation will be addressed by a conference committee and agreed to send Board members additional information on these two important pieces of legislation.

In response to a question by Ms. Walsh, Mr. Brooks explained how the State will save money and how county budgets will be mitigated by tax relief provisions.

Ms. Spence discussed the following education related legislation:

- Compulsory Age legislation – She reported that the Senate passed a bill changing the compulsory age of attendance to age seventeen with a waiver provision that can be approved by local superintendents of schools. She said that the House is working on this issue at this time.
- Virtual Learning – Ms. Spence reported that the House and Senate combined their bills into one piece of legislation which includes a provision that the State can delegate course approval to local education agencies and charge processing fees. She noted that this legislation passed in the Senate and has had no action in the House at this time and that there will be a statewide advisory council appointed to look at this issue.
- Universal Pre-K and Pre-K for all – Ms. Spence reported that these bills have not moved forward and are contingent upon the enactment of a gaming bill to fund this legislation.
- Financial Literacy – She reported that this bill will go to committee for further study.
- Charter School – Ms. Spence said that the two charter school bills were combined and assigned to a Task Force Study Group to look at multiple authorizers and report back to the General Assembly by October 20, 2013.
- Talbot County Athletics – She said that this bill was amended in the Senate and that no action has taken place in the House.

- Social Studies – Ms. Spence said that two bills passed both chambers but they are different and call for reinstatement of the high school government test contingent upon state funding in the 2013 budget.
- Criminal Background Checks on Child Care Provided by Family Members – She said that this bill was received unfavorably since it is dependent upon federal dollars.
- Continuation of Student Support Services in Title I Schools – Ms. Spence said that this legislation conflicts with the ESEA Waiver Application submitted by the Department and that it is currently being discussed in the Senate. She reported that while it is not heavily sponsored, it is heavily lobbied and has a fiscal note of approximately \$26 million.

SUPERINTENDENT’S REPORT

Dr. Sadusky reported on the following items:

- The Interim Superintendent reported that Towson University has agreed to provide a “You Teach” program to its students.
- He reported that the Maryland Longitudinal Data System (MLDS) is now operational and is funded by the RTTT grant. He said that the Governor has guaranteed funding for long term sustainability.
- Dr. Sadusky asked Board members for approval of a school year calendar modification for Cecil County Public Schools. Upon motion by Mr. DeGraffenreidt, seconded by Dr. Finan, the Board approved the request. (In Favor – 10; Ms. Walsh opposed; Ms. Marks was absent)

PUBLIC COMMENT

Mr. DeGraffenreidt explained procedures by which the Board receives public comment. The following persons presented comments:

- Robert Cullison – discipline report
- Dana Falls – discipline report
- Emerald Mitchell – physical education programs
- Jewel Leonard – physical education programs

OPINIONS

Ms. Kameen explained that, due to the fact that the Board would not be reconvening in public following the Board’s Executive Session, the legal opinions would be released in electronic version following today’s meeting.

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. Walks, seconded by Dr. Dukes, and with unanimous agreement, the Board met in closed session on Tuesday, March 27, 2012, in Conference Room 1, 8th floor of the Nancy S. Grasmick State Education Building. All board members were present. In attendance were Dr. Bernard Sadusky, Interim State Superintendent; Dr. John Smeallie, Deputy State Superintendent for Administration; Steve Brooks, Deputy State Superintendent for Finance; and Tony South, Executive Director to the State Board. Assistant Attorneys General, Elizabeth M. Kameen and Jackie LaFiandra were also present. The Executive Session commenced at 11:30 a.m. (In favor – 11)

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

- *Talbot County Lacrosse Players Suspension Cases*

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

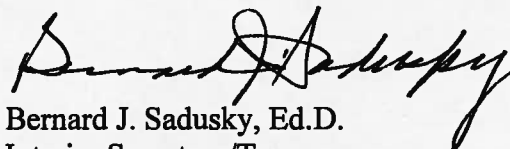
- *George and Sharon K. v. Montgomery County Board of Education* – denial of admission to highly gifted center – Opinion No. 12-09
- *James and Joanie Herron, et al. v. Harford County Board of Education* – bus stop – Opinion No. 12-10
- *Dawn and Michael H. v. Anne Arundel County Board of Education* – early admission to kindergarten – Opinion No. 12-11
- *JTE's Inc.'s Waiver Request – COMAR 13A.06.07.11* – transportation – Order No. OR12-06

The Board discussed the timing of the decision in the Anne Arundel County MOE appeal and received legal advice in the applicability of the MOE law changes currently pending in the General Assembly.

The Board considered appointments to the 2012 Candidate Review Committee for the Baltimore City Board of School Commissioners.

The meeting ended at 12:20 p.m.

Respectfully submitted,



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

Approved: *4/24/12*

**MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE March 27-28, 2012 BOARD MEETING**

I. Appointments Grade 19 and above:

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

II. Appointments Grade 18 and below:

<u>NAME</u>	<u>POSITION</u>	<u>SALARY</u> <u>GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF</u> <u>APPOINTMENT</u>
Carter, Shardae	Vocational Rehabilitation Specialist II	13	Rehabilitation Services, Region V	02/22/2012
Diggs, Gloria	Vocational Rehabilitation Specialist I	12	Rehabilitation Services, Region V	02/22/2012
Harrison, Sara	Vocational Rehabilitation Specialist II	13	Rehabilitation Services, Region V	02/22/2012
Sadberry, Kim A.	Teacher, Academic (Reading)	IEPP	Career and College Readiness, Juvenile Services Education Program Charles H. Hickey Jr. Center	03/21/2012
Vogel, Mary Anne	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program J. DeWeese Carter Center	02/22/2012
Wesley, Andrea	Vocational Rehabilitation Specialist II	13	Rehabilitation Services, Region V	02/22/2012

III. Other Actions:

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

MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this 27th day of March 2012, at the hour of 11:25 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Dr. Walsh

Seconded by: Dr. D...

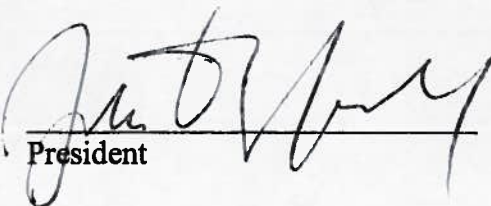
In Favor: 4/11 Opposed: _____ Member(s) Opposed: _____

The meeting was closed under authority of §10-503 (a) (1) (I) and §10-508 (a) of the State Government Article of the Annotated Code of Maryland for the following reason(s): (check all which apply)

- (1) To discuss: (I) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals.
- (2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- (5) To consider the investment of public funds.
- (6) To consider the marketing of public securities.
- (7) To consult with counsel to obtain legal advice.
- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (I) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.
- (11) To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

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

1. Discuss 4 legal appeals.
2. Review 1 draft orders.
3. Review 1 draft opinion.
4. Discuss 1 internal Board management matter.



President