

MARYLAND STATE BOARD OF EDUCATION
200 West Baltimore Street
Baltimore, MD 21201

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

July 11, 2019
Minutes

The 437th meeting of the Professional Standards and Teacher Education Board [PSTEB] was held at the Maryland Department of Education [MSDE], 200 West Baltimore Street, Baltimore, Maryland 21201 on July 11, 2019. Mr. Christopher W. Lloyd called the meeting to order at 9:39 a.m.

The following members were in attendance: Dr. C. Mae Alfree, Ms. Jennifer Berkley, Ms. Linda Chinnia, Dr. Deborah Gartland, Mr. Charles Hagan, Mr. Christopher W. Lloyd, Ms. Kelli Midgley, Ms. Debra Poese, Ms. Karen Saar, Ms. Sandra Skordalos, Ms. Sarah Spross, Dr. Winona Taylor and Ms. Geralda V. Thompson.

The following members were absent: Mr. Peter Baily, Mr. Darren R. Hornbeck, Ms. Maleeta Kitchen, Dr. John L. Mayo, Dr. Kristine E. McGee and Dr. Kindel Nash.

The following Maryland State Department of Education staff were present: Dr. Hsin-Yuan Chen, Ms. Kelly Meadows, Derek Simmons, Esq., Attorney General's Office, and Ms. Karen J. Gardner [Recorder].

PRELIMINARY ITEMS

Recognition of Guests

Lorraine Brown, Baltimore City Community College (BCCC)
Mary Pat Fannon, Public School Superintendents' Association of Maryland (PSSAM)
Jennifer Frank, Maryland Independent College and University Association (MICUA)
Deborah Kraft, Stevenson University
Dewayne Morgan, University of Maryland System (USM)
David Nicholson, Stevenson University
Gary Thrift, Notre Dame of MD University

Public Comment [Attachment I]

Linda Gronberg-Quinn, Maryland Association of Departments of Teacher Education Community Colleges (MADTECC) - written testimony provided
John F. O'Flahavan, University of Maryland College Park (UMCP) - written testimony provided
Tina Bjarekull, MCAA - written testimony provided
Nancy Shapiro, USM – written testimony provided
Barbara Marinak, Mount St. Mary's University (MSMU) - written testimony provided
Laurie Mullen, Towson University - written testimony provided
Joshua Smith, Loyola University Maryland – written testimony provided

Announcements

None

State Board Update [Attachment II]

Ms. Sarah Spross read highlights from the summary provided.

Mr. Christopher W. Lloyd opened the floor for any questions regarding the summary presented:

Ms. Kelli Midgley: “I just want to express a little concern that even though we have had extensive discussions about all of these regulations throughout, our minutes for these meeting have not been published since February and those minutes are brief and until this last one, don’t really contain a full understanding of the concerns that have been expressed at this Board. It was good to hear from our colleagues in Higher Education echoing many of the things that have been raised at this Board and have not been fully recorded in our meetings and provided for the State Board of Education (SBOE) to hear, and so the very brief summary that you gave them I don’t feel adequately expressed the depth and breadth of concerns that have been expressed in this Board. We have a lot of things that are still unaddressed and when we saw these final regulations come out there were added sections that we haven’t seen yet and so I just want to make sure that we are really communicating with our sister Board and I don’t know what the answer to that is, I hope that we can bring that up. I did not feel that we were adequately representing all of the concerns that were raised in this Board and to dismiss our comments as wordsmithing was frustrating. I’ll be honest with you, it was difficult to watch.”

Mr. Christopher W. Lloyd responded to Kelli Midgley’s concerns.

Ms. Debra Poese presented a question: Is this a good time to ask for an update on the proposal you had a few months ago about a subcommittee of our Board meeting with a subcommittee of the SBOE?

Mr. Christopher W. Lloyd responded: I had conversations with the current President of the Board, and I anticipate that part of the conversation that we need to have related to this is also part of the conversation related to the Advisory Committee that Dr. Salmon has started because what I’m trying to do is provide a sense of arrows pointing in the same direction for clarity so that we do not have three or four different groups having separate conversations, even though some groups may diverge on philosophy or options, that’s understandable and that’s part and partial to where we are. I wanted to ask you, Sarah, who are the members of that Advisory Group, by institution.

Ms. Sarah Spross responded, from memory: Representatives are as follows. Two from MICUA, two from University of Maryland, two from the Superintendent’s Association, two from the local school system human resources community, or “MASPA”, two from the Certification Authorized Partner community, one representative from a Historic Black College and University, one from the Alternative Preparation Community, one from the Community Colleges.

Mr. Christopher W. Lloyd: “What is the charge of that group that Dr. Salmon has established?”

Ms. Sarah Spross responded: Implementation of policy based on regulation. How do we move forward with policy decisions that pertain to regulatory requirements?

ACTION ITEMS

Approval of June Minutes

MOTION: Movement: Ms. Debra Poese and a Second: Dr. Deborah Gartland
To amend and include the addition that was suggested by Ms. Kelli Midgley for June 6, 2019 minutes with some corrections contingent upon what is in the recording: Teacher Licensure Section, Question 4 regarding Professional Development Plans. Mr. Hornbeck made a comment that is not addressed in the minutes regarding the whether administrators were consulted when drafting the regulation .The June 6, 2019 minutes have been adopted.

Approval of Proposed Agenda Items for August 1, 2019

- Approval of the minutes
- The State Board Update
- Regulations [as appropriate]

Mr. Christopher W. Lloyd entertained a motion to adopt the items on the August agenda.

MOTION: Ms. Linda Chinnia and a Second: Ms. Maleeta Kitchen

COMAR 13A.07.06 Programs for Professionally Certificated Personnel [Attachment III]

Repeal and Replace - Permission to Publish

Kelly Meadows presented the Summary of Regulations today in the absence of Alex Cambra

Dr. Deborah Gartland asked a question: So the one that we're looking at today, in the past we've been provided a "guide" in italics, things that were new and proposed...

Ms. Spross responded: In the past versions, you saw things like "national standards"; "programs will meet the national standards", and that is what is now incorporated by reference as is required by the COMAR style guide. Each and every national standard is there, including InTasc, which has been one of the big questions.

Dr. Gartland: There was a "guide" referenced in the previous version, which is gone that was not incorporated?

Ms. Spross responded: That has been removed because that "guide" is going to be a working process guide, it doesn't have any additional requirements, it will have some of the matrices that will be used for monitoring, and to provide clarity on any regulations that need clarification, but it doesn't have any additional requirements therefore does not need to be incorporated into regulations. Documents that have requirements must be incorporated, which goes back to that whole transparency piece.

Dr. Gartland stated: I am clear on that, I was just wondering with the version we were provided with today, the changes that we haven't seen in the past, they're not in italics like last month?

Ms. Spross responded: The reason that it's not in italics, is because all language is new for a repeal and replace. This is the same version that went to the SBOE. The two page summary indicates where changes were made.

Dr. Gartland responded: So, some of these things we have to read carefully because not all of the things that are in this packet are identified as "new" to us?

Ms. Spross commented that yes and that's what the two page summary shows and Ms. Meadows will go through the summary.

FRAME:

Mr. Christopher W. Lloyd suggests that the Board consider looking through the "language" section by section: This is a significant piece, and I would like to know from the Board the process you would like to take and how you want to proceed today.

1. This board will have until August 24, 2019 to act upon the Regulations as presented today.
2. This Board is not required to Act today, it may choose to Act today.

Mr. Lloyd then asked the Board how they would like to proceed today. Mr. Lloyd's recommendation as Chair would be; if this Board decides they are not ready to act today on these regulations, and that is something I am not advocating one way or another, that is your decision. If this Board decides that, then I would recommend this Board not make a motion and then vote the motion down because in voting the motion down, it will go to SBOE in July and they will then have to act upon that motion, If we wait, at this point, we would inform the SBOE we're taking time, we're looking at some sections and we'll act upon it within the 60-day window and it will be back, but it would require no SBOE action on this at their July meeting. How would you like to proceed today?

Ms. Kelli Midgley commented she would not like to move forward today due to a lot of new material that we have not examined.

Ms. Linda Chinnia also commented she is responding to the "frame: and the concern that I have if we go through piece by piece, that's fine and I would take part in that conversation, but I am struck by the lack of investment piece, and in doing my pre-reading, that seems to really resonate so I would be very much in favor of taking the time that's needed to hear all the voices to work out things, I think it is much harder to come back and redo a regulation or process versus having really thought it through and getting it correct the first time around. That's pretty much where I am and that's sort of the more comprehensive look at it, there's just so much that seems to need to have more input from all stakeholders.

Ms. Debra Poese wanted clarification as to who makes the determination regarding what public comments to accept when published... is it the SBOE who issued the permission to publish or does MSDE look at the totality of the comments and decide whether or not it's substantive enough to go back to a board?

Ms. Meadows responded: All comments are shared with the SBOE. It goes to the originating board and that board sees all the comments and they make the decision whether or not to make changes.

Dr. C. Mae Alfree commented she does not want to move forward; need to have conversation regarding matter today, very concerned about missing the timeline.

Ms. Deb Poese questions: I have a couple of regulatory questions, just to clarify; is what just happened here that since the SBOE was the first board to approve to publish, they then become the final authority on any changes that come in, am I hearing that correctly?

Ms. Meadows responded, that is correct the originating board makes the final adoption.

Mr. Lloyd wanted Derek Simmons to answer Ms. Poese's question: Yes, that's correct, the way that the statute and regulations are set up, is that there is always an initiating board and then the regulations go to the other board so for many regulations this board has been the originating board and in that case it's gone to the SBOE, they either approve it or not and then it has come back here (as the initiating board) for final adoption. For these regulations, because they started out with the SBOE, they would come here for either an up or down vote, and then they go back to the SBOE. Just to clarify Chris's timeline, I think you may have a little additional time because I think you can count it from the date of today's meeting, but as I did the math on it, it looks like your next meeting would still be prior to your September meeting so you do still have time. It doesn't really change anything ultimately as far as you have to make a decision in August.

Ms. Midgley asked Derek Simmons a question as well: As with the Superintendent Regulations, this board proposed an alternative to what the SBOE proposed, so then we became the originating body so that's still an option that we have here?

Mr. Simmons responded: It is. It becomes a little more complicated with this just because you have two very large sets of regulations. I think that the only concern is just to make sure that if this board did originate a new version of these regulations, it would have to be really clear.

Mr. Lloyd stated "Let's use the Superintendent regulations because that is something we have some understanding of. So the SBOE originated a set of regulations, this board did not advance that same regulation and advanced a different regulation following the disapproval of that. Had the SBOE overridden the Revised Language presented by PSTEB, my assumption, understanding is that the SBOE regulations would have become COMAR?"

Mr. Simmons responded: Yes.

Mr. Lloyd continued...and what we had proposed would have been off the table, so to speak, am I right on that?

Mr. Simmons: Yes, and that's part of where the confusion comes in, we have to make sure that we were only sending a separate set of regulations out for Public Comment. What we want to avoid

essentially, is having two sets of regulations going back and forth between the two boards and everyone's losing track of where we are and what set of regulations is in play. So, long story short, this board can still initiate its own set of regulations, but we just want to be careful of how you would go about doing that.

Mr. Lloyd: Derek, has there been a practice, I'm assuming it's not under statute anywhere that the way that the senate and the house operate, so to speak, would be you would establish a conference committee on disagreements, that is not in the processors systems of these two boards, am I right?

Mr. Simmons responded: It's not in the regulations, but it is something that is within the policy that the boards have had some joint conference committees.

Ms. Spross said: We had a joint conference committee on the Superintendent regulations.

Mr. Simmons continued: I think unfortunately it did not end up resolving the conflict there at that time.

Ms. Karen Saar stated she could not vote yes after hearing the public comment today, can we go back and make recommendations?

Mr. Lloyd recommends: If this board decides they are not ready to act today on these regulations, and that is something I am not advocating one way or another, that's your decision, if this board decides that then I would recommend this board not make a motion and to vote the motion down; in doing so it will go to the SBOE in July and they will then have to act upon that motion, if we wait at this point, we would contact the SBOE, tell them were looking at it, were looking at some sections in here and we'll act upon it within the 60 day window and it will be back. But it will require no SBOE action on this at their July meeting. Am I correct?

Mr. Simmons: That is correct.

Ms. Kelli Midgley comments regarding the Advisory Committee: "That Advisory Board, the way you have described it, includes many of the stakeholders already represented on PSTEB with the notable exception of MSEA. There is no teacher representation on that board and it's concerning to me at least as an MSEA representative that a significant amount of this Board and the discussion here comes from people who are actually working in schools and that this is yet another board that is made up of people who do not directly participate. I'm not talking about the Superintendent level because we've had this discussion; many of those people as we know have had only three years of experience, and we've made it in regulation, three years of education experience, however, many years before they went into administration, so were talking about people with current working knowledge of our current schools in the state of Maryland and we need representation in those discussions."

Ms. Sarah Spross clarified that the Advisory Committee is not a regulatory board, such as the PSTEB Board or the State Board, it is not a board that can make regulatory decisions, it is an Advisory Committee to look at regulation and provide feedback for policy development.

Ms. Kelli Midgley responded: “I understand that you don’t need to include us, I’m suggesting that it would be a good idea to include us.”

Ms. Sarah Spross responded: “As I shared previously, I can share the recommendations with the Superintendent. I can’t make that decision at this Board meeting today.”

Mr. Christopher W. Lloyd: Hearing “No Motion” for Action this Board is choosing not to take Action on this today and this will appear on the Agenda for August 1, 2019. Propose “language” changes to Ms. Sarah Spross no later than Monday, July 22, 2019

COMAR 12A.12.01.07 Educator Licensure [Attachment IV]

Repeal and Replace - Permission to Publish

Ms. Kelly Meadows presented summary of changes in regulations today.

Mr. Christopher W. Lloyd opened the floor for concerns or questions: Ms. Kelli Midgley stated there is enough “new language” in this regulation and she feels hesitant to move forward on this one similarly to the other one.

Mr. Christopher W. Lloyd made move to: no objection. It is his intent to focus the bulk of time on these two COMARS in the August meeting. No discussion today for COMAR 13A.07.06 or COMAR 13A.12.01.07. PSTEB agreed to be prepared for the two actions needed which is a Yes/No vote in the August meeting.

No other business or announcements for today

Meeting Adjourned 12:23 p.m.