

The MARYLAND STATE BOARD OF EDUCATION

200 West Baltimore Street
Baltimore, Maryland 21201

PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD

October 3, 2019

Minutes

The 440th meeting of the Professional Standards and Teacher Education Board (PSTEB) was held at the Maryland State Department of Education (MSDE), 200 West Baltimore Street, Baltimore, Maryland 21201 on October 3, 2019. Mr. Christopher Lloyd called the meeting to order at 9:32 a.m.

The following members were in attendance:

Ms. Jennifer Berkley, Dr. Debi Gartland (present via telephone), Mr. Charles Hagan, Mr. Darren Hornbeck, Ms. Maleeta Kitchen, Mr. Christopher Lloyd, Ms. Kelli Midgley, Dr. Kindel Nash, Ms. Debra Poese, Ms. Karen Saar, Ms. Sandra Skordalos (departed at 11:15 a.m.), Ms. Sarah Spross, Dr. Winona Taylor and Ms. Geralda Thompson.

The following members were absent:

Dr. Mae Alfree, Mr. Peter Baily, Ms. Linda Chinnia, Dr. John Mayo, and Dr. Kris McGee.

The following Maryland State Department of Education staff members were present:

Dr. Miya Simpson, Ms. Alexandra Cambra, Ms. Kelly Meadows, Mr. Robert Eccles, Dr. Hsin-Yuan Chen, Ms. Ruth Downs (recorder) and Mr. Derek Simonsen, Esq., Attorney General's Office.

PRELIMINARY ITEMS**Recognition of Guests**

Ms. Tina Dove, MSEA
Ms. Geraldine Duval, MSEA
Dr. Jennifer Frank, MICUA
Ms. Diamonte Brown, BTU

Public Comments

None

Announcements

None

State Board Update (Attachment I)

Dr. Miya Simpson presented a summary of the September 24, 2019, Maryland State Board of Education meeting.

ACTION ITEMS**Approval of September Minutes**

Mr. Christopher Lloyd entertained a motion to approve the September 9 meeting minutes with two minor changes.

MOTION:

Dr. Winona Taylor/Ms. Debra Poesse to approve the September 9 meeting minutes.

Approval of Proposed Agenda Items for November 2019

- Approval of the Minutes
- State Board update
- Regulations as appropriate
- Approve meeting dates for 2020

Mr. Christopher Lloyd entertained a motion to adopt the tentative November Agenda.

MOTION:

Ms. Maleeta Kitchen/Ms. Jennifer Berkley to approve the November Agenda.

Approve Meeting Dates for 2020

Mr. Christopher Lloyd entertained a motion to move the approval of the 2020 meeting dates until the November meeting.

MOTION:

Mr. Charles Hagan/Dr. Winona Taylor to approve the moving of the 2020 meeting dates to the November 7 meeting.

Mr. Lloyd asked that prior to the election of officer, the Chair would like to present two motions for consideration to the Board. So the Chair asks for flexibility in the schedule to be able to do that without objection. The Chair will modify the agenda to have the flexibility to present two motions, which are relevant to the election of officers and the rules and responsibilities of officers. He asked if there was any objections. There was no objection.

Mr. Lloyd moved that the Professional Standards and Teacher Education Board authorize solely that the elected President of the Board for his or her designee to speak on behalf of the Board in relationship to discussions, decisions, concerns, and positions of the Board. The motion applies to external governing bodies, such as but not limited to, the Maryland State Board of Education, the Maryland House of Delegates, and the Maryland Senate. He asked for a second on the motion. Dr. Winona Taylor seconded the motion.

Mr. Lloyd spoke to the motion. One of the challenges that we faced in looking at the discussion of the State Board meeting is that Dr. David Steiner expressed the belief that PSTEB has been silent and Dr. Justin Hartings, as well as past president, expressed that he was unaware of the concerns of PSTEB. Given this, I bring this motion to the body and the reason I am bringing it now, prior to the election of Chair, is that whoever is elected to the Chair would therefore assume a certain level of responsibility. Mr. Lloyd believed that it was appropriate for the Chair to speak in that way to the public bodies around the PSTEB because the chair is ultimately accountable and responsible, i.e., the accountability would occur today at the meeting and it will occur next October. So the Chair is ultimately responsible to this Board for his or her actions related to the

conduct in the office relative to other external bodies. If the Board had a concern relative to the Chair's portrayal or relative to the Chair's actions in these bodies, the Board would have every right to censor the Chair or to be able to revoke the chairmanship through action. I think that, therefore, it is appropriate given this. The reason I say it is not so much in my current capacity for the next 10 minutes as chair, but to be able to say that I think it is appropriate on a go forward basis that this Board take that action. So that is my rationale for presenting that motion and I will open the floor to any debate or discussion on that. Is there any discussion on that motion?

Ms. Spross asked Mr. Simmons if there were any legal considerations regarding the motion, because the Chair has always had the ability to speak on behalf of the PSTEB Board based on voted issues. Are there any legal ramifications?

Mr. Simmons stated that the only thing he was looking at is that the explanation was a little different than the motion. He stated that he would agree with Ms. Spross in regards to the motion, that there is absolutely nothing there. He told Mr. Lloyd that there was a lot in his explanation. So one of the things that he was checking was to make sure that there wasn't already a procedure for removing the Chair of PSTEB, which there is not. He stated that they could work through that process. He told Mr. Lloyd that there was a lot of things that he mentioned and that was one of the things that struck him so he was just confirming that there wasn't already a separate process for that. Mr. Simmons stated that, as far as the motion goes, he agrees with Ms. Spross that the Board can decide to limit and designate one person from the Board to speak on behalf of the PSTEB Board members.

Mr. Lloyd stated that his interest in this is that the Board has one identified person speak on behalf of PSTEB.

Mr. Simmons stated that the only thing he would mention in regards to Mr. Lloyd's comment is that he should clarify to make sure that everyone is aware of the intent. It is also up to the State Board to decide whether or not to have certain speakers at their meeting.

Mr. Lloyd stated that that is correct and it is up to the State Board and the State Superintendent to decide who appears in those spots. He does believe that it is up to PSTEB to ask that if any questions arise at that point, that the questions would be deflected or referred to the Chair of the committee. Such that if a question arises, i.e., what is PSTEB's view on this or where is PSTEB on this, that the question would be referred to the Chair of the committee. He stated that that is what this motion seeks to accomplish.

Mr. Simmons informed Mr. Lloyd that he thought he was fine there. But just to be clear, he stated that what some of us are getting at is whether or not the other staff could address the State Board related to actions that PSTEB has taken. I think that the State Board could always request staff from MSDE to address the Board. Those people clearly would not be speaking on behalf of PSTEB. So someone from MSEA could come to the State Board meeting and say that I heard a discussion at the Professional Standards and Teacher Education Board meeting and this is my view point about that. He stated that he just wanted to clarify that.

Ms. Kitchen stated that, if Sarah Spross was at a State Board meeting and she is asked, and she speaks on it, Ms. Spross is not speaking on behalf of PSTEB even though she serves as the liaison?

Mr. Simmons stated that generally she is speaking as an Assistant State Superintendent who is reporting about the work of the Board. I am sure that she would be willing if there is any confusion in the future to make clear that she is not speaking as a member of the PSTEB Board in any of her presentations but I think, just so

that everyone is clear, I don't think that PSTEB could prevent the State Board from asking staff of MSDE to address them on certain topics.

Ms. Spross stated that she had, as requested by Dr. Hartings at the State Board, every time PSTEB has made a vote or action on different language and took a vote to go back to the State Board, that information has been taken back just as it was voted on to be taken back to the State Board. You can go back to when we talked about pathways to certification. This Board did not grant permission to move forward on one of the pathways for out-of-state individuals. That information was presented at the very next state board meeting as PSTEB did not grant permission to publish. Same with the language about the Individual Development Plans. At the June meeting, you voted in May to have specific language considered by the State Board that was presented in a side-by-side document. But when I am there, as Mr. Simmons stated, I am there as Sarah Spross, Assistant State Superintendent representing MSDE, just like when we present here at PSTEB. Every presentation at the State Board as you know has been the same here at PSTEB with the same recommendations and same information. When there has been a vote on differences between the two that is what I bring back and forth.

Ms. Kitchen thanked Mr. Simmons for clarifying that and informed him that she just wanted to make sure that she understood what he was saying in regards to the motion.

Mr. Simmons stated that he wanted to make sure that everybody had an understanding and would not be upset later if something different happened that wasn't what your understanding was.

Mr. Lloyd asked if there were any further discussion of the motion. Seeing that there was not any further discussion, he stated that we have a motion and a second. He asked for a vote on the motion.

Mr. Lloyd stated that the second motion follows from the first motion. It is a move that the Professional Standards and Teacher Education Board authorizes the President of the Board (whoever that will be) to communicate this motion, action, and rationale to the State Board of Education members. He asked for a second to the motion.

A motion was put forth by the PSTEB members to authorize the President of the Board (whoever that may be) to be able to speak on behalf of the PSTEB Board at meetings.

MOTION:

Mr. Christopher Lloyd/Ms. Sandra Skordalos to approve the authorization of the President of the Board to be able to speak on the Board's behalf.

Vote:

12 Affirmative

1 abstained

0 opposed

Mr. Lloyd spoke briefly on the motion for the purpose that if the Board took the action, the State Board would need to have an understanding of why we took the action and what it is that we have an interest in. That is enough of the rationale. He asked if there was any discussion on the motion. There was no discussion and the Chair closed the debate.

Mr. Lloyd took a vote on the motion presented and the vote was unanimously in favor of the motion. He thanked the Board for allowing the adjustment in the agenda for the two items. Mr. Lloyd excused himself from the Chair and turn the meeting over for the election of officers.

Election of Officers

A motion was put forth to re-nominate Mr. Christopher Lloyd as Chair for the Professional Standards and Teacher Education Board.

MOTION:

Ms. Kelli Midgley/Dr. Debi Gartland to approve the re-nomination of Christopher Lloyd as Chair for the PSTEB.

Vote:

12 Affirmative

1 abstained

0 opposed

A motion was put forth to re-nominate Ms. Maleeta Kitchen as Co-Chair for the Professional Standards and Teacher Education Board.

MOTION:

Mr. Darren Hornbeck/Dr. Winona Taylor to approve the re-nomination of Maleeta Kitchen as Co-Chair for the PSTEB.

Vote:

12 Affirmative

1 abstained

0 opposed

COMAR 13A.07.06 – Programs for Professionally Certified Personnel

Mr. Lloyd stated that at this point, he will move to COMAR 13A.07.06. He stated that Dr. Simpson had provided the update from the State Board and that he had provided the PSTEB with the vote and the action of the State Board at this time. He informed the Board that what has occurred now because of the State Board's vote that that piece of COMAR has traveled and is in the process of traveling to AELR, as well as to the register. At which point will be put out for 30 days of comment and Administrative, Executive and Legislative Review (AELR) will have 45 days concurrent with that to be able to act upon it. He stated that AELR is chaired by Senator Cheryl Kagan and he stated that given that, he would say that there was no action per say on this particular item at this point, but he knows that here is an interest in both discussing and presenting potentially some opposition on this item. Mr. Lloyd stated that he will entertain any business related to COMAR 13A.07.06 that could result in a vote or an action.

Ms. Poese stated that she was surprised to find out that PSTEB had not expressed any concerns and what this says to her is that the only way this Board's voice is heard is if it is a written motion with a vote and action. Is this what I am hearing?

Dr. Nash stated that this is prior to a motion. She felt that the document and historical background that was sent by MSDE states that PSTEB took no action at the July 11 meeting until the September meeting. She stated that she was wondering if it would be appropriate to vote on an action to in some way have that corrected and that

she had tried to provide the background to her own faculty yesterday at a faculty meeting. She felt that there were some inaccuracies there that the Board can address.

Mr. Lloyd stated that he felt that the Board could do several pieces and he will provide the framework for possible actions.

1. The Board can initiate regulations on its own. That is one way to move a process if the Board felt so inclined.
2. The Board could ask for a vote to act upon the comments, the discussion, and the notes to be transmitted to AELR and that AELR could act on behalf of the Board in its negotiations with the State Board because they have that authority.

Mr. Lloyd informed the Board that those are the two potential ways that PSTEB could address the situation. He stated that he agreed with what Ms. Poesse had stated and that it was very clear to him that the Board will have to take very clear action and direct its Chair to report to the State Board directly. Mr. Lloyd stated that he had learned a lesson from all of this that it was clear that this is the requirement and that the discussion we had was not sufficient to be able to move to the State Board level. He recommended that if the Board is inclined to take some action today, and that the Board may or may not agree with him but he would recommend given that the Board would take some kind of action today and that the Board would then transmit that to the appropriate folks. That could be AELR, or that could be the State Board. If the Board moves its own regulations, this would obviously go to the State Board for action.

Mr. Lloyd stated that there are two options that as he has considered this that he thinks that the Board may very well say that we wish to propose our own set of regulations on either piece of COMAR here. The Board may also say that I don't wish to provide our own regulations at this point, but we wish to transmit if you would the materials that we have received both in public comment and the discussion as noted within the notes to AELR and ask them on behalf of the Board to take these into account as they review the regulations related to COMAR.

Mr. Simmons stated that he wanted clarify one piece of it, which was the developing of your own regulations. There is nothing to stop the Board from working on that pathway. He stated that we typically wouldn't move over a conflicting set of regulations at the same time, because you could have the potential for having the publishing of two conflicting sets of regulations in the same area. Mr. Simmons said that there is absolutely nothing from stopping you from working on that process. So let's say that it gets held up in AELR committee and/or it is going to get withdrawn or if it comes back and the State Board decides to not move forward on it based on the public comments. There is nothing that has stopped you in the meantime to work on your own alternative set of regulations that you could propose and move forward.

Mr. Lloyd stated that they clearly could not push for publication unilaterally. He stated that whatever the Board does at this meeting will have to go to the State Board. The State Board would vote whether or not to allow for permission to publish. We do not have over-ride authority on the State Board as they do with PSTEB and so therefore, a State Board vote cannot produce whatever we produce within the regulations. He asked Mr. Simmons if this was correct.

Mr. Simmons stated that yes that information was correct and that we could not have two conflicting regulations going on at the same time.

Dr. Gartland had a point of interest question. She stated that PSTEB gets a report each month from Dr. Simpson on the State Board meeting. Similarly do they get a report at each of their meetings about what PSTEB has done?

Mr. Lloyd stated that his knowledge, they do not get a report as Dr. Simpson provides our Board.

Ms. Spross said no, that PSTEB had voted to have Dr. Simpson historically come (at that time it was Tony South) and provide an update of State Board actions.

Mr. Lloyd informed the Board that it is a State Board decision to allocate time to receive that report. He stated, given his knowledge of Maryland Law, there is nothing prohibiting PSTEB from communicating with the State Board in any number of ways about the actions that this Board has taken. I don't think the State Board given the open meetings act could stop the PSTEB from communicating in a public way in regards to where PSTEB is.

Mr. Simmons stated that it really is whether or not they would like Dr. Simpson or like Ms. Spross to come do a formal presentation. That is clearly up to the Board. There is nothing stopping you from either having someone come for public comment every month or send a written report or whatever format you want to use to convey information to the State Board. The Board members get information all the time from the public.

Dr. Gartland made a suggestion that they follow a similar process. If they are potentially looking to improve communication between the two boards, that might be a good standard for them to offer.

Mr. Simmons stated that the Board could make that proposal.

Mr. Lloyd stated that he was unable to secure a spot for public comment and was put on the wait list. Mr. Lloyd stated that he had talked to Dr. Simpson and had submitted written comment, which she accepted on behalf of the State Board and was distributed to the Board to his knowledge. He said that he had spoken with the President of the State Board during a break and shared the PSTEB's interest in a conference committee. Both former President Hartings and President Sumpter were present for that conversation. I was hoping in fact that the State Board President would in fact call the President of the Professional Standards Board, but that did not happen. It is within the State Board President's purview to make those calls for handout to State Board. Just as it would be in my purview as Chair to recognize someone in this room to speak to us. That was not the case and so we did not have an opportunity to present those views. As I said, I apologize because I made an assumption that when we had passed a motion to be able to have me speak that that would in fact happen. I was apparently too late in getting on that and therefore did not secure a time slot. Mr. Lloyd assumed full responsibility for that and stated that he was not going to rehash the situation, because we have to go forward from here. He stated that he had been doing a lot of thinking about how the Board could proceed. If the Board wishes to, in the case of 13A.07.06, we could vote to transmit to the Chairs, Senator Kagan and Delegate Roseburg at AELR, the actions relative to the public comment and the red lined version as presented by our Higher Ed partners. Such that the committee might negotiate with the State Board on our behalf and have an understanding of what it is exactly that we have concerns about and we could do that. He stated that the Board could authorize the transmittal to AELR. There would not be a transmittal to the State Board, but Mr. Lloyd he would inform them of what PSTEB was doing because there would not be any action required from the State Board. PSTEB would basically look to AELR to negotiate, which is what is written in law that AELR can negotiate with the initiating Board to be able to do that. They could hold a hearing, they could negotiate, or they could do any number

things. Mr. Lloyd stated that he would put a cover letter on it and send that to both the Senator and the Representative so that they would have the information. He stated that he could also meet with Senator Kagan.

Ms. Midgley stated that this sounds like it could be potentially an effective pathway. There is no public comment that is involved in that, so that would be a private transmittal from PSTEB to AELR. So if this Board passes its own version, then they do go out for public comment.

Mr. Lloyd said no, they would have to go to the State Board and this is where Mr. Simmons was advising us that this would be a conflict and therefore it would potentially be illegal. He stated that his argument from where it sits today was that he does not know that this Board passing its own version would be considered illegal as ultimately the State Board has to have that. He stated to him, the argument falls at the State Board.

Mr. Simmons stated that the advice of the State Board would be that it's illegal to pass. But it is certainly up to this Board if they want to take that action. He told Mr. Lloyd that he was correct in regards to the AELR piece and that they do have the option to hold a hearing. Whether or not they would allow for public comment at the hearing or if they would allow people to address the committee, would be up to the legislature. If they hold a hearing, that would be an open process.

Ms. Midgley asked, if we pass our own version, you would recommend that they not go forward with these? Would they then get a copy at their meeting so that they could look at them side by side so that they could see what it is that we would like. I cannot think of another way to get them to do that. Clearly our meeting minutes are of no concern and clearly we are not being represented. So I don't see an option at this point, based on what has happened so far.

Ms. Spross stated that she wants to be clear, in order for something to go back to the State Board in a regulatory form, PSTEB has to take formal action on that item. So while there are discussions just like there are discussions at the State Board on regulations, we had discussions at the State Board for several months before there was any action.

Mr. Lloyd stated that is not published yet and the next time will be October 11, 2019. AELR has 45 days. The Board can or cannot act. Inactivity today will put us very close to 45 day window concurrent with public comment. Mr. Lloyd stated that a letter should be transmitted to AELR to ask for action on behalf of the Board.

After a very robust and thorough discussion, the decision was made that Mr. Lloyd would submit the notes from the June, July, August and September minutes to AELR, along with the red lined version and a cover letter stating concerns about COMAR passed by State Board.

A motion was put forth to submit to the Administrative, Executive and Legislative Review Committee (AELR) the minutes, the red lined version of the notes, along with a cover letter.

MOTION: Dr. Winona Taylor/Ms. Sandra Skordalos To approve the submission of the notes with a cover letter to the AELR.

Vote: 12 Affirmative 1 abstained 0 opposed

13A.12 – Educator Licensure (Licenses and Pathways for Teachers)

Mr. Lloyd opened the floor up for discussion in regards to the concerns and questions presented by the Board members in reference to Educator License.

1. What happens to a teacher who has an initial license for 5 years and renews it for 5 years?
2. What happens to a teacher who does not get a Master's Degree or National Board?
3. What is the rationale for a Master's Degree or National Board?
4. Are we going to fire people after 10 years without a master's degree?
5. Are there other pathways?
6. Removal of the APC certificate.
7. The proposal of a 4th category, "master teacher."
8. Difference between initial and professional certificate?

BREAK (until 12:09)

After the break, the discussion was continued in regards to the Educator License process and pathways. Mr. Lloyd informed the members that they either had to make some decision around the language here today to act upon it or table it to later. He stated that either way we have to figure out some language that we are going to either move on or not move on. Mr. Lloyd asked if there was any language that the members have that might get them on the same page, that they might be able to pass. Any language that might get us all on the same page? The discussion was very robust and thorough with the Board members asking questions, and Ms. Spross asked questions and responded to questions that were asked of her. The PSTEB members suggested some additions and changes within COMAR 13A.12.

1. Page 13: Red line items 3 and 4 need to keep master's degree which should be in content and pedagogy areas.
2. Page 20: Enhance the different types of teacher licenses, by inserting a 4th type (Master Professional). Added additional information in regards to various licenses and pathways to receive licenses.
 - a. Temporary Professional
 - b. Initial Professional
 - c. Professional
 - d. Master Professional**
 - e. Conditional
 - f. Adjunct Teacher

Mr. Lloyd wanted to clarify what he was hearing, that #3 would read from 3A, B, 1 & 2 and stop there. To add the original language and that #4 would include similarly situated language to A & B but instead of just 1 and 2, would have 3 and 4 incorporated in it. Correct, but it would not be a requirement? So then one would likely hold either a professional license or a master teacher license at some point and time.

Mr. Lloyd stated that there was two things that he was going to put on the table in agreement.

1. Initial professional – if the one additional 5 year period would be removed given the conversation.
2. The professional certificate – 3A, B 1&2 and stop. A new category of Master Professional Teacher would have similarly situated language to 3A, B, 1 and 2 but would include 3 and 4.

Mr. Lloyd stated that the Master Professional would be optional unlike what is currently called for in professional and well even professional is optional because one could sit on an initial professional. Both 3 and 4 would be optional certificates that one could hold.

Mr. Lloyd stated that the main motion has been modified with the amendments to include:

- A2A – deletion of one additional 5 year period.
- A, B 1 & 2 stop, would be the professional licensure.
- New #4 would be Master Professional, which would be A, B, 1, 2, 3, or 4 as written in the red line (which is the or) including equivalency.

Mr. Lloyd asked for a vote of all those in favor of the motion as modified and articulated by him in the last 5 minutes.

Vote: 11 Affirmative 1 abstained 0 opposed

Motion put forth asking if the PSTEB wished for Mr. Christopher Lloyd to send transmittal to the AELR.

Motion: Dr. Winona Taylor/Ms. Kelli Midgley To approve Mr. Christopher Lloyd to send a transmittal to the AELR.

Vote: 11 Affirmative; 1 abstained; 0 opposed

Ms. Spross asked for clarity? Is she taking these back to the State Board as changes just to licensure? She requested that a copy of the red lined document be sent to her no later than Friday, October 4, 2019.

Adjourned

Mr. Lloyd adjourned the meeting without objection at 12:35 p.m.

Attachments:

1. State Board October Meeting Summary
2. Letter to State Board
3. Letter to AELR
4. Red lined version of 13A.12 Educator Licensure