

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, February 25, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in regular session on Tuesday, February 25, 2020, at 9:00 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Brigadier General (BG) Warner Sumpter (Ret.); Ms. Jean Halle; Ms. Gail Bates; Mr. Clarence Crawford; Charles R. Dashiell, Jr., Esq.; Dr. Vermelle D. Greene; Dr. Justin M. Hartings; Dr. Rose M. Li; Dr. Joan Mele-McCarthy; Dr. David Steiner; Ms. Noureen Badwi, Student Representative; and State Superintendent Dr. Karen B. Salmon. (Mr. Michael Phillips was absent.)

The following staff members were present: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, Office of School Effectiveness; Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration; Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

President Sumpter called the meeting to order and opened with the Pledge of Allegiance.

President Sumpter recognized members of the Maryland Association of Boards of Education in attendance.

Dr. Salmon recognized local superintendents in attendance.

PUBLIC COMMENT

- Cheryl Bost – *New Teacher Member Regulation; Maryland Integrated Science Assessment (MISA)*

NEW BUSINESS

➤ ***Approval of Consent Agenda:***

President Sumpter called for a motion to approve the Consent Agenda, which included the following items:

- Personnel Actions
- Budget Adjustments – January 2020

ACTION: Upon motion by Ms. Bates and seconded by Dr. Steiner, the State Board approved the Consent Agenda. (In Favor: 8; Opposed: 0; Abstained: 0. Dr. Greene, Dr. Li, and Dr. Mele-McCarthy had not arrived.)

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

- ***2019 Data: Adjusted Cohort Graduation Rate, Advanced Placement, and SAT***
(Presenters: Dr. Dara Shaw, Executive Director, MSDE Office of Research)

Dr. Shaw reviewed 2019 data regarding the graduation rate, AP participation and success, and SAT and results. Data presented included: adjusted cohort graduation rate (four- and five-year) and cohort dropout rate; Advanced Placement (AP) participation and success; and SAT participation and results.

Ms. Haislet also provided an update and demonstration of the Maryland Report Card Similar Schools Comparison Tool, which is now included on the Maryland Report Card website. The Similar Schools Comparison Tool provides a side-by-side comparison of a school's performance on the accountability system with a group of similar schools.

State Board members inquired about star rating comparisons and any observed correlations, and cluster data for diverse populations. State Board members commended the department on developing a great tool. Dr. Salmon also recognized the contributions and hard work of Dr. Shaw and Ms. Haislet.

ACTION: None. For information and discussion.

- ***Assessment Graduation Performance Requirement***
(Presenter: Dr. Jennifer Judkins, Assistant State Superintendent, Division of Assessment, Accountability, and Information Technology)

Dr. Judkins presented background and updates regarding assessment requirements and recommended scale scores. Dr. Judkins, along with colleagues from the Maryland Assessment Research Center (MARC) and the Technical Advisory Committee (TAC), presented information regarding a MARC study that tracked Maryland students through their first year in college and provided empirical data on how Maryland students who took the PARCC subsequently performed in college. The study compared performance on the PARCC assessments to performance on the SAT and college GPA. Findings indicated that students who earn 725 in Algebra I and a 725 in ELA 10 are showing success in college; and students who earn 750 in Algebra I and a 750 in ELA are achieving at far higher levels than what indicates college success.

Based on the findings of the study, the department recommended retaining the graduation requirement score of 725 for both Algebra I and ELA 10 for all graduating classes.

ACTION: Upon motion by Ms. Halle and seconded by Ms. Badwi, the State Board approved the recommendation to retain a score of 725 for both the Algebra I and ELA 10 for all graduating classes. (In Favor: 9; Opposed: 2 – Dr. Li and Dr. Steiner; Abstained: 0)

➤ ***Change to High School Maryland Integrated Science Assessment (MISA) Structure***
(Presenter: Bruce Lesh, Director, Social Studies, Science, STEM, Environmental Literacy, and Disciplinary Literacy)

Mr. Lesh presented background information regarding the MISA and the options considered by the department in arriving at the recommendation to transition from a 3-dimensional domain-integrated high school science assessment to a 3-dimensional single domain assessment. Options included: 1) Maintain the current organization of MISA but eliminate the graduation assessment requirement and test only for the purposes of federal accountability; 2) Mandate a course sequence for science and the placement of the assessed performance expectations (Pes), and administer three science assessments given at the end of each of three required science courses. Passing score would be the aggregation of all three assessments; and 3) Develop a new single science domain assessment in Biology.

Mr. Lesh requested that the State Board accept the department's recommendation to transition the HS MISA to a 3-dimensional assessment of a single-domain (Option 3). The proposed change would help to align the high school science assessment with the other high school content assessments if the High School Graduation Task Force recommendations are adopted at the same time.

State Board members inquired about what other states are doing.

ACTION: Upon motion by Ms. Badwi and seconded by Ms. Bates, State Board members accepted the recommendation to transition the High School Maryland Integrated Science Assessment to a 3-dimensional assessment of single domain. (In Favor: 9—General Sumpter, Ms. Halle, Mr. Crawford, Ms. Badwi, Dr. Greene, Mr. Dashiell, Dr. Mele-McCarthy, Dr. Li, and Ms. Bates; Opposed: 2 —Dr. Hartings and Dr. Steiner; Abstained: 0)

ADJOURN TO EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Dr. David Steiner, seconded by Charles Dashiell, Jr. and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, February 25, 2020 in Conference Room #1, 8th Floor, at the Nancy S. Grasmick State Education Building. All board members were present except for Michael Phillips. Also in attendance were Dr. Sylvia Lawson, Chief Performance Officer, Dr. Carol Williamson, Chief Academic Officer, Amalie Brandenburg, Chief Operating Officer, Dr. Miya Simpson, Executive Director, Office of the State Board and Assistant Attorneys General, Elliott Schoen and Jackie La Fiandra. The Executive Session commenced at 12:15 p.m.

At that time, the State Board approved six Opinions and one Order for publication.

- *Michael D. v. Anne Arundel County Board of Education* – 5-day suspension – Op. No. 20-07
- *In the Matter of COMAR 13A.02.01.01 and Education Article §3-2B-09* – petition for declaratory ruling – Op. No. 20-08

- *Sherrea F. v. Baltimore City Board of School Commissioners* – early-K entry – Op. No. 20-09
- *R&A Movers, Inc. v. Baltimore City Board of School Commissioners* – bid protest – Op. No. 20-10
- *Rosa R. v. Howard County Board of Education* – request for school bus service – Op. No. 20-11
- *Aaron Sinclair v. Prince George’s County Board of Education* – teacher termination – Op. No. 20-12
- *Lorena Reyes Harding v. Howard County Board of Education* – untimeliness – OR 20-04

Dr. Salmon updated the Board on a personnel matter.

General Sumpter and Mr. Crawford updated the Board on the State Superintendent search.

The Executive Session ended at 1:45 p.m.

STATE SUPERINTENDENT’S REPORT

- ***2019-2020 Kindergarten Readiness Assessment (KRA) Results***
(Presenter: Steven Hicks, Assistant State Superintendent, Division of Early Childhood)

Mr. Hicks briefed the State Board on the 2019-2020 KRA results for the state and districts. The results provide direction for teachers in instructional planning to meet the needs of students not yet ready for Kindergarten curriculum. It also provides data on what additional support, interventions, or professional development for educators may be needed to address the achievement gaps of students in the Approaching and Emerging performance levels. The 2019-2020 KRA Technical Report is available online.

ACTION: None. For information and discussion.

- ***2020 Legislative Session Overview***
(Presenter: Tiffany Clark, Director, Legislative Affairs; Amalie Brandenburg, Deputy Superintendent, Finance and Administration)

Ms. Clark provided an overview of the legislative session process and a status update of PreK-12 education-related bills that are currently before the 2020 Maryland General Assembly. Ms. Clark highlighted several education bills of interest and State Board members considered bills they may want to take a position on. The Board will submit position letters regarding SB 533/HB 1344 – Education – Teacher Certification – Montessori Schools.

Dr. Salmon shared that she has met with several legislators to discuss the MSDEs reporting requirements.

ACTION: Upon motion by Dr. Hartings and seconded by Ms. Halle, the State Board voted to submit a letter in response to SB 533/HB 1344. (In favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present.)

- ***Maryland Bridge Plan for Academic Validation***
(Presenter: Cecilia Roe, Director of Instructional Assessment and Professional Development; Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use)

Ms. Roe and Dr. Shaw provided information in response to the State Board's request for an overview of the Bridge Plan for Academic Validation. The presentation included information on: COMAR 13A.03.02.06D; Bridge Process for Students; Local School System Bridge Project Validation Panels; Annual Scoring Validation Audit; State Policy Summary; and Data and Ongoing Research.

Dr. Salmon suggested taking time at the next State Board meeting to share examples of Bridge projects, noting that this would require Board members to sign a non-disclosure agreement.

ACTION: None. For information and discussion.

NEW BUSINESS

- ***Code of Maryland Regulations (COMAR)***
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support; Sarah Spross, Assistant State Superintendent, Division of Educator Effectiveness)

- **COMAR 13A.03.02 Graduation Requirements for Public Schools in Maryland and 13A.03.02.08 Grading and Reporting (Review)**

Ms. Gable provided an overview of the regulations and emphasized the importance of the timeline for current juniors (2019-2020 school year) who have not met the Algebra I and/or English 10 assessment requirement. State Board members discussed ways to address comments related to the regulatory language pertaining to exemptions and unlawful absences.

Ms. Gable requested determination of the State Board's wishes to make revisions to the draft amendments to COMAR 13A.03.02 based on comments received regarding Algebra I and English 10 graduation assessment requirements for the 2019-2020 juniors. In addition, the department requested State Board input and action regarding COMAR 13A.03.02.08 regarding the impact of unlawful absences on course grades for high school students. This information will be communicated to the Maryland Joint Committee on Administrative, Executive, and Legislative Review (AELR).

ACTION 1: Upon motion by Ms. Badwi and seconded by Ms. Halle, the State Board granted permission to revise the draft amendments to COMAR 13A.03.02 and

communicate the changes to the AELR. (In favor: 8; Opposed: 2 – Dr. Hartings and Dr. Steiner; Abstained: 0. (Dr. Mele-McCarthy was not present.)

***ACTION 2:** Upon motion by Ms. Badwi and seconded by Ms. Halle, the State Board granted permission to make revisions to the draft amendments to COMAR 13A.03.02.08 regarding unlawful absences. (In favor: 10; Opposed: 2 – Dr. Hartings and Dr. Steiner; Abstained: 0. (Dr. Mele-McCarthy was not present.)*

▪ **COMAR 13A.07.13 State Board Teacher Member (Permission to Adopt)**

Request for permission to adopt the new regulation, which establishes the process for holding an election to select the teacher member to serve on the State Board.

***ACTION:** Upon motion by Dr. Steiner and seconded by Ms. Bates, the State Board granted permission to publish the regulation. (In favor: 9; Opposed: 0; Abstained: 1 – Ms. Halle. Dr. Mele-McCarthy was not present.)*

STATE BOARD MEMBER REPORTS AND COMMENTS

- Ms. Badwi provided an update on the Maryland Association of Student Councils' Election's for the student representative to the State Board. She also shared that she had recently visited schools with Dr. Salmon.
- Mr. Crawford provided an update on the State Superintendent Search.
- Dr. Greene shared that she recently attended a meeting of the Network for Equity and Excellence in Education.
- Ms. Halle provided an update on recent meetings of the Digital Learning Advisory Committee. An update will be provided to the State Board in June. Ms. Halle also provided an update on the Strategy Committee.
- Dr. Li reported that she recently attended a Gifted and Talented Education event.
- Dr. Salmon invited State Board members to attend the Blue Ribbon Schools event next week.

FUTURE AGENDA ITEMS/AGENDA PLANNING

President Sumpter reviewed the tentative agenda items for the next meeting on **Tuesday, March 24, 2020:**

- Recognition: 2020 Milken Educator of the Year
- MCAP Update
- Graduation Task Force Recommendations
- State Board Member Reports and Comments/Updates
- State Superintendent's Report
- Regulatory Actions

OPINIONS

The following Opinions and Orders were rendered:

- *Michael D. v. Anne Arundel County Board of Education* – 5-day suspension – Op. No. 20-07
- *In the Matter of COMAR 13A.02.01.01 and Education Article §3-2B-09* – petition for declaratory ruling – Op. No. 20-08
- *Sherrea F. v. Baltimore City Board of School Commissioners* – early-K entry – Op. No. 20-09
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- *Aaron Sinclair v. Prince George’s County Board of Education* – teacher termination – Op. No. 20-12
- *Lorena Reyes Harding v. Howard County Board of Education* – untimeliness – OR 20-04

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 4:55 p.m.

Karen B. Salmon, Ph.D.
Secretary/Treasurer

Date: March 24, 2020

The information included here provides a summary of the agenda items presented and actions taken during the meeting of the Maryland State Board of Education. The video recordings of the meetings are the official record of the meetings and can be located at:

<http://www.marylandpublicschools.org/stateboard/Pages/meeting-agendas/2020/2020-02-25.aspx>

Meeting materials, Opinions, and Orders can be found at:

<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2020.aspx>

The next meeting of the Maryland State Board of Education will be held on Tuesday, March 24, 2020. Appropriate accommodations for individuals with disabilities will be provided upon request. Eight business days notice prior to the event is required. Please contact Charlene Necessary at (410) 767-0467 or TTY at (410) 333-6442 so arrangements can be made.

MARYLAND STATE BOARD OF EDUCATION
PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER OPEN MEETINGS ACT (General Provisions Article § 3-305)

1. Recorded vote to close the meeting.

Date: February 25, 2020

Time: 12:15 pm

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Dr. David Steiner

Seconded by: Mr. Charles Dashiell

Members in favor: 11

Opposed: 0

Abstaining: 0

Absent: 1

2. The meeting was closed under authority of Section 3-305(b) of the General Provisions Article of the Annotated Code of Maryland (check all provisions that apply). This meeting will be closed under General Provision Art. § 3-305(b) only.

- 1. To discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals.
- 2. To protect the privacy or reputation of individuals concerning a matter 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.

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion to topic
§ 3-305(b)(1)	Personnel matter	To discuss a personnel matter.
§ 3-305(b)(7)	Legal Counsel/Advice and Internal Board Management	To discuss with legal counsel six appeals from local boards of education; update of Superintendent search.

Harriet J. Dumptie

4. This statement is made by _____, Presiding Officer.