

May 21, 2013

[Agenda](#)

Emergency Planning and Drills Regulations

The State Board of Education granted permission to publish proposed regulations regarding school system emergency plans and drills (COMAR 13A.02.02 - Emergency Plans (AMEND)). The regulations include additional definitions for clarity and ease of reference, and types of drills were expanded to require local school systems and schools to practice for a broader range of emergencies. Specifically, the major changes being proposed are: 1. Local emergency plans must be aligned with the MSDE Emergency Planning Guidelines for Local School Systems and Schools (April 2013) (which would be incorporated by reference into COMAR); and 2. The addition of 6 new emergency drills in addition to the 10 currently mandated fire drills.

The tentative timeline includes publication in the Maryland Register on July 12, 2013; a 30-day public comment period through August 12; and State Board adoption of the final regulations at its August 27 meeting.

[Handout](#)

Digital Learning Regulations

The State Board granted permission to publish amendments to the Digital Learning regulations adopted in February 2013. The amendments incorporate the Web Content Accessibility Guidelines by reference, and correct the definition of "blended course" (COMAR 13A.04.15 - Digital Learning (AMEND)).

[Handout](#)

Concussions Regulations

MSDE staff presented and requested adoption of proposed regulations regarding Head Injuries and Concussions in Extracurricular Athletic Events (COMAR 13A.06.08). MSDE staff reviewed the development of the regulations through the work of MSDE's Traumatic Brain Injury/Sports Related Concussion Task Force, which issued a report in January 2013. Staff also reviewed the comments received during the public comment period. State Board discussion ensued regarding broadening and deepening regulations in the future to prevent concussions and heat related injuries. The regulations were adopted as published.

[Handout](#)

Josephat Mua v. Prince George's County Board of Education

The board heard oral argument in the above case.

Education that is Multicultural/ Equity Assurance and Compliance Office Report

The board was provided a progress report on the status of implementation of the Education that is Multicultural (ETM) Regulation (COMAR 13A.04.05) in local school systems and MSDE.

Dr. Lowery introduced Linda Shevitz, MSDE, and shared that Ms. Shevitz is retiring July 1. Ms. Shevitz, who chaired the Education that is Multicultural Committee, and a panel of committee members presented the progress report to the board.

Committee members shared the definition of Multicultural Education, the data on diversity of Maryland students, MSDE responsibilities in implementing the ETM goals in the 24 local school systems, and the COMAR areas of focus. Also discussed was the Practical Guide that serves as a reference for staff, students, and parents.

Ms. Shevitz and the panel provided an overview of the State regulations, which define ETM as a continuous, integrated, multiethnic, multidisciplinary process for educating students about diversity and commonality. The regulations define terms and provide guidelines and goals for local school systems to provide curricula, instruction, professional development and other resources that are multicultural.

Board member Montero-Diaz asked why sexual orientation is not being added to COMAR. Ms. Shevitz stated it is included in the Safe Schools Act which is in COMAR.

Ms. Montero-Diaz noted that no local school system accomplishments were specified in the report, and asked for confirmation that all are making progress. Ms. Shevitz explained that all are making progress; however, some are moving more quickly than others. She clarified that it is more difficult for smaller systems that do not have a full time equity specialist, and said it also depends on the support of the superintendent. Ms. Shevitz added that local school board members are included in professional development so they have a greater understanding of needs.

Board member Smith cited Calvert County and commended leadership that creates a culture of support. He also spoke to importance of the Positive Behavior Interventions and Supports (PBIS) program.

Dr. Gates stated he found the inability to engage African American students discouraging and disheartening, and asked about systems reaching out to communities. Ms. Shevitz cited community efforts being made in Carroll and Frederick Counties.

Board member DeGraffenreidt stated he was interested in moving away from having a conversation about “doing something” for a specific group and toward a discussion about inclusiveness and valuing each of these groups for the good of the state.

Dr. Lowery asked Dr. Johnson, who is taking Ms. Shevitz’s place, about transition. Dr. Johnson stated they have the opportunity to align work already done with curriculum work for the purpose of sustaining and enhancing the program.

Student board member Ebe Inegbenebor asked about immigrant students and how their learning is facilitated. Dr. Johnson stated that professional development is necessary to give teachers an understanding of where the students are coming from in an effort to build relationships.

Board member Eberhart recommended a one-day professional development opportunity for everyone, and stated she felt strongly that students need to be included more than they have been in the past. She added that while it was good to include students involved in student government, students facing various adversities would also be a good addition.

Board member Sidhu stated that she is in the schools often and is distressed that the state has not succeeded in fighting this social issues; adding that schools are not where they need to be.

Board member Navid observed that the regulation was adopted in 1993, and questioned if it was relevant to changing demographics, local school systems, and current teaching methods. Dr. Johnson said they will be looking into the COMAR regulations to see what needs to be changed. He added there were some stark differences in what the regulations now say and what it is they want to do.

Handouts: [Memo](#), [Handout](#), [Compliance Report](#), [Implementation Report](#), and [Presentation](#)

Maryland Association of Student Councils Annual Report

The board was provided a report regarding the activities and programs conducted during the 2012-2013 school year by the Maryland Association of Student Councils (MASC). The 2013-2014 MASC president is Devan Ogburn from St. Mary's County.

[Handout](#)

Teachers of the Year

The board recognized Maryland's newly named 2013-2014 Teachers of the Year who will represent their school systems in the state and national Teacher of the Year competitions.

[Handout](#)

Race to the Top Update

Dr. Lowery introduced Jim Foran, MSDE, and shared that he will be retiring at the end of June.

Mr. Foran reported that Baltimore County, Anne Arundel County, and Wicomico were scheduled for visits the following week, and that USDE will visit MSDE next week. Updates were provided on the following projects:

- Program Evaluation: MSDE is meeting with CAIRE to determine how to best utilize their services for continuous improvement and address USDE concerns.
- Formative Assessments: Amendment submitted to USDE to transfer \$2 million from project 3/2 to project 17/32 to support creation of Test Item Bank System. Amendment to shift funds from project 2 and 3 to year 4 and adjust project timeline to being created and will be submitted soon. RPF for the purchase of PD modules has been finalized.
- Develop Overall Technology Infrastructure: MSDE is awaiting the approval of an amendment that will properly align the project financials and enable the RTTT team to bring on the required resources to support the build out of the P12 projection environment (required for Project 9/27) and to design and build the security model that will enable parents, students, and teachers access to protected data.
- Implement a Test Item Bank System: Project 17/32, 18/33, and 19/34 will be addressed through a single procurement. MSDE is planning on presenting the vendor contract to the Board of Public Works (BPW) on or before June 17th. Procurement is working with the AG's office and the vendor to finalize the contract. Once signed and approved by the BPW, the contract can be executed and work can commence on system implementation.
- Adaptive Testing Units for High Schools: The original grant required MSDE to purchase hand-held devices to support computer adaptive tests. MSD is now defining the criteria to determine who will get devices and enable the LEAs to purchase devices that can be supported in their technical environment. Once this methodology is defined, an amendment is required.
- Implement a Statewide System to Support Student Instructional Intervention: Core Team requested that additional incentives and evaluation measures be included in the amendment narrative. The project team is in the process of distributing a survey to LEA intervention leads to collect additional information relating to (a) user seat pricing, (b) estimated size of user community, and (c) additional features sought that are not currently available within the LEA. A revised draft of the amendment narrative will be resubmitted to the Core Team for final review and approval once this information is received from the LEAs.
- Develop and Implement an Educator Evaluation System (Calculation Engine) - LEAs submitted Teacher and Principal Ratings for Field Test participants on May 17, 2013, and received instructions for the final plan submissions on June 7, 2013. Further refinements are being to state

models based on Field Test data with plans to conduct the standard setting for effectiveness ratings. Focus is shifting to professional development and resources in support of local school system readiness for implementation and adjustments in the TPE Team are being made to conduct the work of year four.

- Extend Student Learning and Improve School Culture, Climate, and Support-The Summer Institute plan was shared with Baltimore City and Prince George's County executive leadership. Twenty-seven schools have received the registration letter. To date, individuals would form the School Culture and Climate Team have not been identified.
- Coordinated Student Services-Providing services to all identified Baltimore City schools has been a challenge. We are working with the executive leadership in BCPS to provide direct services to identified schools.
- Charter Schools-Prince George's County Public Schools has identified two schools for replication/expansion. The superintendent has approved expanding or replicating the program. It has been indicated that they are ready to consider the MOU.

Mr. DeGraffenreidt asked if these are being published on the MSDE website for the public to see the progress and follow along. He added that he feels in the absence of information, people have a general misunderstanding of the issues. He also wanted to hear about what is different of what has been promised, unique or special regarding the Maryland RTTT proposals in relationship to other projects elsewhere.

Dr. Lowery stated that the items being discussed currently directly impact teaching and learning, and the question has to be asked, how does this make things different for teachers and students?

Mr. Foran reminded the board that funding went directly to the LEAs, and stated it would be helpful for the board to get a summary of what the funding was used for, as locals are doing amazing things with RTTT.

School Discipline Progress Report and Update

Dr. Lowery introduced Chuck Buckler, MSDE, and shared that he will be retiring at the end of June.

The board was provided an update on the status of various school/student discipline initiatives that are underway. It was reported that the workgroup members have developed an outline for their final report, which covers policy/research, multi-tier supports for students, and professional development for school staff, including school resource officers. From the outline, three subgroups will embark on reviewing and further developing the three areas of the report.

In terms of timeline, it was reported that the Best Practices in School Discipline Workgroup is currently underway and is expected to go on through May 2013. A draft report will be presented at the last large workgroup meeting on August 16, 2013. After editing by the group, the final report is due to MSDE senior staff in October 2013. The final board report will be completed by January 1, 2014.

It was also reported that the committee revising the Maryland Guidelines for State Code of Discipline has met four times to date with their charge being to update the guidelines that were adopted by the Maryland State Board of Education in January 1997. Once the Committee completes its work, local school systems will be asked to provide feedback to the draft; a tentative date for this feedback is scheduled for September 2013. Revised guidelines are planned to be presented for consideration at the State Board's December 2013 meeting.

Regarding the School Discipline Regulation Workgroup, it was reported they have met three times and are charged to recommend amendments to:

- The timelines contained in the section of the regulatory proposal dealing with appeals;
- The 10 day return to school regulation dealing with when a student would be precluded from returning to school after the 10th day;

- The regulations that addresses the conduct for which expulsion and extended suspension is appropriate; and
- The minimum education services regulation to address delivery of minimum education services to students suspended from 1-3 days.

Once their work is completed, staff at the department will use their recommendations to bring forth revised regulations for State Board consideration. This is planned as an agenda item at the June 2013 meeting of the State Board of Education.

Robert Murphy, MSDE, reported there is a lot of push back from local boards of education regarding suspensions, and stated some members were adamant that needing to be able to suspend for reasons of disrespect and insubordination. He added that the local agencies want to be able to make this decision and not use a state model. Board member DeGraffenreidt asked if this had been discussed in terms of closing the achievement gap, and added it seemed to be a tug of war.

Board member Staton observed that it appears the merits of suspending for disrespect and insubordination are being debated, and added the debate is not needed as the state board has determined there is a need to make change.

Mr. Buckler stated there is dual membership on the committees which could be cleaned up. He added that if the board takes up its reconsideration of COMAR, then those changes will inform the work of the committees.

Board member Finan said she understands the disrespect issue and asked about in-school suspension being sufficient. Ms. Chafin clarified members of the committee were talking about suspension for the most egregious cases, the 'repeat offenders' for whom alternative methods had no worked. Ms. Finan said clarity needs to be in the guidelines.

Mr. Buckler reminded the Board they have the final say on the guidelines, and recommended the board continued to be briefed before a final report. He added there will be a series of conferences with LEAs through funding from the Open Society.

Board member Sidhu shared that she has received pushback from local board members, and recommended a firmer message coming from the state board. She added that students in question are disengaged from education, and perhaps are encouraging their own suspensions to avoid school.

Mr. Buckler explained that many of the smaller school systems lack the resources for alternative methods to suspension. Mr. DeGraffenreidt suggested staff develop a list of worst practices that can inform judgment about what approaches should be prohibited, and asked if there was enough data to generate such a list.

Ms. Stanton asked if it was understood that addressing severe consequences is necessary, and asked that the board's concerns be taken back to the committee. She added that small school systems should have an advantage in that they know the each of the students. She said she feels that sharing best practices is important so people can begin to think differently.

Ms. Stanton recommended that students on the receiving end of suspensions should be included in the discussion, and Ms. Chafin agreed to make that effort.

Board president Dukes stated there needs to be horizontal alignment between the work groups and the committee writing the code of conduct. She added that seeing how the groups connect would enable the board to remain focused on decisions that have to be made. She added that they are approaching a time when the department will recommend a committee to address COMAR, and they should have a work session to take a 'deeper dive'.

[Handout](#)

State Board Member Update

Board member Sidhu reported that she attended the Parent Involvement Matters Awards (PIMA), and noticed there were many programs and volunteers working on the food insufficiency issue. She asked what the department could do about this issue, and Dr. Lowery said she would be sharing details of a possible pilot program in the future.

Opinions

The State Board issued decisions in the following cases:

- Karen Chavis-Murphy, et al., v. Charles County Board of Education, affirming the local board's redistricting decision
- Geneva Ferguson v. Baltimore City Board of School Commissioners, affirming the local board's employment termination decision
- Tony Jones v. Baltimore City Board of School Commissioners, affirming the local board's employment termination decision
- Gary Richardson v. Baltimore City Board of School Commissioners, affirming the local board's employment termination decision
- Tia and V. T., v. Baltimore City Board of School Commissioners, affirming the local board's early kindergarten entry decision
- Kelly D. v. Harford County Board of Education, affirming the local board's decision regarding a student's permission to attend prom
- Parent H. v. Montgomery County Board of Education, affirming the local board's student discipline decision
- Robin Shaffer v. Calvert County Board of Education, declining to reconsider the State Board's earlier decision in Robin Shaffer v. Calvert County Board of Education, MSBE Op. No. 12-57