

## **State Board of Education Meeting**

**October 30, 2013**

Consent Agenda Approved

### **ORAL ARGUMENT**

Tiffany Neal, et al. v. Anne Arundel County Board of Education-Challenged policy in illegal policy to carry out plan on redistricting.

### **INFORMATION AND DISCUSSION**

#### **2013 High School Performance**

High School Assessment Results, Graduation and Drop-out Rate-The key findings in the 2013 High School Assessment graduation results show that: (1) a very slight decrease in the percentage of students who passed all HSA tests or achieved the combined minimum scale score as compared to 2012. (2) Fewer than 0.1 percent of students received waivers for the graduation requirement by local school systems. There were a total of 59,587 "completers" in 2013. Of these, 58,776 students received diplomas and 811 received Special Education Certificates. Just 10 completers entered Grade 9 prior to 2005, and therefore had no HSA requirement. Of the 3,644 non-completers, a total of 983 failed to meet HSA requirements, but in nearly all cases other requirements were not met as well. There were an additional 2,661 non-completers who failed to meet requirements for reasons other than HSA.

Ms. Staton asked about using bridge to gather demonstrating mastery in subject areas. Dr. Lowery said the Common Core mandates students work at their comfort level to determine how best to help the students. When working with professional development we look at how to use the data in a more proficient way. Ms. Finan said will there be combination scores and bridge projects. We need to keep thinking of the possibility of bridge projects with PARCC. Dr. Lowery said bridge is not going anywhere and will always be an option. Ms. Finan said they have been told students prefer to pass the test and it is recorded on the transcripts the students have passed the test. Ms. Eberhart said in bridge they are doing it at their own rate verses a test which does not provide the time.

Dr. Dukes asked about school system specific information. Dr. Lowery explained this would need to be discussed with LEAs as they would like to explain the information to their own communities. Dr. Dukes then asked for school systems to provide their data to MSDE for the SBOE. Dr. Jack Smith said he would get the information from the local boards.

School Progress/School Progress Index: 2013 High School Results-The State Board was provided with a summary and overview of the components, calculation, and results of School Progress and the School Progress Index for 2013 by Dr. Jack Smith. Schools and systems will work to cut in half over the next six years the percentage of students not scoring at proficient levels on the exams. As in the past, the accountability system measures all students as well as racial subgroups and groups of students receiving additional services, such as special education, English language learners and FARMS. Schools and systems must work to hit improvement targets, known as annual measurable objectives (AMOs). AMOs will be calculated for the student population in each school as well as in special service and racial subgroups. Maryland's plan now focuses special attention on those schools with the most difficulty. Under the School Progress calculation, over 70 percent (70.8 percent) of Maryland High Schools met the AMO targets for all students compared to 87.1 percent in 2012. The targets will continue to rise over the next four years. The School Progress Index addresses Indicators of "progress"--Achievement, Closing Achievement Gaps, Student Growth, and College-and Career Readiness. Achievement and Closing Achievement Gaps were identified as essential Indicators of progress at all three levels. Student Growth as addressed in grades 3 through 8, and College-and Career-Readiness was identified as an essential high school Indicator. Measures of progress were selected for each Indicator. The Maryland School Assessment (MSA) tests in reading, mathematics, and science and the High School Assessment tests in Algebra/Data Analysis, English, and Biology are used to measure student achievement in the elementary, middle, and high schools. Additional measures in the high school model include 5-year cohort graduation rate, 4-year cohort dropout rate, career preparation,

performance on rigorous academic tests, and enrollment in college. Annual progress targets have been established for each measure and for school and subgroup based on 2011 baseline data and reflecting equal increments over time. At each level and for each progress Indicator, actual performance is compared to the progress target. A value of 1:00 indicates that the progress target was achieved. Values less than 1:00 indicate progress that fell just short of the target. Values greater than 1:00 indicate progress that exceeded the target. The School Progress Index is a weighted composite of these Indicators. Values have been calculated for every content/subgroup and aggregate combination for every school and the State aggregate. The State summary shows Level 2013 High School at 0.9797 Achievement; 0.9115 Gap; 0.9917 CCR (College and Career Ready) and 0.9549 School Progress compared to 2012 High School at 0.9936 Achievement; 0.9602 Gap; 1.0002 CCR; and 0.9816 School Progress.

Data specific to schools and school systems will be reported on the Maryland Report Card website at 12:00 p.m. on October 30. School and central office staff will review, analyze, and interpret this information, share it with their school communities, and use it as a planning tool to guide actions to improve the learning of all students.

### **Proposal to Enact Emergency Regulations**

Dr. Lowery said they are not asking for SBOE action today as this issue needs to be discussed with Superintendents as well as the mathematic supervisors. Dr. Duker said preliminary information has already been shared with the supervisors prior to today's meeting. Dr. Duker said the primary reason is to specifically state the courses involved. Dr. Lowery said she and Dr. Smith will be with superintendents later this week or will be discussed at their November meeting.

COMAR 13A.04.12 Program in Mathematics (4th Year of Mathematics)-Maryland adopted the Common Core State Standards in June 2010. Since adopted Maryland educators have analyzed the new standards to determine the shifts necessary to move from the standards in the State Curriculum. Maryland educators developed the Maryland Common Core Curriculum Frameworks that reflect the analysis of these standards and how they compare to the earlier standards. Full implementation of these new standards began with the 2013-2014 school year. The language in the regulations being submitted reflects the change in language and content required by the Common Core State Standards. For example, in the Common Core State Standards for mathematics, the domains are listed by grade bands, and for high school students, conceptual categories are identified. The Standards for Mathematical Practice describe the processes and proficiencies for mathematics.

The language in the regulations submitted also addresses the following: the identification of courses that meet the requirements for mathematics enrollment in high school according to Senate Bill 740, includes language that specifies the need for students to enroll in the transition mathematics course if they are determined not be college and career ready as the result of the administration of the college and career assessment while enrolled in high school. The purpose of the emergency status of the regulation is related to the practice of the department in identifying requirements of incoming ninth graders prior to their enrollment in high school. Current eighth grade students will be in the course selection and high school planning in January-February, 2014. Approval of the emergency regulation will be a request in December, 2013.

Specifically.....

The language provides that 13A.04.12A.(2) Offer in public schools a mathematics program in grades 9-12 [which enables students to meet graduation requirements and to select mathematics, electives] "or each year that a student is enrolled in high school, which enables students to meet graduation requirements and to select mathematics and mathematics-related courses that may include Mathematics Transition Course, Algebra II, Pre-Calculus, Discrete Mathematics, Linear Algebra, Probability and Statistics, Computer Science, AP(C) Computer Science, and AP(C) Calculus (A/B), AP(C) Calculus (B/C)" and

The language provides that 13A.04.12C deletes the following [Algebra, Patterns, and Functions. Students shall demonstrate knowledge of algebra, patterns and functions by algebraically representing, modeling, or solving mathematical or real-world problems involving patterns or functional relationships, using technology when appropriate.] and adding new language "For prekindergarten through grade 5, students shall demonstrate knowledge of the domains: Number Counting and Cardinality, Number Operations and the Problems They Solve, Numbers in Base Ten, Number-- Fractions, Measurement and Data Analysis, and Geometry.

13A.04.12D deletes the following language [Geometry. Students shall demonstrate knowledge of geometry by applying the properties of one-dimensional, two-dimensional and three-dimensional geometric figures to describe, reason, or solve problems about shape, size, position, or motion of objects, using technology when appropriate.] and adds new language "for sixth through eighth grades, students shall demonstrate knowledge of the domains: Ratios and Proportional Reasoning. The Number System, Expressions and Equations, Functions, Geometry, and Statistics and Probability."

13A.04.12E deletes the following [Measurement. Students shall demonstrate knowledge of measurement by identifying attributes, units, or systems of measurement by identifying attributes, units, or systems of measurement by applying a variety of techniques, formulas, tools, or technology.] and inserts new language "For high school students, students should demonstrate knowledge of the conceptual categories: Number and Quantity, Algebra, Functions, Geometry, and Statistics and Probability."

13A.04.12 also deletes F. G. H. and I. and adds new "F. Standards for Mathematical Practice. Students in prekindergarten through high school shall demonstrate knowledge of the processes and proficiencies of mathematics: make sense of problems and persevere in solving them, reason abstractly and quantitatively, construct viable arguments and critique the reasoning of others, model with mathematics, use appropriate tools strategically, attend to precision, look for and make use of structure, and look for and express regularity in repeated reasoning."

13A.04.12J(2) Are aligned [with the State Curriculum as developed by the Maryland State Department of Education in collaboration with local school systems] and insert new language "with the Maryland Common Core State curriculum as developed by the Maryland State Department of Education in collaboration with local school systems and aligned to the Common Core State Standards."

### **COMAR 13A.08.01 School Discipline Proposed Regulations-Errata**

On October 18, 2013, an Errata Notice was published concerning the school discipline regulations. It was explained that by oversight, when the regulations were re-drafted, Ms Kameen failed to include two amendments to the text of the proposed regulations adopted at the July Board meeting, The Division of State Documents published an Errata with the changes set for below. According to the Division of State Documents, there is no need to withdraw and republish because the error was a documented drafting error. The July minutes state:

In response to a concern expressed by Ms. Staton, Ms Kameen agreed to revise the documents by adding the following text to Section C.(1)(d)(i) and send a copy of the notice to the State Superintendent of Schools. In response to another concern expressed by Ms. Staton, Ms. Kameen agreed to revise the documents by adding the following text to all sections that include the following provision: "The school system provide the excluded student with comparable educational support services to promote successful return to the student's regular academic program." MABE's counsel pointed out to Ms. Kameen at a meeting that those changes had not been made in the proposed text. When the July minutes were checked, Ms. Kameen realized that she had forgotten to include them in all the documents. She spoke to the SBOE today to let them know that it was her mistake and that the proposed regulations were intended to and now do include the words the Board adopted at the July meeting. No other action was required by the SBOE.

Mr. DeGraffenreidt said they have heard there is a lot of misconception as to what is in the regulations and doing things in secret. He feels it would be a good course of action to republish the comment period to give people an additional period of time as to what is actually proposed. He was sad to hear that someone who was on the workgroup to allow drug-pins to sit in classes. "We are trying to promote school safety and not change the local autonomy." Therefore a MOTION was made to republish with corrections with a board vote in January and not December. The motion carried

unanimously. Mr. Gates said this board is not off on a wild crusade and this will demonstrate the spirit the board works in making this action. "To Liz Kameen, we are all human," concluded Dr. Gates.

### **Professional Standards and Teacher Education Board Proposed Regulatory Actions**

COMAR 13A.12.02 Blind, Visually Impaired (AMEND) - The current regulation requires changes due to required legislative review, current needs, and recommendations of a Work Group comprised of key constituents. The Work Group recommended the following:

- 1). Change name of certification area to Blind/Visually Impaired;
- 2). Eliminate the requirement for certification in generic special education;
- 3). Reduce the number of required general special education course work;
- 4). Expand the number of the general education course work; and
- 5). Update the content specific coursework in vision language.

For renewal, the Work Group addressed the need for teachers of the blind/visually impaired to demonstrate proficiency and continued maintenance in knowledge of the braille code through more clearly defined means than currently required. The group recommended this would be demonstrated by passing a national braille proficiency test during the initial renewal period. For subsequent renewal periods, demonstrated coursework related to the braille code would maintain or expand proficiency in braille and could be tailored to an individual's professional learning needs. This was presented in order to provide the SBOE with the opportunity to convene a Joint Conference Committee.

COMAR 13A.12.01 General Provisions (AMEND) - The State Board was provided with the opportunity to review amendments proposed by the Professional Standards and Teacher Education Board (PSTEB) and to provide an opportunity for the State Board to request a Joint Conference Committee to convene prior to publication. The proposed changes are based on the recommendations that the PSTEB accepted from the Final Report of the Work Group on Certification Restructuring as well as additional changes based upon the proposed changes. The PSTEB has been reviewing and updating COMAR as part of its' ongoing regulatory responsibility. The Final Report of the Work Group on Certification Restructuring proposed the following six recommendations for changes to the current certification regulations and the response of the PSTEB:

- 1). Revise the current certification system to include a license for those individuals who are not required by regulation to hold a certificate. Certificates would continue to be awarded to those employed by entities required to hold a certificate. Accepted by PSTEB.
- 2). Eliminate the requirement for obtaining a master's degree for teachers as part of the Advanced Professional Certificate (APC). Rejected by PSTEB.
- 3). Differentiate the credential for those required to hold certification and those who are not required to hold certification. Accepted by PSTEB. The master's degree remains one of the options for obtaining and APC but it is not a requirement.
- 4). Recommit to the importance of rigorous and relevant professional development as a continued requirement for certification and certificate renewal. Accepted by PSTEB.
- 5). Facilitate the novice teacher's entry into the profession and the world of practice; eliminate the need for additional renewal credits while on the Initial Professional Certificate. Accepted by PSTEB. This change supports new teachers who receive mentoring and professional development in their school system settings during the three years leading up to tenure.
- 6). Require 135 units for renewal. Renewal units may be college/university credits and/or Continuing Professional Development (CPD) credits or other approved equivalent experiences determined by the local school system. The PSTEB took no position. Renewal requirements remain the same.

In addition to the workgroup recommendations, other changes include clarifying existing definitions, adding new definitions, eliminating inconsistencies in citations and aligning the issuance dates of credentials with current practice. In this amended regulation the term credential is used to include the new certificate/license structure.

Mr. DeGraffenreidt asked about the teacher who is highly effective proposals. The response is this went to the AELR

and was vetoed. Therefore, a new regulation would have to be revived. It was explained that highly effective and effective data has not been collected and hopefully in some point in time it would be good to revisit. Mr. DeGraffenreidt asked if there is data on student growth. The response is that no data to date has been collected.

## **ACTION ITEMS**

### Early Childhood Race to the Top Grant Quarterly Update

The SBOE was provided progress regarding the first year of implementation of the Race to the Top-Early Learning Challenge Grant. Both lead divisions, the Divisions of Early Childhood and Special Education/Early Intervention Services, have embarked on implementing the ten projects which are broken down into 698 specific tasks which have been outlined in Maryland's approved Scope of Work (SOW). As of September 30, 2013, after 18 months of implementation, 68 percent of all tasks have been completed or are in progress. The remaining tasks will commence in late 2013 or later. While some tasks have to be extended, for which the U.S. Department of Education gave approval, all projects are currently on time. The U.S. Department approved five (of six) budgetary amendments to the approved RTT-ELC plan. The SBOE is being asked to formally approve the Early Childhood Engagement Framework. The Family Engagement Coalition plans to continue its work on the frameworks' implementation strategies. A motion was made to adopt the framework with the motion carrying unanimously.

### Department of Labor, Licensing and Regulation's (DLLR) Annual Report on the General Education Diploma (GED)

In partnership with the State Board of Education, the Department administers GED testing and the NEDP (National External Diploma Program) for Maryland residents who have not earned a high school diploma. House Bill 830 passed during this year's legislative session, requiring DLLR to conduct a study of alternative methods for obtaining the equivalent of a high school diploma and to submit a report on the study to the Governor and General Assembly by December 1, 2013. DLLR is finalizing the collection of data regarding the various measures utilized by states to warrant the award of a high school equivalency credential. DLLR will share a copy of the draft report with the State Board, and neither the draft nor the final version will include any recommendations, but rather will present all available information on alternatives. However, in keeping with the Department's commitment to the GED program, the Department has proposed revisions to Maryland Regulations in order to correctly reflect the changes to GED testing currently implemented and those that will occur in January 2014, when the system becomes entirely computer-based and the number of subject area tests changes from five to four. The Department requests that the State Board of Education continue its partnership by awarding the Maryland High School Diploma for all students who pass the GED test and demonstrate 100% mastery of all NEDP competencies. The Department also requests that the State Board of Education review the contract with GED Testing Service and approve the proposed revisions to Maryland Regulations at COMAR 09.37.01. A motion was made to adopt the proposed revisions with the motion carrying unanimously. The SBOE also moved approval regarding the contract with the GED Testing Service.

## **INFORMATION AND DISCUSSION**

### Race to the Top Update

The State Board was provided with an assessment of the current status of MSDE's 54 Race to the Top (RTTT) projects. Dr. Lowery said they have been contacted by Alaska to visit to discuss Maryland's reform effort and the preliminary work on STEM Education P-20. This is the third state that has contacted Maryland for information on our RTTT efforts. Mary Gable shared information regarding the status of amendments and she said the US Department of Education has approved 5 amendments which has allowed for grants to be provided to local school systems. Secondly tomorrow will see Marion Brown, CPA starting with MSDE who will be working on the fiscal/financial issues with RTTT. She will arrive at 9 and at 9:30 am will be a conference call with USDOE. She mentioned there is a call each month with USDOE to discuss progress with RTTT. Highlights will be provided with challenges and how they are being handled and

mitigated. Tomorrow those projects will include evaluation and the progression of our LEAs in completing their projects and how they are mitigating. She also let the SBOE know the work is multi-dimensional and the focus is finishing the work with quality in year four as well as look back to years 1 through 3 to check on the quality of work. Today's focus is on operational plans as to looking at metrics and showing there are fewer projects. Regarding data systems and expand instructional toolkit, as of 9/23/2013 DoIT (Department of Information Technology) has approved recent changes to the RFP and have cleared it for release subject to MSDE final procurement updates. The approved rollout date is 9/30/2013 has not been met on implementing a test item bank system, implement a Computer-Adaptive Test Delivery System and Item Loan and Integration Setup for Test Item Bank System. MSDE is awaiting guidance from USDE on the submitted amendments and next steps. Next steps, including alternative methodology will be assessed pending feedback from USDE. To Implement a Statewide System to Support Student Instruction Intervention. An amendment request extends the grant through September 2014. The rating will continue to improve with the awards of the grant funds to the LEAs and the implementation within LEAs. The project will be fully back on track by March 2014. With amendment approval: Communications will be sent to LEA. Regarding lowest performing schools and to extend student learning and improve school culture, climate and support -- work is underway to hire qualified individuals to fill the role of the MSDE culture and climate team. The goal is to have the team members identified, roles defined, and trained by mid-November and ready to begin providing services by the end of November.

### **State Superintendent's Update**

Dr. Lowery said the flex waiver work on rigors standards of assessments and using data to make decisions. She said a lot of this work is due to the reapplication of the waiver that has been requested. She is not talking about the current waiver on the hold harmless for a year. Dr. Smith worked closely with Dr. Volrath regarding this issue and asked Dr. Smith to update the board on the process. Dr. Jack Smith said he has gathered group for a steering committee and they are addressing 10 areas within subcommittees who will be working the next several weeks on recommendations and questions to submit back to the steering committee and then bring back to the SBOE on the reauthorization renewal application. State Accountability System is seeded within this work and on the way Title I is approached as well as equity plans. There is a lot of questions and will discuss further at board retreat tomorrow.

Steve Brooks was on the Alaska conference call which was a good meeting. He was not sure if it was a formal meeting with the State Senators in Alaska and asked about the factors that has led to Maryland's success. They are interested in the policies set forth and the continued vision striving for improvement as well as our partnerships along with support with our State government. They are interested in early learning and pre-k. They asked about our finance structure and was very interested in the "Thornton Commission" on adequacy equity and flexibility in putting the accountability in student achievement.

Dr. Lowery said they have also been contacted by West Virginia as well as Illinois regarding the Thornton formula. She said Maryland is the only state that is field testing in every single school at the PARCC level. Maryland has been asked to manage a federal grant for the consortium as the fiscal agent.

### **Board Member Updates**

Dr. Dukes attended a digital learning roundtable by the Governor and this appears to be an area the Governor has a lot of interest and was amazed by the quality of discussions. He mentioned Dallas Dance who is well versed in this area and the great asset he is to the issue.

Dr. Lowery stated Mr. DeGraffenreidt was honored by the Open Society Institute as an audacious individual. Mr. DeGraffenreidt said the recognition was more for the SBOE on the student disability regulations

## Public Comment

Cheryl Bost and Stan Truman (MSEA) spoke on the Discipline Regulations. Although they support safe schools there is some language concerns and feel this is an unfunded mandate. Stan Truman (Montgomery County Schools) said he is member of task force charged with making recommendations to SBOE. He commended the MSDE staff would worked hard on the recommendations. He brought up unfunded mandate concerns during the workforce meetings. He argued that many counties do not have alternative schools as well as the inability to fund such schools. These schools will need pupil personnel services as well as other services that will be costly such as additional counselors and teachers. He cautioned in the SBOE desire to help troubled youth, you may be inadvertently providing an unsafe environment when addressing when expulsion and suspension is appropriate.

Sara Blair-Chesapeake Lighthouse Foundation operates two schools and is working to start two more schools in Prince George's County. Their highest commitment is for students to succeed. She asked for support as community leaders. Her husband was stationed at Ft. Meade two years ago and had heard about Chesapeake Charter School on the technology approach. With the growing demand for technological based programs she was pleased to look at the school loves the school model. She said the Foundation is happy to be part of Maryland schools and helps further the education of all Maryland children. Their STEM base and technology base will help support students in working toward their future.

Jessica Clark (ACLU) spoke in support of the discipline regulations. As educators lessons are prepared and then access as to where the lessons got us. After an exhaustive look at the data, it appeared the status quo did not serve students well. The culture surrounding the discipline needed change. There is an academic gap which is impacted by discipline, but the proposed regulations are a good first step. So when looking at the changes, it is about making the schools safer and making sure the students continue to be "dealt with" in an appropriate manner and making then accountable for their actions. This will change the conversation around discipline by providing additional tools for misbehavior.

David Beard (Ed Policy Director, Advocates for Children and Youth) stated the regulations are good for kids. The NAACP Conference will also be sending support for the regulations. These regulations do not require "mounds" of additional funding, but instead keeps kids in school which is where they should be and not keep kids out of school for months pending the appeals process.

Ann Miller, parent said the biggest red flag about Common Core for her is the subversive nature of implementation and MSDE did not let the public know about the adoption of the Common Core in 2010. Now it seems there is more coming that is not being disclosed to the public such as the "Early Learning Challenge" which a radical form is taking away the role of parents beginning with birth. Why was the planned expansion of the data base not told to parents when it was expressed at the regional meetings? Also medical history and decision making is at the level of the school base and not between parents and children. What else will the school board be springing on parents once it is implemented? "We have a runaway SBOE with no oversight with reforms not subject to legislative review. It is time for the school board to cut the strings to federal education grants and stop selling our schools to the federal government."

Malita Kitchen (MSEA) spoke against the proposed regulations on student discipline. She stated the language is subjective. Imminent danger depends on whether the student has a good attorney or not.

Katherine Rab (Program Officer Open Society Baltimore) spoke in support of the discipline regulations as proposed. They have learned that the most successful initiatives are those proposed by a community which is why this has been so successful. The SBOE listened to the feedback by the community and took into account to many of the concerns thereby forming a workgroup.

Nicole Joseph (Maryland Disability Law Center) said her group is a strong proponent for interventions other than suspension. She said statewide students with disabilities make up 12% of the population. She provided an example of a

special education who was held out of school for 2 months before his findings were found to be unfounded. The proposed regulations would not allow this to happen. She said the proposed regulations will keep kids in school for small infractions such as being rude or not doing homework.

Kathy Carmello