

# MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday  
September 27, 2011

Maryland State Board of Education  
200 W. Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met in regular session on Tuesday, September 27, 2011 at 9 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Mr. James H. DeGraffenreidt, Jr., President; Dr. Charlene M. Dukes, Vice President; Dr. Mary Kay Finan; Dr. James Gates, Jr.; Ms. Nina Marks; Ms. Luisa Montero-Diaz; Mr. Sayed Naved; Mrs. Madhu Sidhu; Mr. Guffrie M. Smith, Jr.; Donna Hill Staton, Esq.; Dr. Ivan Walks; Ms. Kate Walsh and Dr. Bernard Sadusky, Interim Secretary/Treasurer and State Superintendent of Schools.

Elizabeth Kameen, Esq., Assistant Attorney General, and the following staff members were also present: Dr. John Smeallie, Deputy State Superintendent for Administration; Mr. Steve Brooks, Deputy State Superintendent for Finance; and, Mr. Anthony South, Executive Director to the State Board.

Mr. DeGraffenreidt welcomed Nina Mark's father who was observing today's meeting.

## **CONSENT AGENDA**

Upon motion by Mr. Smith, seconded by Ms. Diaz, and with unanimous agreement, the Board approved the consent agenda as follows: (In Favor – 10; Dr. Gates and Mr. Naved had not yet arrived)

- Approval of Minutes of August 30, 2011
- Personnel (copy attached to these minutes)
- Budget Adjustments for July and August, 2011
- Additional National Board Candidates for 2011-2012

Dr. Smeallie reported on the recent appointment of C. Anthony Thompson as Principal of the Charles Hickey Youth Facility. He gave a brief description of Mr. Thompson's experience in the education field.

## **RACE TO THE TOP (RTTT) UPDATE**

Dr. Sadusky asked Dr. Jim Foran, Assistant State Superintendent, Division of Academic Reform and Innovation, to give an update on the activities resulting from the RTTT grant.

Dr. Foran reported that all amendments to the RTTT grant application have been approved and that the final amendment submitted by the local education agencies (LEAs) will be approved today. He explained that \$227 thousand in funding of one of the projects is available and is being granted to LEAs for implementation of the new teacher and principal evaluation system with extra "seed" money being provided to the seven piloting LEAs.

In response to a question by Mr. DeGraffenreidt about whether the two LEAs (Frederick and Montgomery County School Systems) that did not sign onto the RTTT application will receive the funding, Dr. Foran explained that all twenty-four LEAs are required to meet the specifications of the evaluation program and, therefore, the two LEAs did receive the additional funding.

In response to another question by President DeGraffenreidt, Dr. Foran said that the LEA in Frederick County is currently aligned with the Evaluation System and that after speaking with the new Superintendent of the Montgomery County Public School System (MCPSS) and the President of the Montgomery County Teachers' Association, that the MCPSS plans to present plans to MSDE to become compliant.

Dr. Finan reminded Board members that there were two people on the Maryland Council on Educator Effectiveness who represented those two LEAs.

#### **RTTT FOCUS AREA: DEVELOPMENT OF P20 AND WORKFORCE DATA SYSTEM**

The Superintendent introduced Dr. Leslie Wilson, Assistant State Superintendent, Division of Assessment and Accountability, to give an update on the progress in building high quality data systems. She introduced Robert London, Consultant, P12-Longitudinal Data System (LDS) Director of Solutions Architecture; and Michael Pitroff, Director, RTTT Projects, Division of Accountability and Assessment to discuss the development of a P20 and Workforce Data System.

Mr. Pitroff explained that sub-grants are being awarded to LEAs to upgrade their data systems and discussed the fifteen projects currently underway.

In response to a question by Dr. Gates, Mr. Pitroff said that the project dealing with Adaptive Testing is still in the planning stage and that a Request For Proposals (RFP) will be disseminated.

In response to Ms. Marks' question about whether the projects are prioritized, Mr. Pitroff said that many are sequential in nature and that some build on others.

In response to a question by Ms. Walsh, Mr. Pitroff said that some other states are doing these types of projects but that Maryland is much farther ahead in these areas. Ms. Walsh suggested that he look into the work being done in Florida and North Carolina.

In response to a question by Mr. Smith, Mr. Pitroff said that LEAs must create systems that are compatible with the State's system. He noted that some LEAs do and some do not have any data systems in place currently.

In response to a question by Ms. Diaz about sustainability, Mr. Pitroff said that they are looking at the costs required four years from now. He said that systems will require funding and that the MSDE is planning for this.

Dr. Gates said there is major effort to get the federal government online for citizens to access. He said, "Are we thinking about cloud computing?" Mr. Pitroff said that they are exploring this and that the system will be adaptable.

The President said the Longitudinal Data System (LDS) and the data sets enable certain capabilities that we previously did not have and, therefore, will reduce the workload in certain areas. He noted that this will be a leadership issue that must be faced in the future.

Mr. London explained that the United States Department of Education (USDE) expects that everything needs to be done at once. He explained that the growth model currently being used comes from Colorado and is being used by ten states. He discussed the priority of compatibility of all LDS centers. He noted that "cloud computing" can be "dangerous" because of security issues with data.

Mr. London explained that the P-20 LDS is a shared resource that must be collaborative. He discussed the Maryland Higher Education Commission (MHEC) funding and the importance of that funding to get data after students graduate from high school. He explained that the Maryland's LDS is a policy based system and that the USDE is very interested in our approach. He said, "By focusing in on transitions, we are honing in on decision making to deliver services to Maryland citizens."

In response to a question by the President, Mr. London said that no other states are taking a policy based approach like Maryland.

In response to a question by Ms. Diaz, Mr. London explained that the Department of Human Resources (DHR) is not included in the project because of security and privacy issues. He noted that each of the agencies involved has a relationship with DHR but that it doesn't seem to be the right time to use this kind of information.

Ms. Staton asked about the universities that are not part of the university system. Mr. London said that all public education systems are included, community colleges as well. He said that while private institutions are not part of the data sharing, some feed into the data collection. Ms. Kameen said that the legislature deemed to keep these entities separate.

Mr. London said, "We are unrelenting about data. We have two other sources of data. There is a survey done of Maryland's graduating students to know where they are going after graduation. A student clearinghouse also reports their data." Mr. London discussed the structure and components of the MLDS.

In response to a question by Mr. DeGraffenreidt about the security of data being provided by feeder systems, Mr. London said that there is a secure transport mechanism for the agencies to transfer data.

Board members thanked the presenters for the information they provided.

### **STATE SUPERINTENDENT SEARCH PROCESS: DEVELOPMENT OF LEADERSHIP PROFILE**

Mr. DeGraffenreidt said that a search firm has been identified to conduct the search of a new State Superintendent of Schools and expressed the Board's gratitude for Dr. Sadusky filling in while the search is being conducted. He said that in order to select the best candidates, the Board needs to build understanding and alignment of what characteristics the job entails. He said the search firm (Hazard, Young, Attea and Associates) recommended that regional meetings be held by the Board to gather input from stakeholders on attributes required in a State Superintendent of Schools. He reported that HYA also recommended that an online survey be run for approximately thirty days gleaning input from additional stakeholders across the State. Mr. DeGraffenreidt said that HYA recommended that they meet with senior staff and stakeholders who are specific to the education community as well. He asked that anyone with suggestions for meeting venues please provide them to the Board. President DeGraffenreidt noted the importance of candidates understanding the transparency in Maryland.

Mr. DeGraffenreidt provided suggestions for six regional meetings and several Board members weighed in on their suggestions for other areas. He explained that the consultants have a very structured approach to running the meetings.

Ms. Diaz noted the importance that the online survey must be marketed and communicated widely throughout the State.

In response to a suggestion by Dr. Dukes, Dr. Sadusky said he will investigate whether LEAs could provide a link to the survey site on their homepages. Mr. DeGraffenreidt suggested that it be linked to other websites such as the Governors Office, the House and Senate, and professional associations.

Mr. South distributed a list of stakeholder groups and asked Board members to provide any additional suggestions.

### **SEED SCHOOL UPDATE**

Dr. Sadusky provided a brief introduction on the SEED School of Maryland, a college-preparatory public boarding school for eligible at-risk students from across the State. He introduced Jack LaPorte, Chairman of the Board of Trustees, SEED Maryland; Dr. Khyalek Kirkland, Head of the SEED School of Maryland; and Dr. Rajiv Vinnakota, Co-Founder of the SEED Foundation, to discuss their plans for stability in educational staffing and improvement on state tests.

Mr. LaPorte discussed the makeup of the Board of Directors and said, "It is a great model for private/public partnerships. He discussed SEED's Mission of providing twenty-four hour a day focus to students. He said the Board and staff are completely vested in making the school a success and is not satisfied with their performance thus far. He noted the challenging demographics and said it takes time to show results. He discussed the search for a new Head of the School and provided details on Dr. Kirkland's excellent credentials. He noted that the Board raised \$30 million privately to go into the construction of the school facility. Mr. LaPorte said that the goal of the School is to transform at-risk students to prepare them for college and life after college.

Dr. Kirkland thanked the Department for the technical assistance provided to the school thus far and noted that the SEED School is a "dream" opportunity for any educator. He stated that initial findings of what needs to be improved at the School show a lack of professional development to address student performance, failure to align assessments to curriculum and a failure to inform parents of their students' progress.

Dr. Kirkland discussed what has been put in place to address these deficiencies such as a restructuring of the day, moving teachers and administrators to reside on campus and parents receiving a weekly report on their student's progress. He said, "An open door policy has been established."

Mr. DeGraffenreidt expressed two concerns of the Board: sustainability and the success of the students that are currently attending the school. He asked, "What are the leading indicators of performance that let you know early whether the measures you have put in place are taking hold and working for the students now?"

Dr. Kirkland said that classroom observations are being conducted and explained that a company was hired to look at teacher's lesson plans. He said they also conduct internal assessments each month measuring growth in student performance in English language arts, mathematics and attendance. Dr. Kirkland explained that they are looking at why students are absent and will be providing onsite medical care for students to reduce the need for student absences to attend medical appointments. Dr. Kirkland said he is looking at the suspension rate and is holding everyone accountable for academic success.

In response to Dr. Kirkland's statement that students are now required to complete their homework immediately after school, Dr. Gates expressed concern that this policy may promote a lack of quality in homework assignments. Dr. Kirkland explained that many sixth and seventh grade students were not completing their homework assignments. He said that the school day ends at 4:00 p.m. and that Student Life Counselors come in at 3:30 p.m. to assist these students for approximately 45 minutes. He noted that homework is only graded if it is deemed correct.

In response to a question by Ms. Walsh about the suspension rate, Dr. Kirkland said they are sending staff members to training on the Positive Behavior Interventions and Support program (PBIS). He said that teachers are being trained on classroom management and motivation skills. Dr. Kirkland said that many steps are taken prior to the suspension of a student and they are looking at patterns of suspensions.

In response to a question by Ms. Walsh, Dr. Kirkland explained that the main reason for student suspensions is fighting among sixth and seventh graders. He said they need to teach students how to talk to each other.

In response to another question by Ms. Walsh about teacher attrition, Dr. Kirkland said that since they are adding a grade each year, eleven new staff members have been hired and four to seven teachers have been replaced. He said, "Every staff member is not for SEED and SEED is not for every staff member."

In response to a question by Dr. Walks about physical activity, Dr. Kirkland outlined the various after school activities as well as a physical education program provided to all students.

Mr. LaPorte noted that having a key leader of the school reside on campus, as Dr. Kirkland does, is a very positive change in the school atmosphere.

Mr. Naved had a question about enrollment figures and Dr. Kirkland explained the differentiation in enrollment figures. Dr. Vinnakota further explained that the legislature limited the number of students to be served by the SEED School which requires a lot of enrollment management.

Ms. Staton said, "We need to look beyond test scores. What is the environment giving these students?"

Dr. Kirkland explained his philosophy that every student should try to be the valedictorian of his or her class. He said the parents and teachers are seeing a very positive change in their students.

Ms. Staton suggested that the presenters bring a parent to the next presentation so that they can get a first-hand account of how parents feel about the school. Dr. Kirkland suggested that the Board hold one of its Superintendent of Schools search meetings at the SEED School.

Dr. Walks remarked on the need for a comprehensive single-fix school. Dr. Kirkland agreed and said that when a parent takes a child out of school they are asked the reason for removal in order to determine what issues are keeping students out of school.

In response to a question by Dr. Dukes about demographic diversity, Dr. Kirkland said that each LEA has a slot for two students to attend the SEED School. He said that the school is promoting this as an opportunity for students to represent their school district and stressing that it is a "safe and nurturing environment." He also reported that there is a recruiter whose function is to promote demographic diversity. Mr. LaPorte said that the Board is very focused on geographic and ethnic diversity.

In response to a question by Ms. Marks, Dr. Kirkland said that the school does provide a mentoring program in which every ninth grade student is a mentor for a sixth grade student. In response to a question by Ms. Marks about the correlation between mentoring and disciplinary action, Dr. Kirkland cited several examples in which mentoring negated the need for disciplinary action.

In response to a question by Ms. Sidhu about service learning requirements, Dr. Kirkland gave some examples of service learning projects being done by students to meet their service learning requirements.

In response to a question by Ms. Diaz, Dr. Kirkland said that each month students visit college campuses. Mr. LaPorte also noted that at the end of the school year, eighth grade students visited four to five colleges to increase their interest in attending college.

In response to a request by Mr. Naved for trend data by grade over the last several years for meeting Annual Yearly Progress (AYP), Dr. Vinnakota said that they can provide that information.

In response to a question by Mr. Naved, Dr. Kirkland said that the present sixth grade students have good English language arts and mathematics scores and those assessments are being given to provide targeted interventions. He also noted that classes in sixth grade are small and offer round-the-clock tutorials with ELA and math teachers residing on campus who can provide additional assistance.

President DeGraffenreidt thanked the group and said on behalf of the State Board they look forward to future updates.

### **COLLEGE BOARD RELEASE OF MARYLAND STUDENT DATA**

Dr. Sadusky introduced Mary Gable, Assistant State Superintendent, Division of Academic Policy; and Dr. Roni Jolley, Liaison, College Board/Advanced Placement Staff, to provide a brief overview of the data released on the results of state performance on the PSAT, SAT and AP.

Ms. Gable said that last year the Board asked a number of questions regarding the data provided by the College Board. She explained that some of the data is unavailable at this point but that the Longitudinal Data System will provide the answers at some point in the near future.

Dr. Jolley reported that the PSAT will be administered on October 12, 2011, and noted that the results are used to inform instruction and identify students with potential for success in AP courses. She provided the mean scores for public and all schools on the PSAT.

She provided data on the 2011 SAT participation rate and mean scores for all schools in Maryland and in the nation and provided SAT trends in all Maryland public schools.

In response to a question by Ms. Staton, Dr. Jolley provided the participation rates of students in surrounding states as compared to Maryland's participation rate and noted that Maryland is ranked tenth in the nation for participation in SAT.

In response to a suggestion by Ms. Walsh to compare Maryland with other wealthy states, Ms. Gable said that some states are labeled ACT states and others are SAT states.

In response to a question by Mr. DeGraffenreidt, Dr. Jolley said that she will have to explore what the participation variation is among LEAs in taking SATs. She explained that Baltimore City covers the cost for all eleventh and twelfth graders to take the SAT. Ms. Gable said that they will provide this information when it becomes available.

Ms. Gable provided ACT participation trends by students in Maryland over the past five years. She also provided data on the 2011 ACT performance in Maryland as compared to that of the nation. She also provided a graph that shows Maryland ACT trends outpacing the nation.

Dr. Jolley reported on AP participation in Maryland with a growth in test-takers increasing over the past five years by 36.8 percent. She reported that Maryland ranks number one in AP performance in the nation. She reported that Black and Hispanic AP participation trends are increasing in Maryland public schools and that AP performance trends reflect the diversity of participants. She provided a chart showing the consistent and sustained improvement among Black and Hispanic student performance over the past five years in AP scores. Dr. Jolley explained that AP credit policies vary among colleges and universities.

In response to a question by Mr. Naved about the chart reflecting AP performance and participation, Ms. Gable explained that the chart reflects data for public schools only. She explained that when the College Board gives comprehensive data, it is always for public schools only.

Dr. Jolley summarized by saying that Maryland has been number one for three consecutive years in AP performance and noted that preparation is key on the part of teachers and students. She reported that Maryland has been awarded \$4.7 million to expand AP participation in certain LEAs. She said that staff is working with content supervisors in LEAs and have held AP conferences and academies to promote the participation in AP courses.

In response to a question by Dr. Dukes about the numbers of students actually taking the AP exams, Ms. Gable said that while there is value in participation in the AP courses, it is a challenge to be met to increase the number of test takers. Dr. Jolley said that the cost of the exam may be problematic.

Board members asked the presenters to provide the reasons why students are not taking the tests and in what courses the AP exams are being taken. Dr. Jolley said that she can get that information in February when the College Board releases that data. In response to a question by Ms. Staton, Dr. Jolley said that they can tie that data to the student population.

The Board thanked the presenters for the valuable information they provided.

## **ANNUAL UPDATE ON FINANCIAL REPORTING REQUIREMENTS**

The Superintendent asked Mr. Steve Brooks to give an update on financial reporting requirements. He asked the Board to grant the Interim State Superintendent the authority to notify the Comptroller to withhold ten percent of the November State aid payment and each



subsequent installment for any school system that is not in full compliance with Section 5-114 of the Education Article.

Mr. Brooks explained that all school systems are in compliance with the law.

Upon motion by Mr. Smith, seconded by Dr. Gates, and with unanimous agreement, the Board approved the Superintendent's request. (In Favor – 11; Dr. Walks was no present for the vote.)

### **COMAR 13A.06.02.01-, .05 PRE-KINDERGARTEN PROGRAMS (ADOPTION)**

The Superintendent introduced Valerie Kaufman, Chief, Early Learning Branch, Division of Early Childhood Development, to give a brief overview of the amendments to COMAR 13A.06.02.01, -05 Pre-Kindergarten Programs. He recommended Board adoption of the proposed amendments to the regulations for Pre-Kindergarten programs.

Ms. Kaufman explained that two groups provided comments during the comment period after publication of the proposal. She explained their comments and stated that her staff provided answers to their concerns.

In response to a question raised by Dr. Dukes about whether the groups accepted the explanation, President DeGraffenreidt said, "We have to be focused on what's best for students."

Upon motion by Dr. Dukes, seconded by Dr. Finan, and with unanimous agreement, the Board adopted the proposed amendments. (In Favor – 11; Dr. Walks was no present for the vote.)

### **PROPOSED ACTIONS BY THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD (PSTEB)**

Dr. Sadusky introduced Dr. Joann Ericson, Chief, Certification Branch, Division of Certification and Accreditation, to discuss two regulatory proposals which have been approved for publication by the PSTEB regarding specialized professional areas and reporting procedures for teacher licensure.

Dr. Ericson explained that the Board need not take action on either proposal but that it does have the option of requesting a delay in the publication to allow that a Joint Conference Committee be convened with PSTEB to discuss the proposed new and/or amended regulations.

In response to a question by Ms. Walsh about the issue of alternative certification without specific coursework, Dr. Erickson said that the matter is still under discussion by PSTEB explaining that the PSTEB is moving cautiously because of the impact on constituents. She said that there should be some final answers by November. Ms. Walsh said that the Baltimore City Public School System based its teacher contract on teachers not being required to get their Master's Degree. Dr. Smeallie said there are ways to get credits without pursuing the Masters Degree. Dr. Ericson said she will express the Board's concerns to the PSTEB at its next meeting.

## **EXECUTIVE SESSION**

Pursuant to § 10-503(a)(1)(i) & (iii) and §10-508(a) (1) & (7), of the State Government Article, Annotated Code of Maryland, and upon motion by Mr. Naved, seconded by Dr. Dukes, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, September 27, 2011, in Conference Room 1, 8<sup>th</sup> Floor, at the Nancy S. Grasmick State Education Building. All board members were present. In attendance were Dr. Bernard Sadusky, Interim State Superintendent of Schools; John Smeallie, Deputy State Superintendent for Administration; Steve Brooks, Deputy State Superintendent for Finance; and Tony South, Executive Director to the State Board. Assistant Attorneys General, Elizabeth Kameen and Jackie La Fiandra, were also present. The Executive Session commenced at 12:55 p.m. (In favor – 12)

The State Board approved two Opinions and one Order for publication.

- *Global Garden Public Charter School v. Montgomery County Board of Education* – charter school application – Opinion No. 11-42
- *Possibility STEM Preparatory Academy Charter School v. Prince George's County Board of Education* – charter revocation – Opinion No. 11-43
- *Ryan Coleman v. Baltimore City Board of School Commissioners* – employee termination – request for reconsideration – Order No. OR11-10

The Board deliberated three cases.

- *Beard v. Baltimore County Board of Education* – teacher termination
- *Martin, et al. v. Allegany County Board of Education* – across border school agreement
- *Pamela and Robert M. v. Baltimore County Board of Education* – magnet school admission

The Board will issue written opinions at an upcoming meeting.

Steve Brooks, Rick Baker, and Bob Juskus presented the details of the proposed 2013 State Education Budget. Irene Padilla presented the details of the proposed 2013 Public Libraries Capital Grant projects.

Leslie Wilson presented the HSA test results which are embargoed until September 30, 2011.

President DeGraffenreidt addressed three internal board management issues: the committee to review the qualification of candidates for the Board of Baltimore City School Commissioners; MABE membership; and the need for succession planning for State Board President.

The Executive Session ended at 2:50 p.m.

## **RECONVENE**

The meeting reconvened at 2:40 p.m.

## **PANEL ON TIMELINE AND PROVISION OF EDUCATIONAL SERVICES RELATED TO STUDENT DISCIPLINARY ACTION**

Mr. DeGraffenreidt introduced Nicole Joseph, Attorney for the Maryland Disability Law Center; Janet Forrest Hartge, Assistant Director of Advocacy for Children's Right for the Legal Aid Bureau and, Jennifer Barmon, Assistant public Defender in Montgomery County. He asked that they weigh in on the Board's proposal on a Timeline and Provision of Educational Services Related to Student Disciplinary Action. He thanked the panelists for their responses to the Board's questions on this topic.

The President also introduced Kalima Young, Advocate, Education Reform Project for the ACLU-Maryland; Gerald Stansbury, President of the Maryland State Conference of the NAACP; and Dr. Jane Sundius, Director of Education & Youth Development Program for the Open Society Institute in Baltimore, to share brief comments on this topic.

### **Jennifer Barmon**

Ms. Barmon explained that her Office represents students who are facing charges in Juvenile Court or having problems in school. She explained that if a student is over sixteen years old they are expelled with no access to homework or school. She provided statistics on several students in Montgomery County who were expelled from school for various reasons and the lack of educational services provided during the expulsion periods which usually placed the student far behind in their school work.

She explained the expulsion policy and the length of time it takes to complete all of the steps required. She noted that if a student has an Individual Education Plan (IEP), required for all special education students, they are given more services than other students.

In response to a question by Mr. DeGraffenreidt, Ms. Barmon explained the process used to reapply to enter school after a student has been expelled.

In response to a question by Ms. Walsh, Ms. Barmon said that the Board's proposed regulation of 10 days is an appropriate timeline for returning students to school after a disciplinary incident.

In response to a question by Ms. Walsh about the two investigative conferences held when a student is expelled, Ms. Barmon said that both conferences are held separately and, thus, require more time in which the student is idled at home, noting that both conferences are usually very similar with the same participants and issues discussed. She recommended that these conferences be combined in the interest of a speedy due process for students. She recommended more interventions for students with disciplinary issues saying that keeping students out of school for months leads to more safety problems in the school when they return.

Ms. Barmon urged the Board to address the issue of students over sixteen who are expelled and do not receive educational services.

### **Nicole Joseph**

Ms. Joseph explained that her Office regularly provides representation for students with disabilities and IEPs. She said there are many clients who are suspended or expelled without due

process and cited several examples. Ms. Joseph said that delays in returning a child to school are usually due to delays by pupil personnel workers in scheduling conferences. She noted that very few delays are caused by parental unavailability.

Ms. Joseph said the Maryland Disability Law Center recommends the approval of the Board's proposal with the caveat that written notice, in the parent's native language, prior to the Superintendent's conference, explaining the parents' rights and a list of community resources available to the family, be required. She summarized as follows: "We are asking for timely hearings and timely appeals."

In response to a question by Ms. Walsh, Ms. Joseph said that the superintendent or his/her designee, the principal, the parent/s, the student and a pupil personnel worker are required to be at the investigative conference.

### **Janet Forrester Hartge**

Ms. Hartge explained that her Office represents students who are in foster care and whenever parents ask for help. She said that often foster care parents request the child be moved to another placement if their foster child is suspended or expelled because they are working and unable to provide day care for a child that is sent home.

Ms. Hartge said that often parents do not understand the seriousness of a suspension hearing and, therefore, recommended that parents be notified of this and urged to bring representation with them to the hearing. Ms. Hartge cited several examples in which students were not afforded due process. She said, "It needs to be clear to the parents that students can get services. We need to demonstrate due process."

In response to a question by Dr. Dukes about the student case examples presented by Ms. Hartge coming from large school systems, Ms. Hartge said that parents in smaller school systems are not calling for representation.

In response to a question by Ms. Staton, Ms. Hartge said, "It shouldn't depend on whether a student has the money to afford an advocate."

In response to another question by Ms. Staton, Ms. Joseph said that the Baltimore County Public Schools generally holds conferences in a timely manner.

### **Kalima Young**

Ms. Young reported that a total of 139,014 incidents of suspension occurred in 2009-2010. This pattern varies wildly across counties and jurisdictions with Montgomery County representing the lowest incidence of out-of-school suspension 2.5% and Somerset the highest, 13.6%. She said sixty-one percent of the cases statewide involve African-American students with many of the reasons for suspensions falling under the category of "disrespect." She said her organization finds this pattern "troubling." Ms. Young said there is an important need to study the data and develop a protocol to monitor suspensions and expulsions. She urged the need for explicit guidelines and sanctions and language that requires school systems to provide education services while students are not in school. She urged the Board, "Move forward without delay."

**Gerald Stansbury**

Mr. Stansbury said his organization supports the guidelines proposed by the Board noting that the removal from school can have a very detrimental effect on students. He urged that students be given second chances and that the schools need to take that extra step for their students. He said, "It takes patience."

**Jane Sundius**

Dr. Sundius applauded the Board for taking up this issue and urged the Board to act quickly to put due process in place. She said there is a pattern of suspending more students with disabilities and those of color. Dr. Sundius said that her organization found that if suspensions are reduced, increases in learning are significant. She offered to provide additional support from her foundation for a statewide discipline policy.

In response to a question by Dr. Walks about what the courts can do to help students who do not fall under the category of special education, Dr. Sundius said that there needs to be more alternative programs for these students. She said, "Guidelines are really important. It will send a message."

Mr. DeGraffenreidt said, "The presence of an accountability process will cause school systems to think differently about how they use suspension in their disciplinary process. This isn't just about the behavior of the student."

**2013 STATE EDUCATION BUDGET PROPOSAL**

Dr. Sadusky asked Steve Brooks to answer any questions about the 2013 State Education Budget which must be submitted to the Department of Budget and Management. He recommended approval of the following:

1. FY 2013 base budget estimates
2. FY 2013 prioritized Over-the-Target Requests
3. FY 2012 Deficiency Requests; and
4. FY 2013 Requests for State Aided Institutions

With no discussion and upon motion by Mr. Smith, seconded by Dr. Gates, and with unanimous agreement, the Board approved the 2013 State Education Budget proposal. (In Favor – 10; Ms. Walsh and Ms. Staton were not present for the vote.)

**2013 PUBLIC LIBRARIES CAPITAL GRANTS PROJECTS**

The Superintendent called on Irene Padilla, Assistant State Superintendent, Division of Library Development and Services, to introduce the 2013 Public Libraries Capital Grants Projects. He recommended Board approval for submission of this item to the Department of Budget and Management.

Upon motion by Ms. Staton, seconded by Ms. Sidhu, and with unanimous agreement, the Board approved the Superintendent's request. (In Favor – 12)

### **STATE SUPERINTENDENT'S UPDATE**

Dr. Sadusky reported that Ms. Marks attended a meeting at the White House on the changes to the No Child Left Behind (NCLB) Act that will provide states with the option to request a waiver of stringent requirements in the Act.

Ms. Marks remarked on her attendance at the event and explained that the President briefed the audience on the changes to NCLB.

Dr. Sadusky said that he has received clarification on the waiver process and that there is a group of staff who will be attending meetings on Thursday and Friday to gain additional information. He said that President Obama will allow waivers related to the labeling of schools and the use of NCLB funds. He provided the guidelines under which waivers will be approved which include the use of common core standards, a longitudinal data system, establishment of an accountable evaluation system and a focus by school systems on dealing with schools serving the lowest-achieving five percent of students.

The Superintendent reported that the first deadline for a waiver request will be the middle of November with a second opportunity deadline in the middle of February. He noted that there will be no partial waivers and that there will be peer and government reviews of the requests. Dr. Sadusky said, "We are positioned well. The school districts will welcome this. Superintendents are not running away from accountability standards."

The Superintendent also noted that waivers will be based on stakeholder's input as well and will require additional time to meet this requirement.

In response to a question by President DeGraffenreidt, Dr. Sadusky said that there will be technical assistance available.

In response to another question by the President, Dr. Sadusky said there are no "downside consequences" to requesting a waiver. The Superintendent said that a presentation will be made at the next Board meeting when a clearer definition is received.

He also noted that an Executive Team retreat was held recently which revolved around issues the Department must face in dealing with reduced resources.

Dr. Sadusky reported on an excellent visit to the Carroll County Technology Center where he described students as "incredible."

Dr. Sadusky reported that the Board will receive an invitation to an Anti-Bullying Conference to be held in October at Arundel High School. He urged members to attend.

## PUBLIC COMMENT

Mr. DeGraffenreidt explained procedures by which the Board hears public comments. The following persons presented comments:

- Yvonne Golczewski on gifted and talented students.
- Tom Carr, President, Maryland Association of Boards of Education (MABE) on MABE's upcoming Annual Conference and other topics.

## OPINIONS

Ms. Kameen announced the following Opinions:

- 11-42 *Global Gardens Public Charter School v. Montgomery County Board of Education* – denial of charter (affirmed the local board's decision)
- 11-43 *Possibility STEM Preparatory Academic Charter School v. Prince George's County Board of Education* – revocation of charter (affirmed the local board's decision)

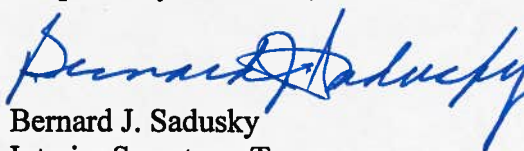
Ms. Kameen announced the following Order:

- 11-10 *Ryan Coleman v. Baltimore City Board of School Commissioners* – request for reconsideration (denied)

## ADJOURNMENT

With no further business before the Board, the meeting adjourned at 4:16 p.m.

Respectfully submitted,



Bernard J. Sadusky  
Interim Secretary, Treasurer

BS/rms

APPROVED: 10/25/11

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this 27th day of September 2011, at the hour of \_\_\_\_\_ am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by:   *Saved*  

Seconded by:   *D. [unclear]*  

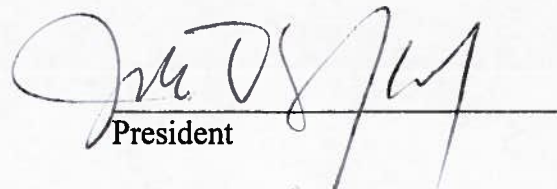
In Favor:   *All*   Opposed:            Member(s) Opposed:           

The meeting was closed under authority of §10-503 (a) (1) (I) and §10-508 (a) of the State Government Article of the Annotated Code of Maryland for the following reason(s): (check all which apply)

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

The topics to be addressed during this closed session include the following:

1. Discuss 5 legal appeals.
2. Consider 1 expedited appeal.
3. Discuss 2 items that are subject to Executive Privilege.
4. Review preliminary test data.
5. Discuss 2 internal Board management matters.

  
\_\_\_\_\_  
President



**MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR SEPTEMBER 9, 2011 SUPPLEMENT BOARD MEETING**

**I. Appointments Grade 19 and above:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
Thompson, C. Anthony	Principal, Charles H. Hickey, Jr. School	IEPP/ Admin	Career and College Readiness, Juvenile Services Education Program	TBD

**II. Appointments Grade 18 and below:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
None				
<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
None				



**Bernard J. Sadusky, Ed.D.**  
**Interim State Superintendent of Schools**

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September 9, 2011

**BOARD LIST**

The following professional appointment is submitted for approval by the State Board of Education:

**Name:** C. Anthony Thompson  
**Position:** Principal, Charles Hickey Youth Facility  
**Division:** Career and College Readiness  
Juvenile Services Education Program  
**Salary Grade:** IEPP (\$83,544 - \$98,734)  
**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education and Experience:**

Master's Degree in School Administration and Supervision or a Master's Degree with 18 graduate credits in School Administration and Supervision plus five years of satisfactory teaching experience and eligible for a Maryland Administrator II or Principal Certificate.

**DESCRIPTION:**

This position serves as Principal responsible for providing leadership in the administration of education and library programs for residents of detention programs at the Charles H. Hickey, Jr. School.

**Qualifications:**

**Education:**

Bowie State University (Bowie, Maryland) 1978 – Master of Education in Special Education

District of Columbia Teachers' College (Washington, D.C.) 1970 – Bachelor of Science in Special Education and History

Maryland State Advanced Professional Certification: Administrator I/II and Special Education Grades Kindergarten through Grade Twelve

**Experience:**

Baltimore County Public Schools (Towson, Maryland)

2004 – 2011: Principal, Meadowood Alternative Education Center  
2001 - 2004: Principal, Woodlawn High School

Prince George's County Public Schools (Upper Marlboro, Maryland)

1999 - 2001: Administrative Director of Alternative Programs  
1995 - 1999: Chief Educational Administrator  
1990 - 1995: Principal, Potomac High School

Regional Institute for Children and Adolescents-RICA (Cheltenham, Maryland)

1984 - 1990: Principal  
1978 – 1984: Educational Coordinator

Youth Rehabilitation Center, Inc. (Croon, Maryland)

1975 - 1978: Principal, Edgemoor School  
1970 - 1975: Teacher, Edgemoor School

**Employment Status**

Reinstatement

**MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR THE September 27-28, 2011 BOARD MEETING**

**I. Appointments Grade 19 and above:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
Barraza, Dora R.	Education Program Specialist I, Scoring Specialist	21	Accountability, Assessments, and Data Systems	TBD
Marchman, Kimberly R.	Education Program Specialist I, Family Support Services Coordinator	21	Special Education/Early Intervention Services	TBD
Ross, Sherry McCall	Principal, Cheltenham Youth Facility	9990	Career and College Readiness, Juvenile Services Education Program	TBD

**II. Appointments Grade 18 and below:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
Caporaletti, Priscilla L.	Teacher, Academic (Mathematics)	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Forman, M. Michelle	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Goetz, Matthew P.	Teacher, Academic (Life Skills/Career Development)	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Jefferson, Danielle	Teacher, Academic (Computer Literacy)	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011

Martin, Rosemarie T.	Teacher, Academic (Social Studies)	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Millington, Hope H.	Teacher, Academic (Life Skills)	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
McNeil, Diana	Vocational Rehabilitation Specialist II	13	Rehabilitation Services, Region V	09/07/2011
Murdock, Sheila J.	Teacher, School Counselor	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Parker, Sheila M.	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program Baltimore City Juvenile Justice Center	09/21/2011
Peterson, Poinsettia G.	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Smart, Patricia G.	Teacher, Library Media Specialist	IEPP	Career and College Readiness, Juvenile Services Education Program Cheltenham Youth Facility	10/05/2011
Smith, Lynneliz S.	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program Charles H. Hickey, Jr. School	09/21/2011
Sparrow, LaCheyna C.	Teacher, Special Education	IEPP	Career and College Readiness, Juvenile Services Education Program Victor Cullen	10/05/2011

Wellmann, Laura

Vocational Rehabilitation Specialist II

13

Rehabilitation Services, Workforce and  
Technology Center

09/07/2011

III. Other Actions:

NAME

POSITION

SALARY  
GRADE

DIVISION/OFFICE

DATE OF  
APPOINTMENT

None



**Bernard J. Sadusky, Ed.D.**  
**Interim State Superintendent of Schools**

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September 27-28, 2011

**BOARD LIST**

The following professional appointment is submitted for approval by the State Board of Education:

**Name:** Dora R. Barraza  
**Position:** Education Program Specialist I, Scoring Specialist  
**Division:** Accountability, Assessments and Data Systems  
**Salary Grade:** 21 (\$56,496-\$90,706)  
**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education:**

Possession of a Master's Degree or equivalent 36 credit hours of post-baccalaureate course in Education, Education/Administration, or closely related degree work from an accredited college or university.

**Experience:**

Four (4) years of experience in the development, administration and analysis of Education Assessments specifically in the area of scoring. Experience with Maryland Assessments preferred

**NOTES:**

1. Two additional years of experience directly related to the position may be substituted for the required Master's Degree.
2. Possession of a Doctorate in a field related to the position may be substituted for one year of the required experience.

**DESCRIPTION:**

This is a professional position responsible for providing leadership and technical assistance for the development, administration, and analysis of all Maryland Assessments, specifically in the area of scoring.

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[www.MarylandPublicSchools.org](http://www.MarylandPublicSchools.org)

**Qualifications:**

**Education:**

University of Texas at El Paso (El Paso, Texas) 1991 – Bachelor's Degree in Liberal Arts

**Experience:**

State of Texas (San Antonio, Texas)

2011 – Present: Texas Works Advisor II

Maryland State Department of Education (Baltimore, Maryland)

2010 – 2011: Consultant (Scoring)

Pearson formerly Harcourt (San Antonio, Texas)

2008 – 2009: Content Specialist (Scoring Concepts)

Harcourt (San Antonio, Texas)

2007 - 2008: Coordinator – Content Scoring Concepts

1997 – 2007: Trainer/Facilitator (Scoring)

**Employment Status**

New Hire





Bernard J. Sadusky, Ed.D.  
Interim State Superintendent of Schools

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September 27-28, 2011

**BOARD LIST**

The following professional appointment is submitted for approval by the State Board of Education:

**Name:** Kimberly R. Marchman  
**Position:** Education Program Specialist I, Family Support Services Coordinator (Part-time)  
**Division:** Special Education/Early Intervention Services  
**Salary Grade:** 21 (\$56,496 - \$90,706)  
**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education:**

A Master's Degree or equivalent 36 post baccalaureate credit hours of course work in Education, Special Education or a related field.

**Experience:**

Four (4) years of professional administrative or teaching experience in or affiliated with special education or family support programs; experience coordinating or administering programs related to services for individuals with disabilities and their families is preferred.

**NOTE:** Two additional years of experience as defined may substitute for the Master's Degree.

**DESCRIPTION:**

This is a part-time (20 hours per week) professional position responsible for providing technical assistance with the coordination of a Statewide network of family support services for families that have children with disabilities, ages birth-21.

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[www.MarylandPublicSchools.org](http://www.MarylandPublicSchools.org)

Kimberly Marchman  
Page two

**Qualifications:**

**Education:**

York College (York, Pennsylvania) 1994 – Bachelor's Degree in Secondary Science

**Experience:**

Maryland State Department of Education (Baltimore, Maryland)

2009 – Present: Family Support Program Specialist (Consultant)

2010 – 2011: Maryland State Improvement Grant - Family Support Network  
(Consultant)

Harford County Public Schools (Bel Air, Maryland)

2005 – 2009: Partners for Success Resource Coordinator

1995 – 1999: Teacher (6<sup>th</sup> and 8<sup>th</sup> Grade Science)

Harford County Infants and Toddlers (Bel Air, Maryland)

2001 – 2004: Family Support Network Coordinator

**Employment Status**

New Hire



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**Interim State Superintendent of Schools**

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September 27-28, 2011

**BOARD LIST**

The following professional appointment is submitted for approval by the State Board of Education:

**Name:** Sherry M. Ross  
**Position:** Principal, Cheltenham Youth Facility  
**Division:** Career and College Readiness  
Juvenile Services Education Program  
**Salary Grade:** IEPP (\$83,545 - \$98,734)  
**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education and Experience:**

Master's Degree in School Administration and Supervision or Master's Degree with 18 graduate credits in School Administration and Supervision plus five years of satisfactory teaching experience and eligible for a Maryland Administrator II or Principal Certificate.

**DESCRIPTION:**

This position serves as Principal responsible for providing leadership in the administration of education and library programs for residents of detention programs at the Cheltenham Youth Facility.

**Qualifications:**

**Education:**

Loyola College (Baltimore, Maryland) 1999 – Master’s Degree in Administration/Supervision Development

University of North Carolina (Wilmington, North Carolina) 1991 – Bachelor’s Degree in Education

Maryland State Certification: Administrator I/II

**Experience:**

Kennedy Krieger School: Fairmount (Baltimore, Maryland)

2010 – Present: Principal

Maryland State Department of Education/Maryland State Department of Labor and Licensing (Baltimore, Maryland)

2006 – 2010: Principal – Maryland Correctional Pre-Release System Schools

Maryland State Department of Education (Baltimore, Maryland)

2006: Acting Principal, Maryland Correctional Pre-Release

2004 – 2006: Assistant Principal, Charles H. Hickey, Jr. School

1997 – 1999: Correctional Education Supervisor/Lead Teacher

Episcopal Diocese of Maryland (Baltimore, Maryland)

2001 – 2004: Bishop’s Staff - Youth Missioner

Towson University (Towson, Maryland)

1999 – 2004: Adjunct Faculty, Acting Director (Science and Mathematics Education), Coordinator (Maryland Educators; Summer Research Program)

Community Center at Woods (Severna Park, Maryland)

1999 – 2001: Director of Youth Programs

Anne Arundel County Public Schools (Annapolis, Maryland)

1992 – 1997: Teacher, Instructional Team Leader and School Improvement Team Chair

**Employment Status**

Reinstatement