MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday
December 14, 2010

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

The Maryland State Board of Education met in regular session on Tuesday, December 14, 2010, 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. Luisa Montero-Diaz; Mr. Sayed Naved; Mr. Gayon Sampson; Mrs. Madhu Sidhu; Mr. Guffrie M. Smith, Jr.; Donna Hill Staton, Esq.; Dr. Ivan Walks; Ms. Kate Walsh and Dr. Nancy S. Grasmick, 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.

## CONSENT AGENDA

Dr. Grasmick asked Susan Spinnato, Director of Instructional Programs, to introduce the newly-hired Education Program Specialist to work with English Language Learners. Ms. Spinnato introduced Ilhye Yoon, a former ESOL teacher in Anne Arundel County Schools.

The Superintendent asked Dr. Carol Ann Baglin, Assistant State Superintendent in the Division of Special Education, to address the changes proposed to the regulations dealing with services for students with disabilities. Dr. Baglin explained the purpose of the amendments proposed to COMAR 13A.05.01 and 13A.05.02 which are to make revisions as a result of State legislation as well as technical changes.

Mr. DeGraffenreidt reported that Ms. Staton requested a Board presentation on special education services and noted that the discussion will be on the March Board agenda.

Dr. Grasmick asked Kathy Oliver, Assistant State Superintendent in the Division of Career and College Readiness, to speak on the Juvenile Services proposed regulations. Ms. Oliver explained that COMAR 13A.05.11 contains new Regulations for Juvenile Services Education Programs and that the Board is being asked to give permission to publish these regulations in *The Maryland Register* for public comment.

Upon motion by Dr. Gates, seconded by Mr. Smith, and with unanimous agreement, the Board approved the consent agenda as follows: (In Favor – 7; several members arrived late due to traffic conditions)

- Approval of Minutes of October 26, 2001
- Personnel (copy attached to these minutes)
- Budget Adjustments for October, 2010
- Permission to Publish:
    - COMAR 13A.05.01 (AMEND) Provision of a Free Appropriate Public Education
    - COMAR 13A.05.02 (AMEND) Administration of Services for Students with Disabilities
    - COMAR 13A.05.11 (NEW) Regulations for Juvenile Services Educational Programs

## 2010-2011 NATIONAL TITLE I DISTINGUISHED SCHOOLS

Dr. Grasmick introduced Ann Chafin, Assistant State Superintendent, and Maria Lamb, Director of Program Improvement & Family Support Branch, both in the Division of Student, Family and School Support Services, to provide background on two schools selected as this year's Maryland Title I Distinguished Schools.

Ms. Lamb discussed how the Title I Distinguished Schools are selected and said that Grasonville Elementary School in Queen Anne's County scored highest in Category I—exceptional student performance for two or more consecutive years and Milbrook Elementary School in Baltimore County scored highest in Category II—closing the achievement gap between student groups. She introduced the principals and superintendents of those schools and asked the principals to give a brief update on the success of their schools.

Ms. Roberta Leaverton, Principal of Grasonville Elementary School, introduced Dr. Carol Williamson, Superintendent of Queen Anne's County Public Schools, and Mr. Bernie Sadusky former Superintendent of Queen Anne's County Public Schools. She explained that the school established a process of triangulation to write collaborative lessons and that teachers meet twice per month to discuss every student's progress.

Ms. Christina Byers, Principal of Milbrook Elementary School introduced Dr. Joe Hairston, Superintendent of Baltimore County Public Schools and other county school administrators present and noted the reasons that Milbrook Elementary was able to close the achievement gap for students. She identified data gathering and setting high expectations for students as two reasons why Milbrook Elementary has been able to close the achievement gap.

Board President DeGraffenreidt congratulated both principals and said, "This is what can happen when people believe that all students can achieve."

In response to a question from Mr. Smith about the use of Positive Behavioral Preventions and Supports (PBIS) in both schools, Ms. Leaverton said that the use of this program has promoted a positive atmosphere in her school. Ms. Byers said that PBIS provides consistent expectations in her school.

In response to a request by Dr. Gates for the principals to explain how the use of data has been effective in helping their students succeed, Ms. Byers said that data identifies individual student needs and has had an extreme impact on student achievement. Ms. Leaverton said that data has

been brought into the classroom to help teachers help students. Dr. Gates said, "This story needs to get out." Ms. Byers said "Our teachers feel empowered by data, not burdened by it."

President DeGraffenreidt and Dr. Grasmick congratulated and presented each principal with a check in the amount of $2000 for use in their schools and a certificate of recognition. Dr. Grasmick acknowledged the work of Jim Newkirk, MSDE Program Specialist, who works with Title I schools.

## RACE TO THE TOP (RTTT) UPDATE

Dr. Grasmick introduced two contractors who have been hired to work on areas of the RTTT Proposal for the Department. She explained that the Department is required to send a monthly report that outlines its activities in meeting the RTTT Proposal and that the Department submitted a "scope of work" not only for the Department but for each local school system. She said that the feedback from the U.S. Department of Education (USDE) has been very positive. The Superintendent distributed a video to each Board member that provides a general understanding of the RTTT Proposal and noted that the video is available on the Department's website.

Dr. Grasmick said that a Longitudinal Data Base (LDB) Team has been structured and is well under way. She noted that the LDB will engage the schools with higher education as well as the workforce.

In response to a request by Mr. DeGraffenreidt, Dr. Grasmick said that all reports will be posted on the Department's website to provide transparency to all stakeholders.

The Superintendent thanked Dr. Finan for serving on the Maryland Council for Educator Effectiveness (MCEE) and introduced Betty Weller, Vice President of the Maryland State Education Association (MSEA) and Co-Chair of the Council. She explained that the MCEE is responsible for creating a template for an educator evaluation system and that the Governor's Executive Order set the end of December as a deadline. She explained that the Council recognized that this deadline did not provide enough time for the Council to do this extremely important work and reported that the Co-Chairs sent a letter to the Governor requesting a six month extension.

Ms. Weller said, "We have 21 of the most hard-working people on the Council." She explained that the Council has divided into four subcommittees broken down by grades and tested and non-tested areas. She discussed some of the presentations made before the Council to help members craft a well-written template.

Dr. Grasmick reported that almost seventy percent of Maryland's teachers teach in non-tested areas. She explained that the Council is looking at multiple measures to evaluate education staff and that focus groups are looking at non-tested areas. She noted that the Council intends to engage standards for every subject in the curriculum. The Superintendent said that she has stated, on behalf of the Board, that fifty percent of the evaluation will be dedicated to looking at multiple measures that will determine student growth and that thirty percent relates to the state protocol regarding student growth and that twenty percent would be determined at the local

school board level. She said that the Council is working on a template of a "default model" for which local schools boards could use if they deem necessary. Dr. Grasmick explained that the MSEA has a slightly different view of the breakdown.

Ms. Weller explained MSEA's position and reported that Dr. Charlotte Danielson is a leading expert in framing an educator evaluation system and that she will be presenting to the Council on January 24, 2011. She stated that she feels that student growth is reflected in all of the domains and that there is a way to put a measurement system that would reflect this.

Dr. Grasmick said that the USDE is galvanizing excellent researchers to work on this issue and that the Council will have an opportunity to meet with some of those leaders.

In response to a question by Ms. Staton about how to determine if an evaluation system is working, Ms. Weller said that Montgomery County Public Schools currently has an excellent system as an example of what works. In response to a question from Mr. DeGraffenreidt, Ms. Weller could not explain whether the Montgomery County Public Schools evaluation system produces documentation that links teachers' performance to student growth.

Mr. DeGraffenreidt explained that through the Race to the Top initiatives the Board seeks to identify the "cause" that drives an "effect" of student growth to broaden the scope and scale of how you share knowledge across the teaching community and to target methods for identifying why a student who has abilities is underperforming or why certain students are underperforming because of other factors. He said it is important to have data that tell what is needed to produce a defined targeted effect.

Dr. Gates requested information on the work of Dr. Danielson and mentioned the work of The Bill and Melinda Gates Foundation. Dr. Grasmick said she met with Bill Gates and will be presenting information to the Council at one of its future meetings.

In response to a question by Ms. Staton, Dr. Grasmick said that weekly conference calls and monthly meetings with the USDE are being held to keep Maryland accountable for its use of RTTT funding.

Dr. Finan said, "Principals are used to being held accountable for their students' achievement. This is not just about teachers." She said that Montgomery County's system seems to be working but expressed concern about the lack of definitive percentages that Montgomery County staff were able to provide to the Council.

Mr. DeGraffenreidt said that the Board has set a general standard and that measures are to be set by the Council.

The President thanked Ms. Weller, Dr. Grasmick and Dr. Finan for their leadership and asked them to let the Board know if there is any way they can help in this endeavor.

## NORTHROP GRUMMAN CHECK PRESENTATION

Dr. Grasmick said, "When we talk about corporate partners, there couldn't be a better partner than Northrop Grumman." She introduced Richard Schmaley, Vice President of Human

Resources & Administration and Ted Imes, Director of Community Outreach of Northrop Grumman Electronic Systems, who are presenting a check in the amount of $250,000 to be distributed over the next two years to the Department for the enrichment of science, technology, engineering and mathematics education. Dr. Grasmick said that Northrop Grumman is the only corporation that works to stimulate young children's interest in science and math.

Mr. Schmaley said that it is their pleasure to present a check for $250,000 to the Department to promote science and mathematics education.

## FEATURED RTTT INITIATIVE: STEM EDUCATION

The Superintendent reported that the Governor appointed a Science, Technology, Engineering and Mathematics (STEM) Task Force in 2008 which presented its recommendations to the Board last year. She said that those recommendations were incorporated into the RTTT Proposal and introduced Mary Cary, Assistant State Superintendent, Division of Instruction, and June Streckfus, Executive Director of the Maryland Business Roundtable for Education (MBRT) and Co-Chair of the Task Force to share the STEM initiatives that will be undertaken as part of the RTTT grant implementation.

Ms. Cary discussed the goals of the various STEM grants being provided to local school systems and gave examples of partnership projects conducted with the assistance of such partners as Northrop Grumman, NASA, NSA, IBM and the Maryland Higher Education Commission. She said that the RTTT grant will provide for the hiring of a STEM Coordinator and three other STEM employees, fund summer academies for students, and provide STEM professional development for more than 5800 educators over the next three years.

Ms. Streckfus discussed the STEMnet Teachers Hub, a network to propel innovation in STEM in Maryland. She explained that this is a network where STEM teachers can find crucial resources, support, and professional connections enabling them to strengthen pre-kindergarten-through 12th grade STEM teaching and learning. She explained that there are a lot of "untapped" students who are unable to get the STEM training they need. Ms. Streckfus said that the goal of the Teachers Hub is to double the number of students in the STEM areas from that pool of "untapped" students. She explained that teacher focus groups were held and an online survey was conducted to determine what support students and teachers need to increase STEM interest and support STEM education. She said that the outcome showed the need for student-centered and teacher-centered STEM support.

Dr. Gates recommended a report entitled, "Prepare and Inspire" for teachers in STEM areas.

In response to a suggestion by Ms. Staton, Ms. Cary said that Universal Design for Learning is an integral part of the curriculum work being done.

In response to a remark by Dr. Gates, Dr. Grasmick said that Exxon has created its own Foundation to promote STEM education and is providing grants to states that are willing to engage in "U Teach" and that the Department is very interested in this model developed at the University of Texas.. Dr. Grasmick said that the RTTT funding will provide an opportunity for institutions of higher education to engage in the "U Teach" model.

In response to a question by Mr. Naved, Ms. Streckfus said that there is a "Parents Count" site which provides information to parents about STEM.

## CHARTER SCHOOL REVIEW

Mr. DeGraffenreidt announced a continuation of the Board's Charter School discussions and noted that Maryland was perceived nationally as "weak" in regard to its charter school law.

Dr. Grasmick introduced Dr. Michael Martirano, Superintendent of St. Mary's County Public Schools; Neal Duke, Chairman of the Baltimore City Board of School Commissioners; Cathy Allen, Immediate Past President of the Maryland Association of Boards of Education (MABE) and Member of the St. Mary's County Board of Education; Thomas Carr, President of MABE and Member of the Garrett County Board of Education; and John Woolums, Director of Legislation for MABE, to share their views on Maryland's charter school program.

Mr. Carr reported that Maryland's charter school law was ranked last in the country by the charter school experts who testified before the State Board at its last meeting. He said that absent from their testimony was any data specific to charter schools in Maryland. He noted a disconnect between the ranking of Maryland's education system as number one and its charter school law as last among the states and that current data regarding Maryland's charter schools can resolve this disconnect.

Mr. Carr discussed the issue of charter authorizers in Maryland and provided data showing that local boards have approved charter schools at a rate that exceeds all but five of the ten states that are ranked as having the top charter school laws.

Board President DeGraffenreidt noted the low number of points awarded to Maryland in its RTTT application in the charter school area.

Mr. Carr said that regarding facilities, MABE refers to charter schools as "public schools" and works collaboratively with the MSDE in providing facilities for charter schools.

Ms. Allen stated that charter schools provide increased parental choice among innovative educational programs and that the focus has been on areas of accountability. She provided examples of positive headlines about Maryland charter schools and negative headlines surrounding other charter schools throughout the nation concluding that the same focus on student achievement makes the current Maryland charter school law a model for the nation.

Mr. Duke lauded the charter school program noting that Baltimore City has become "an incubator for reform." He said that creating options for students and parents has been the answer to excellence in urban education. He named the various stakeholders who serve on the advisory board in Baltimore City that provides feedback on charter school applications. He said they look at community buy-in, governance structures, administrative and fiscal management and accountability procedures before authorizing a charter school. He noted the innovative ways charter schools in Baltimore City are increasing student learning.

Dr. Martirano said that he has embraced the charter school concept that not all children learn the same. He said there needs to be choices and provided a chart outlining the various charter school choices in St. Mary's County stating they are not in competition with other county public schools. He reported that the vetting process to open a new charter school requires due diligence and described it as a "gargantuan task." He stressed the need for the school to offer a unique program as well as a long-term commitment. He also noted the importance of ensuring that there is no gap in student learning if a charter school is de-chartered.

In response to questions by the Mr. DeGraffenreidt, Dr. Martirano said there is nothing in the current statute that inhibits the advancement of charter schools and that he is "very comfortable" with the law. Mr. Duke concurred.

In response to a question by Dr. Gates, Mr. Duke said that Baltimore City Public School System is taking the lead in providing best practices to other school systems.

Dr. Martirano said, "Kids need to be tuned in early" and offered "creative pathways." Mr. Carr noted that the Allegany County School System is small enough for teachers to be innovative.

Ms. Walsh questioned why there are only four school districts with charter schools and how can charter school applicants overcome the obstacles they face? She noted that the KIPP School leader who made a presentation to the Board said they would not open another KIPP School in Maryland because of the charter school law. She said, "We know KIPP is successful, the problem is resources."

Mr. Smith said, "It's a matter of looking at your needs. Through the Master Plans, we need to drive cultural change."

Dr. Dukes noted that the KIPP School representative said that the problems KIPP encountered were with the teachers' union. She suggested inviting representatives from the teachers' union to discuss this situation.

Dr. Martirano said that the teachers' union was involved in the charter school discussions in St. Mary's County. Mr. Duke reported that they incorporated the teachers' union into their charter school application process and ratified a landmark agreement with the teachers' union. He noted that one of the aspects of the agreement allows for choice for teachers on school hours and the length of the school year.

In response to a remark by Dr. Gates about the importance of sharing best practices, Ms. Allen said that best practices are shared with local superintendents. She noted, however, that the twenty-four school districts are very different.

Mr. Duke explained that charter schools find new ways to engage students. He said, "It's really about keeping students in school."

Board President DeGraffenreidt thanked all the presenters for the remarks they shared and for participating in today's 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 Dr. Dukes, seconded by Ms. Montero-Diaz, and with unanimous agreement, the Board met in closed session on Tuesday, December 14, 2010, at 12:28 p.m. in Conference Room 1, 8th floor of the Nancy S. Grasmick State Education Building. All board members were present. In attendance were Dr. Nancy Grasmick, 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 1:15 p.m. (In favor – 12)

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

- *Baltimore City Board of School Commissioners v. Baltimore Teachers Union* – collective bargaining – Opinion 10-49
- *C.A.S.E. v. Baltimore County Board of Education* – collective bargaining – Opinion 10-50
- *Lyndsay Greenan v. Worcester County Board of Education* – non-renewal of teacher contract/discrimination – Opinion 10-51
- *Mary Ann K. v. Montgomery County Board of Education* – student transfer – Opinion 10-52
- *John M. & Ron K. v. Montgomery County Board of Education* – student transfer – Opinion 10-53
- *Denise & Randall M. v. Anne Arundel County Board of Education* – student transfer – Opinion 10-54
- *Rolando L. v. Montgomery County Board of Education* – student transfer – Opinion 10-55
- *Caryn J. v. Baltimore County Board of Education* – request for reconsideration – Order OR10-10

The Board deliberated four cases.

- *Global Garden Public Charter v. Montgomery County Board of Education* – charter school application
- *Jennifer Matthews v. Prince George's County Board of Education*- bus driver termination
- *Lisa McKelvie v. Prince George's County Board of Education* – employee termination
- *Washington County Board of Education v. Washington County Teachers Association* – teacher evaluations/collective bargaining

Opinions in those cases will be published at a future Board meeting.

The State Board received legal advice concerning the actions of the AELR Committee and possible options under the law.

The President discussed the Board retreat scheduled for Wednesday, December 15, 2010.

The Executive Session ended at 2:30 p.m.

## RECONVENE

The meeting reconvened at 2:30 p.m.

## PROPOSED REGULATION ON EVALUATION OF PROFESSIONALLY CERTIFICATED PERSONNEL

Mr. DeGraffenreidt announced that the Board will transmit a written recommendation to the Governor in response to the action taken by the Joint Committee on Administrative, Executive, and Legislative Review (AELR) related to the State Board's proposed regulation on the evaluation of professionally certificated personnel. The Board will review and approve a draft during its meeting in January.

## REVIEW OF MASTER PLAN UPDATES

The Superintendent explained that the Bridge to Excellence in Public Education Act of 2002 required that all twenty-four local school systems develop and implement five-year comprehensive plans to improve student achievement and to annually provide updates on those plans to the Department for review and approval. She reported that this year's review was completed and all twenty-four updates were approved. She acknowledged the hard work of all those who participated in the review process.

Dr. Grasmick invited Ann Chafin; Walter Salee, Specialist in Comprehensive Planning in the Division of Student, Family and School Support; and Steve Brooks, Deputy State Superintendent for Finance, to provide the Board with some highlights and findings of the review of the local school system Master Plan Updates.

Ms. Chafin went over the focus of the *No Child Left Behind* Act (NCLB) on student performance and Annual Yearly Progress (AYP) performance results. She said the Master Plan process is a year-long endeavor. She reported that next year the RTTT Proposals will be folded into the Master Plans and outlined the Master Plan Review Process.

Mr. Brooks explained that the strength of the Master Plan process is that it assures fiscal alignment and shows how local school systems are focusing their resources. He said this year's review reflected a substantial reduction in the availability of local funding. He discussed the American Recovery and Reinvestment Act (ARRA) funding and provided a breakdown of assurances aligned with ARRA funding.

Ms. Chafin discussed the school system improvements needed in the Wicomico County and Prince George's County Public Schools. She explained that representatives of these two school systems are required to meet throughout the school year with the Review Panel to show their systems' progress in exiting school improvement status. She acknowledged and thanked her staff

members and members of the Review Team for their hard work and diligence in this long-term commitment.

Dr. Grasmick stated, "No other state has such a comprehensive process." She noted that the Master Plan Updates are available for Board members to review.

President DeGraffenriedt said, "It shows how policy changes into execution."

Mr. Smith noted that the reviewers appreciate being involved in this process and that it is a learning experience.

**COMAR 13A.12.02 (AMEND) TEACHERS**
**COMAR 13A.12.02.16 (AMEND) WORK-BASED LEARNING COORDINATOR**

Dr. Grasmick explained that these amendments to regulations have be proposed for publication by the Professional Standards and Teacher Education Board (PSTEB). She said the State Board has the option of requesting that a joint conference committee be convened to discuss the regulatory proposals prior to their being submitted for publication. She invited Jean Satterfield, Assistant State Superintendent, Division of Certification and Accreditation, Dr. JoAnn Ericson, Chief of the Certification Branch and Kathy Oliver, Assistant State Superintendent, Division of Career and College Readiness, to answer any questions of the Board.

Ms. Satterfield explained that the PSTEB has been conducting a chapter by chapter review of the COMAR pertaining to certification and proposing changes to update these regulations. The changes being presented today represent alignment issues.

With no discussion, the regulations will go to publication.

**STATE SUPERINTENDENT'S UPDATE**

Dr. Grasmick reported on the following items:

- She reported that two years ago the General Assembly eliminated funding for the Summer Centers Program in order to address budgetary shortfalls. She reported that as the result of the initiative of Stephanie Zenker, Specialist, Maryland Summer Centers, $300 thousand has been raised to fund the programs this summer. She said there is a lot of entrepreneurial effort going into this program.
- Dr. Grasmick reported that the Department received a $500 thousand competitive grant from the USDE to support nutrition programs in Maryland.
- She thanked Dr. Dukes for hosting a meeting of the newly-elected members of the Prince George's County Delegation to the General Assembly and the Prince George's County Board of Education. The purpose of this meeting was to provide these individuals with an orientation to the RTTT application and an understanding of the importance of this application to Prince George's County.
- Dr. Grasmick said she was invited to speak to the newly-elected county commissioners and councilpersons on the Eastern Shore.

- The Superintendent reported that she also had an opportunity to present to the Maryland Chamber of Commerce and the Maryland Business Roundtable for Education.
- Dr. Grasmick reported that she met with Bill Gates related to technology for the professional development for teachers and students. She said that the Department is doing an assessment of every school system relative to their technology needs and reported that some school systems have gaps in their technology resources and is hopeful of receiving funding support to close these gaps. Dr. Grasmick reported that there is no question that national assessments will be conducted online and that schools need to be prepared for this.
- She noted that *Healthy Beginnings* materials are now available for distribution to parents of young children. She said this project represents a collaboration between the Department and Johns Hopkins University and the University of Maryland.

In response to a question by Dr. Dukes about the affect of the President's signing of a health bill, Dr. Grasmick said that the Department is doing an analysis of the bill to determine how it will change our food programs.

In response to a question by Dr. Walks, Dr. Grasmick assured him that the Board will be apprised of where the extra dollars resulting from the health bill will be used as well as the analysis of the current food programs.

Mr. Smith reported on a conference held on Maryland's Civic Health Index that he attended on December 8th. He said that this year, thirteen states and four cities worked cooperatively to compare how states and cities provide civics training.

## GOVERNOR'S PREK-20 COUNCIL

Dr. Gates reported on the November 19th PreK-20 Council Meeting that he attended in place of Dr. Dukes. He said they discussed changes to COMAR regarding the responsibilities of the PreK-20 Council noting that the Council function is up for some debate. He reported that Jim Foran, the Department's RTTT Coordinator, provided information on the RTTT Proposal. He said that Matt Gandal of Achieve did a presentation on the PARCC Program and that there was a presentation on the need for a skilled workforce. He said the Council discussed the challenges surrounding cyber security, the STEM Innovation Network, and higher education's role in the longitudinal data system to improve instruction. He said they discussed the PreK-20 Council's goals for the next year and noted that Maryland has become a model of a PreK-20 Council.

Dr. Grasmick provided a brief history of the Council and noted that it has recently been put into statute. She noted that the concept of a Pre-K Council in Maryland was among the first in the country.

## ANNOUNCEMENTS

Mr. Sampson reported on a newly elected member of the Prince George's County Board of Education who is the youngest person to be elected to public office in the country at eighteen years of age. He also reported on a teleconference in which he participated along with other

student state board members from throughout the country. The teleconference was hosted by the National Association of State Boards of Education (NASBE) and provided the student members not only the opportunity to share information amongst themselves but also the opportunity to participate in a conversation with Arne Duncan, Secretary of the USDE.

## PUBLIC COMMENTS

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

- Julie Reybold on principal evaluations
- Cheryl Bost, President, Teachers Association of Baltimore County, on RTTT

## OPINIONS

Ms. Kameen announced the following Opinions:

10-49 *Baltimore City Board of School Commissioners v. Baltimore Teachers Union* – collective bargaining (declaratory ruling)
10-50 *C.A.S.E. v. Baltimore County Board of Education* – collective bargaining (declaratory ruling)
10-51 *Lyndsay Greenan v. Worcester County Board of Education* – non-renewal of teacher contract/discrimination (affirmed local board's decision)
10-52 *Mary Ann K. v. Montgomery County Board of Education* – student transfer (affirmed local board's decision)
10-53 *John M. and Ron K. v. Montgomery County Board of Education* – student transfer (affirmed local board's decision)
10-54 *Denise & Randall M. v. Anne Arundel County Board of Education* – student transfer (affirmed local board's decision)
10-55 *Rolando L. v. Montgomery County Board of Education* – student discipline (affirmed local board's decision)

Ms. Kameen announced the following Order:

10-10 *Caryn J. v. Montgomery County Board of Education* – request for reconsideration (denied request for reconsideration)

## ADJOURNMENT

President DeGraffenreidt announced that the Board will hold its annual retreat the following day at the Maryland Science Center in the Harbor Terrace Room beginning at 9:00 a.m. With no further business before the Board, the meeting adjourned at 3:30 p.m.

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION RETREAT

Wednesday
December 15, 2010

Maryland Science Center
Baltimore, Maryland
Harbor Terrace Room

President DeGraffenreidt called the annual retreat for the Maryland State Board of Education to order at 9 a.m. and introduced Mr. Van Reiner, President and CEO of the Maryland Academy of Sciences. All Board members were present. Also present were Dr. Nancy S. Grasmick, Secretary Treasurer of the Board and State Superintendent of Schools; Elizabeth Kameen, Esq., Assistant Attorney General; 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. Reiner welcomed the group and provided a brief history of the founding and creation of the Maryland Academy of Sciences, more commonly known as "The Maryland Science Center." He said the Science Center is one of the original State Aided Institutions and is dedicated to being "an extension to the classroom."

Board President DeGraffenreidt announced that the goal for this meeting is to remind the Board of its priorities and integrate those priorities into the Race To The Top (RTTT) goals. He said the Board needs to verify that their strategic aspirations are injected into the work that the RTTT grant enables. President DeGraffenreidt said that it is important for the Board to be aware of the fiscal realities of the state of Maryland and asked Dr. Grasmick to introduce the first presenter.

## FISCAL CHALLENGES – STATE BUDGET PRESENTATION

Dr. Grasmick introduced Mr. Warren Deschenaux, Director in the Office of Policy Analysis, Department of Legislative Reference. She said Mr. Deschenaux is person that the General Assembly and the Governor depend upon to know the financial situation in Maryland.

Mr. Deschenaux said, "The nation is mired in the aftermath of the great recession." He predicted that it will take two to three years for Maryland to get back to its pre-recession employment levels. He discussed revenue estimates and the large fiscal 2012 budget gap resulting from the loss of federal stimulus funds and the use of local income tax reserves for education in Fiscal 2011. He noted that programs funded with American Recovery and Reinvestment Act of 2009 (ARRA) monies will be difficult to scale back.

Mr. Deschenaux said that health reform will not help Maryland save money and that it is important to look at the parameters when making forecasts for the future. He provided a graph which depicts all of the programs funded with ARRA monies.

In response to a question by the President about how this impacts Maryland's AAA bond rating, Mr. Deschenaux said it depends on how the General Assembly deals with the situation.

He provided charts which reflect a General Fund Structural Deficit which widens to $2.1 billion in FY 2012 and future retirement aid by FY 2015. Mr. Deschenaux reminded Board members that Maryland is required to balance its budget and that the Governor will be coming up with a plan to meet this mandate. He said that despite these dire circumstances, Maryland is in a better position that most states since "We have a solvable problem."

In response to a question by Dr. Grasmick about ways to set limits on the cost of the teachers' and state employees' pension and retirement system, Mr. Deschenaux said the Governor and the legislature need to take the lead in solving this situation.

In response to another question by Dr. Grasmick about whether there will be any restructuring of state government, Mr. Deschenaux said "this will be the year of cutting."

Mr. DeGraffenreidt thanked Mr. Deschenaux for his forthright presentation of the state of Maryland's finances.

**MOVING FORWARD, VISION TO REALITY**

The President introduced Brenda Welburn, Retreat Facilitator and Executive Director of the National Association of State Boards of Education (NASBE), to facilitate a discussion of the next steps for the Board in developing its strategic plan.

Ms. Welburn said that last year the Board reviewed and revised its Vision and Mission Statement and noted that many of the items are reflected in the Common Core Standards and the RTTT Proposal. She said that items that are not included are student health, safety and well being.

Dr. Gates said that although the Board didn't prepare a strategic plan document, the plans have been operationalized in the RTTT Proposal.

Dr. Grasmick reported that she had prepared a "Crosswalk" of the Board's Mission Statements and the Maryland RTTT Proposal.

Mr. DeGraffenreidt said that it is important for the Board to determine what the plans are and how will they be measured.

Ms. Welburn said that Dr. Grasmick ensured that the Board's plan is integrated into the Department's plan and noted that Maryland is in a very stable position due to its long-term Governor and State Superintendent.

Mr. Naved suggested that the Vision, Mission statement, Goals and Objectives should be combined in one document. The Board agreed that it should be understandable to the public and transferable to the next State Board.

## FISCAL CHALLENGES – MAINTENANCE OF EFFORT (MOE)

Elizabeth Kameen, Principal Counsel, provided a brief history of the inception of the MOE. She provided information on the local county governments that have requested waivers of this financial requirement in order to avoid the penalties associated with not meeting the requirements. She discussed some anomalies resulting from the way the law was written one of which is that MOE ratchets up every year.

Mr. Steve Brooks, Deputy State Superintendent for Finance explained what are considered non-recurring costs for local school boards and the review process used by the State to either approve or deny this adjustment to the Maintenance of Effort calculations.

Mr. Brooks reported that FY 2011 MOE reporting is not in yet but with very little new dollars, this will most likely be an issue for local governments this year and/or next.

Ms. Renee Spence, Executive Director for Government Relations, distributed an MOE bill that was presented to the 2010 legislature but did not pass due to time constraints. She said that a work group was formed and has been deliberating on this issue. She said they requested that the State Superintendent recommend to the State Board a change in the approval date which will require the Board to make decisions regarding waiver requests more quickly. The President suggested that the Board lobby for a filing deadline by local governments to give the State Board more time to deliberate the waiver requests. Ms. Spence said that she envisions an emergency bill to be submitted at the beginning of the legislative session. Ms. Spence agreed to summarize the bill for the Board's perusal.

## FISCAL CHALLENGES – MSDE CONSTRAINTS

Dr. Grasmick said that the Board needs to make very clear to the General Assembly that the $250 million received by the Department from the RTTT grant cannot be supplanted. She explained that not only are staff members doing multiple jobs but that contractual RTTT hires need Department staff to guide them in completing their jobs. She discussed the MOE at the federal level and explained that there are many funding requirements that are out of the Department's jurisdiction to cut. She reported on several very critical programs that have been cut over the past year due to fiscal constraints.

Mr. Brooks distributed two graphs depicting the net change in state funding for FY 2007 to FY 2011. Dr. Grasmick reported that the Department is audited on a frequent basis and has not had a bad audit thus far.

## EXECUTIVE SESSION

Pursuant to § 10-508(a)(1), of the State Government Article, Annotated Code of Maryland, and upon motion by Dr. Dukes, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board moved into Executive Session at 1:05 p.m. (In Favor—12). In attendance were Dr. Nancy S. Grasmick, State Superintendent of Schools; Dr. John Smeallie, Deputy State Superintendent for Administration; Steve Brooks, Deputy State Superintendent for Finance; and

Tony South, Executive Director to the State Board. Assistant Attorney General, Elizabeth M. Kameen was also present.

During the Executive Session, Steve Brooks presented budget detail governed by Governor's executive privilege.

The Executive Session ended at 1:40 p.m.

**RECONVENE**

The Board reconvened in public session at 1:45 p.m.

**MARYLAND'S RTTT PROPOSAL AS THE EMBODIMENT OF THE STATE BOARD'S STRATEGIC DIRECTION**

Dr. Grasmick said that she had asked staff to take the strategic statements that the Board adopted at its last retreat and do a "crosswalk" with the RTTT Proposal. Jim Foran then presented the crosswalk.

Several Board members suggested adding columns to cross reference and evaluate the goals and objectives. They noted that some of their strategic mission statements were not completely addressed in the crosswalk. Mr. Naved suggested this coverage could be addressed by creating a document that includes goals and objectives that go beyond those addressed in RTTT and also beyond the four year RTTT time period. This document would include goals and objectives to be addressed directly by the Board and could be used to assess the Board's work at its next retreat.

Ms. Welburn noted that such a document could provide the basis of an annual self evaluation by the Board. She also noted that this is one of the items that the Board identified for future development at last year's retreat.

Mr. South distributed a copy of sample state board self evaluation that had been developed by NASBE. Ms. Welburn noted that she and her staff had not reviewed this document recently and suggested that some updates were in order.

**NEXT STEPS**

Mr. DeGraffenreidt asked Board members if there are any further issues they would like to address at this meeting. He noted that he has received comments from the public regarding how well-prepared Board members are for the Board meetings.

Dr. Dukes cautioned that the Board should always make sure that discussions have a policy implication.

Ms. Walsh suggested a public forum such as a chat room or website for the public to view what the Board is accomplishing. Ms. Kameen said she would look into the issue as relates to the Open Meetings Law and whether such a forum would violate that Act. There was discussion about the possibility of the Board signing onto Facebook or holding pod casts of its meetings.

Mr. Naved suggested that it would be helpful if the Board would take field trips to charter schools, low-performing, outstanding schools, etc. to get a broader sense of what is taking place in Maryland's public schools.

Mr. Sampson suggested putting video clips of segments of the Board meeting discussions on the Board's website for public information.

Dr. Grasmick noted that MSDE has just signed on to Facebook and asked if it was the desire of the Board to have its own Facebook page. Board members indicated that they would be satisfied to be part of the MSDE page.

Mr. DeGraffenreidt thanked Board members for their commitment and adjourned the meeting at 2:40 p.m.

Respectfully submitted,

Nancy S. Grasmick
Secretary, Treasurer

NSG/rms

**APPROVED:** 1/25/11

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this **14th** day of **December 2010**, at the hour of 12:35 ~~am~~/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Dr. Dyson

Seconded by: Morton-Dixon

In Favor: All Opposed: 2 Member(s) Opposed: None

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 4 legal appeals.
2. Review 3 draft opinions.
3. Consider 6 expedited appeals.
4. Receive legal advice on proposed regulations.
5. Discuss 2 personnel matters.
6. Discuss one internal Board management matter.

President

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this 15th day of **December 2010**, at the hour of 1:05 ~~am~~/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Charlene Dukes

Seconded by: S. DeBerardinis

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 a budget item that is subject to Executive Privilege
2. _____
3. _____
4. _____
5. _____

President

# MARYLAND STATE DEPARTMENT OF EDUCATION
# PERSONNEL APPROVALS FOR THE December 14-15, 2010 BOARD MEETING

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

| NAME | POSITION | SALARY GRADE | DIVISION/OFFICE | DATE OF APPOINTMENT |
|---|---|---|---|---|
| Juskus, Robert W. | Fiscal Services Administrator V | 22 | Business Services, Budget Branch | TBD |
| Stancil, William D. | Program Manager II, Disability Determination Operations | 20 | Vocational Rehabilitation, Disability Determination Services | TBD |
| Yoon, Ilhye | Education Program Specialist I, English for Speakers of Other Languages/English Language Learners | 21 | Instruction | TBD |

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

| NAME | POSITION | SALARY GRADE | DIVISION/OFFICE | DATE OF APPOINTMENT |
|---|---|---|---|---|
| Benjamin, Monica D. | Accountant Supervisor II, Grants and Purchase of Care Accounts Payable | 18 | Business Services, Accounting Office | 12/15/2010 |
| Elliott, Jena | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region IV | 12/01/2010 |
| Johnson, Christina | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Disability Determination Services | 11/17/2010 |
| Kabler, Christopher | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Disability Determination Services | 10/20/2010 |
| Paschalides, ana | Vocational Rehabilitation Specialist I | 12 | Rehabilitation Services, Disability Determination Services | 11/17/2010 |
| Scott, Sherry | Vocational Rehabilitation Specialist I | 12 | Rehabilitation Services, Region I | 11/17/2010 |
| Seewagen, Jill M. | Staff Specialist III, Nutrition Education | 18 | Business Services | 01/12/2011 |

**III. Other Actions:**

| NAME | POSITION | SALARY GRADE | DIVISION/OFFICE | DATE OF APPOINTMENT |
|---|---|---|---|---|
| None | | | | |

MARYLAND STATE DEPARTMENT OF EDUCATION
Achievement Matters Most

Nancy S. Grasmick
State Superintendent of Schools

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December 14-15, 2010

## BOARD LIST

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

**Name:** Robert W. Juskus

**Position:** Fiscal Services Administrator V (Budget Branch Chief)

**Division:** Business Services

**Salary Grade:** 22 ($59,140 - $94,961)

**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education:**
A Bachelor's Degree from an accredited college or university in Business Administration, Finance, Accounting, or a related area. Master's Degree and/or CPA a plus.

**Experience:**

Five (5) years of professional experience with analyzing and developing, financial, budget, and control systems for multiple programs. Management and/or supervisory experience is desired.

NOTES:

1. Applicants may substitute possession of a certificate as a Certified Public Accountant (CPA) or a Master's Degree in Accounting, Finance, or Economics for one year of the required experience.
2. Applicants may substitute one year of professional accounting or auditing experience for one year of the required experience.

**DESCRIPTION:**
This position will serve as the Chief of the Budget Branch responsible for the development, justification, execution, and analysis of the Department's Education budgets.

**Qualifications:**

**Education:**

Loyola College (Baltimore, Maryland) 1976 – Master's Degree in Business Administration

Georgia Tech (Atlanta, Georgia) 1976 – Bachelor's Degree in Chemical Engineering

**Experience:**

Maryland Judiciary (Annapolis, Maryland)
2005 – Present: Budget Analyst

Baltimore County Public School System (Towson, Maryland)
2002: Substitute Teacher

United Way of Central Maryland (Baltimore, Maryland)
2004: Loaned Executive

Baltimore Gas and Electric Company (Baltimore, Maryland)
1967 – 2002: Various Finance, Technical, Regulatory, Supervisory and Management Positions

**Employment Status**
New Hire

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December 14-15, 2010

BOARD LIST

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

**Name:** William D. Stancil

**Position:** Program Manager II, Disability Determination Operations

**Division:** Rehabilitation Services, Disability Determination Services

**Salary Grade:** 20 ($51,940 - $83,395)

**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education:**

A Bachelor's Degree is required; course work in Management, Supervision, or Administration is desirable. A Master's Degree is preferred.

**Experience:**

Six (6) years of professional experience in rehabilitation or in the adjudication or processing of disability claims. Three (3) years of the required experience must have included direct supervision of other professional employees or specialized experience as the technical lead providing rehabilitation services for clients with disabilities or in developing disability claims and establishing eligibility for SSDI and SSI.

**Note:**
A Master's Degree or equivalent 36 credit hours of post baccalaureate course work in Educational Administration, Rehabilitation Counseling, Special Education, Counseling and Guidance, Vocational Evaluation, Psychology, or in a Social Science related field may be substituted for one year of the required experience in rehabilitation or the adjudication or processing of disability claims.

**DESCRIPTION:**
This is a professional position responsible for providing leadership, direction and coordination of Social Security Disability program operations activities for the Maryland Disability Determination Services (DDS) to ensure the efficient management of clams processing.

**Qualifications:**

**Education:**

University of Maryland Baltimore County (Catonsville, Maryland) 1981 – Bachelor of Arts in Geography

Anne Arundel Community College (Arnold, Maryland) 1979 – Associate of Arts in Environmental Studies

**Experience:**

Maryland State Department of Education (Baltimore, Maryland)

| | |
|---|---|
| 1998 – Present: | Program Manager I, DDS Adjudication |
| 1992 – 1998: | Vocational Rehabilitation Specialist Supervisor |
| 1983 – 1992: | Disability Claims Examiner I-V |

**Employment Status**
Promotion

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December 14-15, 2010

## BOARD LIST

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

**Name:** Ilhye Yoon

**Position:** Education Program Specialist I, English for Speakers of Other Languages/English Language Learners

**Division:** Instruction

**Salary Grade:** 21 ($55,419 - $88,976)

**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education:**

A Master's Degree or equivalent 36 post baccalaureate credit hours of course work in Education, Education Administration/Supervision, English Language Learning, or a related field.

**Experience:**

Four (4) years of professional administrative or teaching experience in or affiliated with an education program. Administrative experience in an area related to English Language Learning programs is preferred.

**JOB DESCRIPTION:**

This is a professional position responsible for serving as the technical specialist for English for Speakers of Other Languages (ESOL) Program responsible for providing technical assistance and programmatic support to State and local assessment programs that address English Language Learners.

**Qualifications:**

Goucher College (Baltimore, Maryland) 2010 – Professional Certificate of School Improvement Leadership

College of Notre Dame (Baltimore, Maryland) 1999 – Master of Arts in Teaching English to Speakers of Other Languages (TESOL)

Catholic University (Seoul, South Korea) 1993 – Bachelor of Arts in English Language and Literature

**Experience:**

Anne Arundel County Public Schools (Annapolis, Maryland)

| | |
|---|---|
| 2008 – Present: | ESOL Teacher Specialist |
| 2005 – 2008: | ESOL Teacher for Testing and Evaluation |
| 1999 – 2005: | ESOL Teacher |

**EMPLOYMENT STATUS:**
New Hire