

# MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Wednesday  
October 31, 2012

Maryland State Board of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met in regular session on Wednesday, October 31, 2012 at 12 Noon at the Nancy S. Grasmick State Education Building. The following members were in attendance: Dr. Charlene M. Dukes, President; Dr. Mary Kay Finan, Vice President; Mr. James H. DeGraffenreidt, Jr.; Dr. James Gates, Jr.; Ms. Ebehireme Inegbenebor; Mr. Sayed Naved; Mrs. Madhu Sidhu; Mr. Guffrie M. Smith, Jr.; Donna Hill Staton, Esq.; Dr. Ivan Walks; and Dr. Lillian M. Lowery, State Superintendent of Schools. Ms. Luisa Montero-Diaz and Ms. Kate Walsh were absent.

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, State Board of Education.

## **CONSENT AGENDA**

President Dukes acknowledged and welcomed visitors from Howard University.

Upon motion by Dr. Walks, seconded by Dr. Gates, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 9; Mr. DeGraffenreidt had not yet arrived)

- Approval of Minutes of September 25, 2012
- Personnel (copy attached to these minutes)
- Budget adjustments for September, 2012
- Permission to Publish:
  - COMAR 13A.13.01 (Repeal and Replace)  
Intervention Services to Infants and Their Families
  - COMAR 13A.13.02 (New)  
Administration of Services for Infants and Toddlers and Their Families

## **ORAL ARGUMENTS: MAUPIN V. HOWARD COUNTY BOARD OF EDUCATION**

Ms. Kameen explained the procedures by which the Board hears oral arguments and introduced the following persons:

Michelle Maupin  
Plaintiff

Edward O'Meally, Esq.  
Howard County Board of Education Counsel

### **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. Gates, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Maryland State Board of Education met in closed session on Wednesday, October 31, 2012, in Conference Room 1, 8<sup>th</sup> floor, at the Nancy S. Grasmick State Education Building. All board members were present except Kate Walsh and Luisa Montero-Diaz. In attendance were Dr. Lillian Lowery, State Superintendent of Schools; Steve Brooks, Deputy State Superintendent for Finance; Dr. John Smeallie, Deputy State Superintendent for Administration; and Tony South, State Board Executive Director. Assistant Attorney General Elizabeth M. Kameen was also present. The Executive Session commenced at 1:10 p.m. (In favor – 10)

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

- *Tyboia Brown v. Wicomico County Board of Education* – employee termination – Opinion No. 12-44
- *Criseda Chung v. Baltimore City Board of School Commissioners* – employee termination – Opinion No. 12-45
- *Quianna Cooke v. Baltimore City Board of School Commissioners* – salary dispute – Opinion No. 12-46
- *Linda Hunt v. Howard County Board of Education*- bus driver decertification – Opinion No. 12-47
- *Kimberly Loving v. Prince George's County Board of Education* – employee termination – Opinion No. 12-48
- *Rock Creek Hills Association, et al. v. Montgomery County Board Education* – site selection – Opinion No. 12-49
- *Mr. and Mrs. T. v. Prince George's County Board of Education* – student transfer – Opinion No. 12-50
- *Lyndon Watkins v. Montgomery County Board of Education* – employee termination – Opinion No. 12-51
- *Cash Williams v. Prince George's County Board of Education* – teacher evaluation – Order No. OR 12-16

The Board deliberated eight cases. They will be published at a later date.

- *Trilisa Collier-Simms v. Baltimore City Board of School Commissioners* – employee termination
- *Dunloy Townhome Condominium, Inc., et al. v. Baltimore County Board of Education* - school site
- *Sylvia Hill-Gilchrist v. Baltimore City Board of School Commissioners* – reassignment of principal to teacher position
- *Darren and Suzie Leslie v. Montgomery County Board of Education*- student transfer
- *Dan and Lisa K. v. Prince George's County Board of Education* – student transfer
- *Tracy and Keith M. v. Prince George's County Board of Education* – denial of entry into TAG Program
- *Ayanna Mensah v. Howard County Board of Education* – tuition
- *Robin Shaffer v. Calvert County Board of Education* – employee termination
- *Michelle Maupin v. Howard County Board of Education* – teacher termination

Counsel provided the Board with information about (1) the reversal of *Nadine R. v. Baltimore City Board of School Commissioners*; (2) a recently filed lawsuit against the Board – *Kartozia, et al. v. Maryland State Board of Education, et al.*; and (3) Montgomery County Public Schools response to the State Board letter concerning the pairing of schools.

President Dukes discussed several internal board management issues - - giving to the Maryland Charity Campaign; the 2011-12 Board self evaluations; scheduling the Board retreat; and the search process for nominations to the Baltimore City Board of School Commissioners.

The session ended at 2:15 p.m.

### **RECONVENE**

The meeting reconvened at 2:30 p.m.

### **2012 HIGH SCHOOL ASSESSMENT AND GRADUATION RESULTS**

The Superintendent introduced Dr. Carolyn Wood, Assistant State Superintendent, Division of Accountability and Assessment, to brief the Board on the results of the 2012 High School Assessment (HSA) and graduation results.

Dr. Wood discussed the requirements for graduation for Maryland students. She provided data in the form of charts and graphs depicting enrollment, completers and non-completers broken down by subgroups and service groups. She provided data on cohort graduation rates by service and subgroups for the 2010 and 2011 school years. Dr. Wood also provided information on cohort drop-out rates by subgroups and service groups for the 2010 and 2011 school years.

In response to a question by Ms. Staton, Mr. Robert Murphy, Specialist, School Completion and Alternative Programs, said that students drop out for the following reasons:

1. Lack of interest
2. Whereabouts unknown
3. Academics (student is behind academically)

In response to a question by Mr. DeGraffenreidt, Mr. Murphy said that local education agencies (LEAs) have a *Drop-Out Resource Guide* produced by the MSDE to help with drop-out prevention and that an evaluation is being completed in 2013 on this subject. He discussed the various avenues that are being pursued to reduce drop-out rates in schools and explained that the most important aspect of drop-out prevention is intervention.

Dr. Lowery said that the Department will be using data from the School Performance Index to address drop-out prevention in the schools.

In response to a concern expressed by Dr. Walks about "whereabouts unknown," Mr. Murphy said that LEAs do search for students but that there are many transient families in Maryland.

Ms. Sidhu noted the need for teacher surveys to elicit more information on students who are possible drop-outs and ways to prevent this.

Dr. Lowery said that the completion of the Maryland Longitudinal Data System (MLDS) will provide more interactive data in this area.

In response to a question by Mr. Naved, Dr. Wood said that the data provided is by school rather than by LEA. Mr. Naved requested data by LEA and Mr. DeGraffenreidt suggested that a national comparison would be helpful as well. Dr. Lowery said that Board member questions will be given further study and responses to those questions provided at a future meeting.

Dr. Wood also noted that the new Student ID System will provide more information as well. She discussed setting accountability targets and provided a School Progress "Cells" Chart broken down by subgroups for English, Algebra/Data Analysis, and graduation.

In response to a question by Dr. Gates about communication, Dr. Wood said that MSDE staff work with local accountability coordinators and communicate via the website to help schools with these issues. Dr. Lowery said, "This is a work in progress."

**COMAR 13A.07.10 (NEW) COMPREHENSIVE PRINCIPAL INDUCTION PROGRAM -  
-PERMISSION TO PUBLISH**

The Superintendent called on Dr. Jim Foran, Assistant State Superintendent for Academic Reform and Innovation, and Mary Cary, Assistant State Superintendent in Instruction, to discuss the proposed regulations establishing a Comprehensive Principal Induction Program.

Ms. Cary said that this Program is intended to ensure support similar to that provided for teachers through the Teacher Induction Program and that a conference call was conducted with local superintendents to discuss the new proposed program.

Dr. Foran discussed the work being done on principal effectiveness and noted that this mandate will require each LEA to have a Comprehensive Principal Induction Program. He reported that several LEAs do not have this type of program at the present time.

Upon motion by Mr. DeGraffenreidt, seconded by Mr. Smith, and with unanimous agreement, the Board granted permission to publish this regulation proposal. (In Favor – 10)

### **COMAR 13A.01.05.07 & .08 PAYMENT OF TRANSCRIPT FEES**

Ms. Kameen explained that current Board Regulation requires the Department to pay the cost of transcripts prepared for all appeal cases that the Board refers to the Office of Administrative Hearings (OAH) for evidentiary hearings. She explained that there is no statute that mandates that a State agency pay these costs. She noted that following publication of the proposed revision, the Maryland State Education Agency (MSEA) provided comments. Ms. Kameen addressed the concerns of the MSEA and asked for approval of COMAR 13A.01.05.07 & .08 Payment of Transcript Fees.

Upon motion by Ms. Staton, seconded by Mr. DeGraffenreidt, the Board adopted the regulatory proposal. (In Favor – 9; Ms. Sidhu opposed)

### **TECHNOLOGY EDUCATION WAIVER REQUEST**

Dr. Lowery introduced Kathryn Oliver, Assistant State Superintendent, Division of Career and College Readiness, to brief the Board on a waiver request from Calvert County Public Schools for its Instructional Program in Technology Education.

Ms. Oliver explained that in 2005 major changes took place in the Technology Education Program for Maryland schools. She said that Calvert County Public Schools has requested a two-year waiver of the requirement to provide this program in its schools. She noted that, with help from the MSDE, Calvert schools will be able to provide these programs in one year and requested a one-year waiver.

Upon motion by Ms. Staton, seconded by Mr. Smith, and with unanimous agreement, the Board granted a one-year waiver to Calvert County Public Schools for its Instructional Program in Technology Education. (In Favor – 10)

### **STATE SUPERINTENDENT'S REPORT**

Dr. Lowery acknowledged the diligence of several staff members who worked with the Maryland Emergency Management Agency throughout the recent hurricane event.

She reported that over the next two days she will be attending the Superintendents' Annual Retreat in Ocean City, Maryland, which will include discussions on the School Progress Index and the new Teacher/Principal Evaluation Models.

The Superintendent also asked staff members to update the Board on the status of the Task Force on Traumatic Head Injuries. Chairs, Ned Sparks and Alicia Mezu, discussed the makeup of the Task Force on Traumatic Head Injuries and the progress to date, noting that the Board will receive a full Report in January, 2013.

### **BOARD MEMBER UPDATES**

Mr. Smith reported that he attended the National Association of State Boards of Education (NASBE) Conference along with Mr. South and Ms. Sidhu. He said the meeting focused on leadership development and reported that he is on the Government Affairs Committee which is looking at trends in education.

Dr. Gates noted that he has been speaking to groups throughout the country on Science, Technology, Engineering and Mathematics (STEM) Education.

Dr. Finan reported that she attended a conference on Science Education which focused on the next generation of Science Standards.

Ms. Sidhu distributed a new NASBE report entitled, *Born in Another Time*.

Ms. Inegbenebor reported that she attended a meeting on bullying and offered to provide Board members with ideas on the topic.

Dr. Dukes explained that she and Dr. Finan are working with the Council of State Governments on tackling issues of school discipline. She said the group is working to create national recommendations on school discipline.

### **PUBLIC COMMENTS**

Dr. Dukes explained procedures by which the Board hears public comments. The following person provided comments: Ed Soth – traumatic head injuries

### **OPINIONS**

Ms. Kameen announced the following Opinions:

12-44 *Tyboia Brown v. Wicomico County Board of Education* – employee termination (affirmed the local board's decision)

- 12-45 *Criseda Chung v. Baltimore City Board of School Commissioners* – employee termination (affirmed the local board’s decision)
- 12-46 *Quianna Cooke v. Baltimore City Board of School Commissioners* – salary dispute (dismissed)
- 12-47 *Linda Hunt v. Howard County Board of Education* – bus driver decertification (affirmed the local board’s decision)
- 12-48 *Kimberly Loving v. Prince George’s County Board of Education* – employee termination (affirmed the local board’s decision)
- 12-49 *Rock Creek Hills Association, et. al. v. Montgomery County Board of Education* – site selection (dismissed)
- 12-50 *Mr. and Mrs. T. v. Prince George’s County Board of Education* – student transfer (affirmed the local board’s decision)
- 12-51 *Lyndon Watkins v. Montgomery County Board of Education* – employee termination (dismissed)

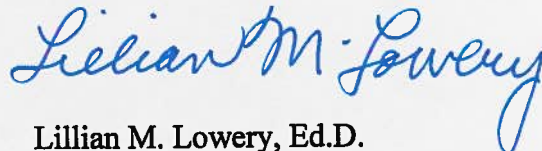
Ms. Kameen announced the following Order:

- OR 12-16 *Cash Williams v. Prince George’s County Board of Education* – teacher evaluation (denied)

**ADJOURNMENT**

With no further business before the Board, the meeting adjourned at 4:05 p.m.

Respectfully submitted,



Lillian M. Lowery, Ed.D.  
Secretary/Treasurer

Date:

12/17/12

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this 31<sup>ST</sup> day of October 2012, at the hour of 12:47 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Dr. James Lyles

Seconded by: Mr. James DeBoufford

In Favor: 10 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 11 legal appeals. *(Includes Oral Argument heard today) APJ*
2. Review 8 draft opinions.
3. Discuss memo submitted in response to a legal appeal.
4. Discuss 4 internal Board management matter.

Charles W. Adams  
President



**MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR THE October 30-31, 2012 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>
Materkowski, Jo Anne P.	Vocational Rehabilitation Director III, Field Services/Client Services	24	Rehabilitation Services, Office of Field Services	TBD
Mayo, Terence L.	Education Program Specialist I, Career Technology Student Organizations (CTSO)	21	Career and College Readiness	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>
Holley, Vera V.	Teacher, Academic, Mathematics/Life Skills/Career Development	IEPP	Division of Career and College Readiness, Juvenile Services Education Program	10/03/2012
Rogers, Arvil D.	Teacher, Academic – Reading/Language Arts/Computer Literacy	IEPP	Division of Career and College Readiness, Juvenile Services Education Program	10/03/2012

**III. Other Actions:**

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



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

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October 30-31, 2012

BOARD LIST

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

**Name:** Jo Anne P. Materkowski  
**Position:** Vocational Rehabilitation Director III  
**Division:** Rehabilitation Services, Field Services  
**Salary Grade:** 24 (\$68,692 - \$110,297)  
**Effective Date:** TBD

**JOB REQUIREMENTS:**

**Education:**

Possession of a Bachelor's Degree with coursework in Management, Supervision and Administration, or a closely related field. A Master's Degree is preferred.

**Experience:** Eight (8) years of professional experience in rehabilitation or in the adjudication or processing of disability claims is required. Five (5) years of the required experience must have included direct supervision of other professional employees or specialized experience as the technical lead in establishing eligibility and providing rehabilitation services for clients with disabilities or in developing disability claims and establishing for Social Security Disability Benefits and Supplemental Security Income.

**Note:** A Master's Degree of equivalent 36 credit hours of post baccalaureate course work in Educational Administration, Rehabilitation Counseling, Special Education, Counseling and Guidance, Vocation Evaluation, Psychology or in a Social Science related field may be substituted for one (1) year of the required experience in rehabilitation or in the adjudication or processing of disability claims.

**DESCRIPTION:**

This is a management position serving as Director of the Field Services/Client Services Program responsible for coordinating and implementing a delivery system to promote the economic and personal independence of individuals with disabilities designed to enhance achievement of individual goals and program outcomes.

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**Qualifications:**

**Education:**

Pennsylvania State University (University Park, Pennsylvania) 1975 – Master of Education,  
Counselor Education

Wagner College (Staten Island, New York) 1974 – Bachelor of Arts in Psychology

**Experience:**

Maryland State Department of Education (Baltimore, Maryland)

2011 – Present: Program Manager II, Regional Director

2006 – 2011: Program Manager II, Assistant Director Fields Services

2002 – 2006: Staff Specialist III, Rehabilitation Services

1999 – 2002: Vocational Rehabilitation Supervisor

1993 – 1999: Vocational Rehabilitation Specialist

Intracorp (Towson, Maryland)

1980 – 1993: Rehabilitation Specialist Consultant

**Employment Status**

Lateral Transfer



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

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October 30-31, 2012

**BOARD LIST**

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

**Name:** Terence L. Mayo  
**Position:** Education Program Specialist I, Career Technology Student Organizations  
**Division:** Career and College Readiness  
**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, Educational Administration/Supervision, Public Administration, Student Services, Information Management Systems, or in any related field.

**Experience:**

Four (4) years of professional administrative, student services, or teaching experience in or affiliated with an education program including two (2) years of experience in coordinating or administering an education program or service directly related to the position. Experience in an area related to conference coordination, student services, and/or a related field is preferred.

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

**DESCRIPTION:**

This position is responsible for providing leadership and technical assistance to Career Technology Student Organizations (CSTO) to ensure increased school and student performance, as measured by Maryland's statewide assessment programs, and for providing assistance to CTSO's, school districts, and business partners to improve Career and Technology Education (CTE) program quality; additionally will provide support to two Career Cluster Teams and contribute to the ongoing development of CTE programs of study.

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Terence L. Mayo

Page two

**Qualifications:**

**Education:**

Virginia State University (Petersburg, Virginia) 2007 – Master’s Degree in Career and Technical Education

Saint Augustine’s College (Raleigh, North Carolina) 2004 – Bachelor’s Degree in Business Administration

Virginia Polytechnic Institute and State University (Falls Church, Virginia) 2012 – Coursework in Educational Leadership and Instructional Technology

**Experience:**

**Fairfax County Public Schools (Fairfax, Virginia)**

2011 – Present: Business and Information Technology Teacher and Adult Education Instructor/Workplace Training Instructor

2011 – 2012: After-School Specialist/Building Use Coordinator (Part-time)

2006 – 2011: Business and Information Technology Teacher

2009 – Present: Academic Advisor, Success Track for Academic Readiness (STAR) Program

2008: Summer School Technology Resource Teacher

**Tech Team Synergy (Southfield, Michigan)**

2005 – 2006: Training and Implementation Specialist

**Marriott Hotels (East Coast)**

2000 – 2006: Lead Night Auditor (Part-time)

**IBM Global Services (Raleigh, North Carolina)**

1999 – 2000: Help Desk Analyst

**Employment Status**

New Hire

**MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR THE October 30-31, 2012 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>
Hetrick, Monica	Education Program Specialist I, Education Accountability Specialist	21	Accountability, Assessments and Data Systems	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				

**III. Other Actions:**

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



Lillian M. Lowery, Ed.D.  
State Superintendent of Schools

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October 30-31, 2012

**BOARD LIST**

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

**Name:** Monica Hetrick  
**Position:** Education Program Specialist I, Education Accountability 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 work from an accredited college or university.

**Experience:** Four (4) years of administrative or teaching experience in or affiliated with an education program; this experience to include coordinating or administering an education research program or education research related area. Experience in statistical analysis, applications development and research, or data management preferred; SAS (Statistical Analysis Software) experience desired.

**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 program support and technical assistance in conducting research related to the state accountability program in the Accountability Branch of the Division of Accountability, Assessment and Data Systems.

**Qualifications:**

**Education:**

The Johns University (Baltimore, Maryland) 2004 – Masters Art in Teaching; 2002 – Bachelor of Arts in Philosophy; 2002 – Certificate in Gifted and Talented Education

The Johns University (Baltimore, Maryland) – Doctorate Candidate – expected 2014

**Experience:**

Baltimore City Public Schools (Baltimore, Maryland)

2011 – Present: Program Evaluator (Professional Development Program Analyst)

2002 – 2004: Teacher

The Johns University (Baltimore, Maryland)

2008 – 2011: Graduate Assistant, Institute of Education Sciences Pre-doctoral Fellow

Anne Arundel County Public Schools (Annapolis, Maryland)

2004 – 2008: Teacher/Science Department Chairman

**Employment Status**

New Hire