

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday
May 21, 2013

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

The Maryland State Board of Education met in regular session on Tuesday, May 21, 2013 at 8:30 a.m. 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.; Ms. Luisa Montero-Diaz; Ms. Linda Eberhart; Dr. James Gates, Jr.; Ms. Ebehireme Inegbenebor; Mr. Sayed Naved; Mrs. Madhu Sidhu; Mr. Guffrie M. Smith; and Dr. Lillian M. Lowery, State Superintendent of Schools. Donna Hill Staton, Esq., joined the meeting when the Board reconvened after lunch at 2:00 p.m.

Elizabeth Kameen, Esq., Assistant Attorney General, and the following staff members were also present: Mr. Steve Brooks, Deputy State Superintendent for Finance; Mr. Anthony South, Executive Director, State Board of Education; and Penelope Thornton Talley, Esq., Chief Performance Officer.

Dr. Finan asked for a moment of silence to remember the victims of the tornado that recently devastated Moore, Oklahoma.

CONSENT AGENDA

Ms. Sidhu noted a change, related to a comment attributed to her, in the minutes of the Board meeting held on April 23, 2013. Upon motion by Ms. Sidhu, seconded by Mr. DeGraffenreidt, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 9; Dr. Dukes had not yet arrived)

- Approval of Minutes of April 23, 2013, as amended
- Approval of Minutes of May 9, 2013
- Personnel (copy attached to these minutes)
- Budget adjustments for April, 2013
- Permission to Publish
 - COMAR 13A.02.02 Emergency Plans (AMEND)
 - COMAR 13A.04.15 Digital Learning (AMEND)

COMAR 13A.06.08 HEAD INJURIES AND CONCUSSIONS IN EXTRA-CURRICULAR ATHLETIC EVENTS

Dr. Lowery recommended adoption of proposed COMAR 13A.06.08 Head Injuries and Concussions in Extra-Curricular Athletic Events.

Dr. Henry Johnson, Deputy State Superintendent, Division of Curriculum and Assessment, introduced Mr. Ned Sparks, Executive Director of Athletics Programs and Alicia Mezu, Health Services Specialist to answer any questions that Board members had regarding the proposed regulations.

Mr. Sparks reported that emergency regulations expired and said that these proposed regulations provide significant enhancements and cutting edge wording. He said that following the publication of these regulations, comments were received from the Department of Health and Mental Hygiene and that staff have provided their justification for not incorporating these changes. He noted that the intent is to incorporate these changes for the 2013-2014 school year and that the information has been distributed electronically to school systems and is provided on MSDE's website. Mr. Sparks also reported that he and members of his team have attended many conferences and meetings to spread the message to all school staff. He noted that the Task Force plans to reconvene to place limits for contact exposure for various sports. Mr. Sparks mentioned that several reporting forms have been revised and made more user friendly. He noted that these forms are available on the website.

In response to a question by Dr. Gates, Mr. Sparks said, "People are on board with this. It has been an evolutionary process. They have accepted this. There is no push back."

Mr. DeGraffenreidt said, "This is a first step. After we approve this, we should be thinking more actively about the long term plan." He said, "We need to come up with new ways to teach the sports and have them officiated. We need to look at prevention. This is an important first step."

Dr. Dukes asked about the incidences of heat stroke and heart issues. Mr. Sparks said that there was a similar Task Force convened last summer that looked at heat acclimation. He noted that many students spend a lot of time indoors in air conditioning which requires more heat acclimation by the students participating in out-of-door practices. He noted that heat stroke is 100% preventable. Mr. Sparks said that practice time has been reduced and there has been elimination of back-to-back practices. In reference to sudden cardiac attacks, he said that health screenings would be the issue and noted that there are external defibrillators in schools today.

Dr. Dukes asked that the Task Force meet annually and report back to the Board on their recommendations. She thanked them for their good work.

Upon motion by Mr. DeGraffenreidt, seconded by Mr. Smith, and with unanimous agreement, the Board adopted the proposed regulations as published. (In Favor – 10)

ORAL ARGUMENTS

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

Josephata Mua
Appellant

Shani Whisonant, Esq.
Representing
Prince George's County Board of Education

EDUCATION THAT IS MULTICULTURAL/EQUITY ASSURANCE REPORT

Dr. Lowery introduced Linda Shevitz, Director, Equity Assurance and Compliance Office, and told the Board that Ms. Shevitz will be retiring. She thanked Ms. Shevitz for her many years of service and said, "You will certainly be missed. We appreciate all that you have done."

Ms. Shevitz said that there are incredibly talented and hard working leaders in the statewide Education That Is Multicultural and Achievement (ETMA) Network comprised of representatives from all twenty-four local school systems (LSSs), MSDE staff members and many other stakeholders. She reported that the regulation mandating that education be multicultural was first adopted in 1993 and amended in 1995 and introduced Maria Whittemore, Minority Achievement Coordinator for the Frederick County Public Schools (FCPS) and Patricia Levroney, Supervisor of Equity and Community Outreach for the Carroll County Public Schools (CCPS). She also introduced other members of the Network who were seated in audience.

Ms. Shevitz reported that Maryland is one of the fifteen most ethnically diverse states in the country and discussed the Department's responsibilities to COMAR 13A.04.05.03(B), the state goals, the areas of focus and the reporting responsibilities. She discussed the work done by the statewide ETMA Network which included development of *A Practical Guide to Accelerating Student Achievement Across Cultures: Strategies for Administrators, Teachers, Students and Parents*, design of a state ETMA professional development recertification course and a new ETMA Compliance Status Report.

Ms. Whittemore discussed the *Guide* describing it as a resource, reference and tool to increase educator competence in creating a culturally responsive learning environment.

Ms. Levroney discussed a 45 hour course developed by the Network noting the charge and overall course outcomes explaining that Maryland is the only state in the country to provide this course. She also discussed a *Compliance Status Report* mandated by the Bridge to Excellence funding which ensures training, instructional resources and staff development in support of education that is multicultural. Ms. Levroney discussed statewide recommendations and on-going MSDE initiatives.

Ms. Whittemore discussed future work of the Network which includes partnering with MSDE staff and local school system personnel.

Ms. Shevitz reported that more than fifty consultants were hired to work with the Network as well.

In response to a question by Ms. Diaz about the inclusion of "sexual orientation" in the list of the forms of diversity, Ms. Shevitz said that Maryland regulations may need to be revised next year to include this designation. In response to another question by Ms. Diaz, Ms. Shevitz said that every school system is including multicultural education and that the report of all LSSs is attached to the materials provided to the Board. Ms. Levroney said that multicultural training requires support of the local superintendent of schools and that there are challenges in some school systems.

Ms. Whittemore said, "We need to do better for African-American males. It distresses me to see the disproportionality. It has not changed."

Ms. Levroney urged that more minority teachers are needed.

Mr. Smith said, "Thank you Linda. You have created a culture here and it's been spread. You have to start at the top – with the superintendent." He mentioned that Dr. Lowery is working with local superintendents and that more and more principals are taking the lead. He urged the importance of including this in all LSS Master Plans. He thanked the presenters and the Network participants for their good work.

Dr. Gates asked how the Network is reaching out to other stakeholders in the community regarding the support for success of African-American males. Ms. Levroney said that CCPS holds family forums to provide support for students and that there are guides to help parents work with students. Ms. Whittemore said that student forums are held across the state with a focus on Science, Technology, Engineering and Mathematics (STEM). Ms. Shevitz said that there are also organizations working directly with Hispanic students and their families.

Dr. Gates stressed the need to spread the message that STEM means more money and better jobs for students. Ms. Levroney said she is working with STEM Coordinators to underwrite a STEM grant for students across the state.

Mr. DeGraffenreidt thanked the group for their work supporting African-American males and other under-served groups.

Ms. Shevitz said that coursework needs a lot more attention to provide strategies to promote inclusiveness. Dr. Johnson said there are opportunities to align work that has already been done with the curriculum. He said there needs to be day-to-day strategies infused in the curriculum and that "There is some outstanding work being done in LSSs. We need to replicate that work. We need to break down barriers. We need to redefine what's in our self interest."

Ms. Inegbenebor asked how Baltimore City Public Schools (BCPS) is facilitating Hispanic needs in a predominantly African-American demographic. Ms. Levroney said it starts with teachers

being provided professional development to learn how to build relationships with under-served students. She noted that interpreters are working in schools to help in this area as well.

Ms. Eberhart said, "We haven't eliminated the achievement gap. The sense of urgency has to be now." She suggested that the Board conduct, within the next year, a work session to look at the achievement gap among students in Maryland.

Ms. Shevitz said it is important to talk to students who have faced adversity.

Ms. Sidhu said, "I am in a school building everyday. I am depressed. We are not where we should be. We need to put more resources in schools. That is my challenge to you. Special education students are doing better than students with these issues."

Mr. Naved said that the data shows that there is little diversity in certain LSSs. He said that the Regulation was adopted in 1993 and the diversity has changed dramatically since that time. He asked if this regulation is relevant to the changing demographics in LSSs. Dr. Johnson said that as of July 1 when the transition to his Department will take place, the staff will be looking at Maryland Regulations to see how to make changes to update demographics and the programs that are currently in place.

Dr. Dukes said, "Thank you for your commitment. We have provided opportunities for more work and thoughtfulness on this issue. We will take a deeper dive to eliminate the achievement gap. My personal thanks to Linda."

MARYLAND ASSOCIATION OF STUDENT COUNCIL'S (MASC) ANNUAL REPORT

Dr. Lowery reported that there are 286 member schools participating in the MASC program. She introduced Lance Ledebur, Executive Director of the MASC, and Devan Ogbum, President of MASC, and a Junior at Leonardtown High School in St. Mary's County.

Ms. Ogbum thanked the staff of the Division of Student, Family and School Support Services for their support of the MASC. She reported that, due to enhanced outreach programs, participation at three conferences has increased and that membership from LSSs on the Eastern Shore has increased as well. She reported on the various activities conducted by the organization including a library of workshops for student leaders. She discussed the initiatives conducted to give back to the community such as fund raising for lower income communities to pay for health insurance, an anti-bullying campaign, and various service projects. She said the organization is recruiting a new generation of student leaders and planning for the 2013-2014 school year. Ms. Ogbum said the goal of the Council is to serve students and increase school membership numbers. She introduced the incoming officers of MASC.

Dr. Dukes said, "We are impressed with all that you are doing. Thank you for that and for your leadership and to the outgoing and incoming president and Mr. Ledebur."

In response to a question by Ms. Sidhu, Ms. Ogbum reported that Kent, Queen Anne's and Wicomico County schools have joined the organization. Ms. Sidhu said, "If I can help, I will. Good effort."

In response to a question by Dr. Gates about MASC's work in promoting higher tobacco taxes, Ms. Ogbum said that they are focused on health issues with a big push for higher tobacco taxes. Mr. Ledebur said that MASC was helpful in getting a tax increase on tobacco products ten years ago.

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. DeGraffenreidt, seconded by Mr. Smith, and with unanimous agreement, the Board met in closed session on Tuesday, May 21, 2013, in Conference Room 1, 8th floor of the Nancy S. Grasmick State Education Building. All board members were present except Donna Hill Staton. In attendance were Dr. Lillian Lowery, State Superintendent of Schools; Steve Brooks, Deputy State Superintendent for Finance; and Tony South, State Board Executive Director. Assistant Attorneys General Elizabeth M. Kameen and Jackie La Fiandra were also present. The Executive Session commenced at 10:50 a.m. (In favor – 10)

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

- *Karen Chavis-Murphy, et al. v. Charles County Board of Education* – redistricting - Opin. No. 13-25
- *Geneva Ferguson v. Baltimore City Board of School Commissioners* – teacher termination – Opin. No. 13-26
- *Parent H. v. Montgomery County Board of Education* – expulsion – Opin. No. 13-27
- *Tony Jones v. Baltimore City Board of School Commissioners* – employee termination – Opin. No. 13-28
- *Gary Richardson v. Baltimore City Board of School Commissioners* – teacher termination – Opin. No. 13-29
- *Allen Dyer v. Howard County Board of Education* – request of removal of board member of Howard County – Opin. No. 13-30
- *Tia and V.T. v. Baltimore City Board of School Commissioners* – early kindergarten entry – Opin. No. 13-31
- *Kelly D. v. Harford County Board of Education* – reportable offense/denial of participation in senior activities – Opin. No. 13-32
- *Robin Shaffer v. Calvert County Board of Education* – reconsideration of MSBOE Op. No. 12-57 - Order No. OR13-03

The Board deliberated one case. It will be published at a later date.

- *Diana Bell v. Calvert County Board of Education* – bus driver decertification
- *Josephat Mua v. Prince George's County Board of Education* – termination

The Board discussed four internal board management issues: preparation for Dr. Lowery's evaluation; preparation for Mr. South's evaluation; progress on Board member appointment; and guidelines for dinner invitations to board members from persons interested in discussing matters that are or will come before the Board.

The session ended at 11:10 a.m.

RECONVENE

The meeting reconvened at 11:15 a.m.

TEACHERS OF THE YEAR

Dr. Lowery extended thanks to the Teachers of the Year and their many supporters who traveled "from near and far" and introduced Dr. Darla Strouse, Executive Director, Partnerships and Development, to provide additional background and introduce Maryland's 2013-2014 Teachers of the Year.

Dr. Strouse thanked the Board for once again honoring these excellent teachers. She introduced Rhonda Blankenship, Maryland's Teacher of the Year, and thanked the coordinators and local superintendents for their support. She thanked the corporate sponsors for their financial support and discussed the various activities in which the Teachers of the Year will participate. Dr. Strouse noted that Dr. Lowery has established a Teacher Leadership Council, the membership of which includes all twenty four local Teachers of the Year. Dr. Lowery holds bi-monthly meetings with the Council. Dr. Strouse said that these leaders will act as ambassadors and that their talents will be utilized to the fullest extent possible. She addressed the Teachers of the Year saying, "You have so much knowledge."

Dr. Strouse provided each teacher with a plaque and portfolio and photographs were taken with their supporters. She invited the Board and the supporters to a Teacher of the Year luncheon being held following the Board presentation. A list of names of the Teachers of the Year is attached to and made a part of these minutes.

Dr. Dukes thanked the teachers and said, "It is because of you that Maryland has been #1 for five years in a row." She also thanked Dr. Strouse for her excellent leadership of this program.

The Board adjourned to attend the banquet at 12:05 p.m. and reconvened the meeting at 2 p.m.

RACE TO THE TOP (RTTT) UPDATE

Penelope Thornton Talley, Chief Performance Officer, introduced Dr. Jim Foran, Assistant State Superintendent, Division of Academic Reform and Innovation, and thanked him for his many years of service noting that this is his last Board meeting presentation due to his intention to retire. She also introduced Mary Gable, Assistant State Superintendent, Division of Academic

Policy, to highlight changes that have been made in the RTTT projects or their status since last month's report to the Board.

Ms. Gable said, "There is some great work going on in the State of Maryland." Reviewing project 2/1 Program Evaluation, Ms. Gable said the first round of Maryland stats and LSS reviews have been completed and that the majority of school systems are doing very well. She reported that the U.S. Department of Education (USDE) will be conducting a review of three LSSs next week. Ms. Gable reported that a cross-function team has been assigned to attack certain challenges within those LSSs and they will be focused on "driving performance."

Dr. Foran stated that the project managers invited representatives of the Center for Application and Innovative Research (CAIRE) at Towson University to discuss the upcoming review and reported that CAIRE is collecting information from teachers and principals on the introduction of the Common Core Standards. He noted that a survey is being conducted to determine "how do we know we have accomplished what we said we would accomplish?"

Melissa Shrop, RTTT Project Manager, reported that regarding project 3/2 Formative Assessments, vendor recruitment should be open to bid in a couple of weeks and that teachers will be collaborating in the design of item development. She noted that the vendor selected will not begin work until next fall but that training will begin this summer.

Beth Pearlman, RTTT Project Manager, reported on projects 8/11 Develop Overall Technology Infrastructure and 9/27 Accessing and Using State Data-Dashboards. She explained that staff is waiting for approval of an amendment to the RTTT Proposal and that questions from USDE have been answered. She reported that pending USDE approval, the funding will be properly aligned and the project can be underway. Ms. Pearlman explained that project 9/27 needs a production environment and funding for that is pending.

Ms. Pearlman reported on projects 17/32 Implement a Test Item Bank System, 18/33 Implement a Computer-Adaptive Test Delivery System and 19/34 Item Load and Integration Setup for Test Item Bank System. She explained that the software vendor contract has been submitted to the Board of Public Works and should be procured by June 12th. Regarding project 17/32, Ms. Pearlman said that an amendment is pending to move funding from equipment to contractual.

Ms. Pearlman said that regarding project 20/35 Adaptive Testing Units for High Schools, staff are working with local superintendents to allow devices that will adapt within each LSS technology infrastructure. She said a survey is being conducted to see which LSSs would like to participate in this initial review. Ms. Talley said that discussion is being conducted with USDE representatives to procure their input.

Dr. Donnell Josiah, RTTT Program Director, reported that a revised amendment document is in the final stages and that project 21/42 Implement a Statewide System to Support Student Instruction Intervention, will be resubmitted to the Core Team for final review and approval.

Regarding project 29/48 Develop and Implement an Educator Evaluation System, David Volrath, RTTT Coordinator, reported that the ratings on teachers and principals were received from 21 of the 22 LSSs and that participation is much higher than expected.

Ann Chafin, Assistant State Superintendent, Division of Student, Family and School Support Services, reported on project 46/57 Extend Student Learning and Improve School Culture, Climate, and Support. She said that a summer institute will be conducted and that forty participants have registered thus far. She noted difficulty in hiring someone as a consultant to work with the team following the summer institute.

Regarding project 47/45 Coordinated Student Services, Ms. Chafin reported that providing services to all identified Baltimore City schools has been a challenge and that staff are working with executive leadership in the Baltimore City Public Schools to provide direct services to identified schools.

Regarding project 53/44 Charter Schools, Ms. Chafin reported that Prince George's County Public School officials have agreed to two new schools and that there is one new school approved in Baltimore City.

In response to a question by Ms. Eberhart, Ms. Chafin said that another school district is planning a replication school to open in 2014-2015.

Mr. DeGraffenreidt requested that the Monthly Progress Chart distributed to the Board include a column which reflects the previous month's rating and that the comment section include an approximate time when the rating is expected to be upgraded. Mr. DeGraffenreidt also asked that these updates be posted on the MSDE website.

In response to a question by Ms. Diaz, Dr. Foran assured the Board that staff are prepared for the onsite visit by the USDE next week. Dr. Foran explained that "projects go in cycles." He explained that issues arise surrounding personnel and procurement. He said that many projects are interconnected and that monthly phone calls are conducted with the USDE.

Mr. DeGraffenreidt requested a complete review of all of the projects, including those in local school systems, at some future meeting to see "what's different about what we promised and what they promised. That will inform our judgment about what we are doing right." Dr. Foran suggested that the Board receive a summary of what's occurring in LSSs.

In response to a question by Dr. Dukes, Dr. Lowery said the difficulty in hiring staff stems from the fact that the funding ends in one year and that it is difficult to hire staff for only one year. She said they are looking for contractual employees to work for a set period of time.

On behalf of the Board, Dr. Dukes thanked Dr. Foran for his excellent service to the Board and Department and said, "You have been the face for RTTT. You will be missed."

Ms. Talley reported that Chuck Buckler, Executive Director, Division of Student, Family and School Support Services, will be retiring as well and Dr. Lowery thanked him for his important contributions. She said, "Dr. Foran and Mr. Buckler are true professionals."

SCHOOL DISCIPLINE PROGRESS REPORT AND UPDATE

Dr. Lowery asked Ann Chafin, Chuck Buckler and Robert Murphy, Specialist, School Completion and Alternative Programs, to update the Board on the progress made by the work groups on the issue of school discipline.

Mr. Buckler explained that work groups were convened to look at the following issues:

1. Amendments to State Regulations regarding school discipline policies
2. Best practices surrounding school discipline in Maryland
3. Revision of the *Maryland Guidelines for a State Code of Conduct*

Mr. Buckler reported that a facilitator was hired to conduct a Work Group looking at the state regulations regarding school discipline policies. He said the Work Group completed its task and that the co-chairs and facilitator will be presenting a report of recommendations and findings at the June Board meeting.

Mr. Buckler said that the Task Force looking at best practices viewed literature from across the state and participated in presentations by many experts in school discipline. They will be crafting a report that includes research, policy, best practices and professional development to be submitted to the Board at its January Board meeting.

Mr. Murphy reported that the Task Force working on the revision of the *Maryland Guidelines for a State Code of Conduct* developed a graduated consequence grid with five levels of consequences. He said the group spent a lot of time discussing disrespect and insubordination.

In response to a question by Mr. DeGraffenreidt, Mr. Murphy said that one of the challenges is that LSSs are managing suspension very differently.

Ms. Staton said, "It sounds like we are debating what we are doing now. We need to make sure something changes."

Mr. Buckler said, "I will take that challenge back to Dr. Dorman. If the Board takes up changes to COMAR, it will inform the work of both committees."

Ms. Chafin said the group discussed repeated disrespect after other interventions did not work. Dr. Finan said, "That clarity should be in the Guidelines."

Mr. Buckler urged the Board to hold a briefing on the *State Code of Conduct Guidelines* prior to time that the *Guidelines* are presented for adoption.

Ms. Sidhu reported that she has received "push back" from many school groups and urged that the Board and staff make the message "more firm." She said that the way the message is designed may preclude push back from school groups. She said, "Some students want to be thrown out. It's a challenge."

Mr. Murphy noted that there are many small school systems without adequate resources to deal with these issues. Dr. Dukes suggested incorporating the institutions of higher education to help mitigate the needs of smaller LSSs.

Mr. DeGraffenreidt said, "What's gotten us here is evidence based. We ought to use the data to come up with a list of worst practices...about what should be prohibited. We can team up with less funded LSSs to find a way to allocate resources for best practices."

Mr. Buckler said that there will be a series of regional conferences, funded by the Open Society Institute Baltimore, which could be professional development opportunities. He said, "What do you do if out-of-school suspension is taken off the table...need another category to describe the problem."

Ms. Staton said, "Sometimes you can have an advantage in a smaller LSS because everyone knows everyone else."

Mr. Smith said that courses for leaders are very important and urged that testimonials be sought to look at the problems. He noted that changes have been made in the schools since the Board took up this issue and agreed that best and worst practices should be addressed.

Mr. Buckler assured the Board that LSSs are doing a great job and looking diligently to assess what's being done about student discipline in their schools.

In response to a question by Ms. Staton, Mr. Buckler said that Nina Marks, the previous student Board member, served on one of the Task Forces and students were invited to participate and that they would welcome more students to participate. Ms. Staton said, "Sometimes we need the perspective of students who are on the receiving end." Ms. Chafin said that she will make an effort to include more students in the Work Groups.

Dr. Dukes said, "I would like to make sure that we are connecting the dots. How is one group informing the other?" She thanked Mr. Buckler for his commitment to Maryland and the Department.

STATE SUPERINTENDENT'S REPORT

Dr. Lowery reminded the Board that they requested a presentation on special education. She explained that the Division of Special Education is in the process of completing a new strategic plan and sessions are planned in late summer and early fall to provide additional opportunities for stakeholder involvement in that plan. She proposed that the presentation on Special Education to the State Board be held at either the October or December Board meeting to allow time for this plan to be completed.

Dr. Dukes said that the Board prefers a "work session" option and noted that they have requested a discussion of the multicultural education impact on the achievement gap as well as special education.

BOARD MEMBER UPDATE

Ms. Sidhu reported that her visits to schools have shown an increase in child hunger. She reported that some parents are sending backpacks to schools to provide food for hungry children. Dr. Lowery reported that the Governor and the General Assembly expanded the FARMS program to provide food for all students in schools that have more than sixty percent FARMS eligible students and that there is pilot study being done to evaluate this program. She explained that some students do not want to be identified as a FARM student and this allows for those students to participate without being identified. She said, "This is one of the Governor's passions."

Dr. Dukes reported that Prince George's Community College has developed a food pantry for students who don't have money for food. She said the Board can get an update on these issues at a future Board meeting.

PUBLIC COMMENTS

Dr. Dukes explained procedures by which the Board hears public comments. There were no individuals signed up for public comment.

OPINIONS

Ms. Kameen announced the following Opinions:

- 13-25 *Karen Chavis-Murphy, et. al. v. Charles County Board of Education* – redistricting (affirmed the local board's decision)
- 13-26 *Geneva Ferguson v. Baltimore City Board of School Commissioners* – teacher termination (affirmed the local board's decision)
- 13-27 *Parent H. v. Montgomery County Board of Education* – expulsion (affirmed the local board's decision)
- 13-28 *Tony Jones v. Baltimore City Board of School Commissioners* – employee termination (affirmed the local board's decision)
- 13-29 *Gary Richardson v. Baltimore City Board of School Commissioners* – teacher termination (affirmed the local board's decision)
- 13-30 *Allen Dyer v. Howard County Board of Education* – request of removal of board member of Howard County (finding--misconduct in office)
- 13-31 *Tia and VT. v. Baltimore City Board of School Commissioners* – early kindergarten entry (affirmed the local board's decision)
- 13-32 *Kelly D. v. Harford County Board of Education* – reportable offense/denial of participation in senior activities (affirmed the local board's decision)

Ms. Kameen announced the following Order:

- OR13-03 *Robin Shaffer v. Calvert County Board of Education* – reconsideration of MSBOE Opinion 12-57 (denied request for reconsideration)

ADJOURNMENT

With no further business before the Board, the meeting adjourned at 3:30 p.m.

Respectfully submitted,

Lillian M. Lowery

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

Date: *June 25, 2013*

MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this 21st day of May 2013, at the hour of 10:45 am pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Mr. James DeShaffer

Seconded by: Mr. Eugene Smith

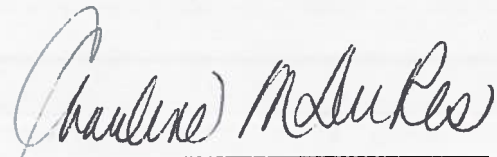
In Favor: 10 Opposed: _____ Member(s) Opposed: _____

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 4 legal appeals.
2. Review 6 draft opinions.
3. Review 1 draft order.
4. Discuss an internal Board management matter.



President

**MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE May 21, 2013 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> |
|----------------|---|---------------------|---|----------------------------|
| Allen, Marc M. | Education Program Specialist I, Education Accountability Specialist | 21 | Accountability, Assessment and Data Systems | TBD |
| Mukhin, Dmitry | Information Technology Programmer Analyst Supervisor | 19 | Office of Information Technology | 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> |
|---------------------|--|---------------------|---|----------------------------|
| Beeson, Kyle | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region I | 05/15/2013 |
| Booker, Sara C. | Staff Specialist III, Nutrition Professional Development | 18 | Business Services, School and Community Nutrition Programs Branch | 05/01/2013 |
| Deal, Patricia C. | Child Care Licensing Specialist Trainee | 13 | Early Childhood Development, Office of Child Care | 05/01/2013 |
| Fant, Leatrice | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region VI | 05/29/2013 |
| Fleneury, Roxana E. | Teacher, Academic (Mathematics) | IEPP | Career and College Readiness, Juvenile Services Education Program | 04/17/2013 |
| Keller, Lulvential | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region VI | 05/15/2013 |
| Myers, Jacqueline | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region VI | 05/15/2013 |
| Perez, Christina T. | Teacher, Academic (Reading/Language Arts) | IEPP | Career and College Readiness, Juvenile Services Education Program | 05/15/2013 |
| Ragi, Aliasha | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region VI | 5/15/2013 |

III. Other Actions:

NAME

None

POSITION

SALARY
GRADE

DIVISION/OFFICE

DATE OF
APPOINTMENT



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May 21, 2013

BOARD LIST

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

Name: Marc M. Allen
Position: Education Program Specialist I, Education Accountability Specialist
Division: Accountability, Assessments and Data Systems
Salary Grade: 21 (\$56,496-\$92,521)
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.

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Marc M. Allen
Page two

Qualifications:

Education:

Stevenson University (Stevenson, Maryland) 1994 – Bachelor’s Degree in Business Information Systems

Lebanon Valley College (Annville, Pennsylvania) 1990 – Bachelor of Arts in Spanish/Business Management

Experience:

Maryland State Department of Public Safety and Correctional Services (Baltimore, Maryland)

2013: Database Specialist Supervisor

Maryland State Department of Education (Baltimore, Maryland)

2006 – 2013: Database Specialist Supervisor, Assessment and Accountability

2003 – 2006: Database Specialist, Accountability Data Collection

2001 – 2003: IT Programmer Analyst, Accountability Data Collection

Insight Distribution Systems (Hunt Valley, Maryland)

1998 – 2001: Business Intelligence Specialist

1997 – 1998: Sales Administrator

1996 – 1997: Technical Support Specialist

FDI Services, Inc. (Frederick, Maryland)

1994 – 1996: Computer Programmer

Employment Status

Transfer



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May 21, 2013

BOARD LIST

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

Name: Dmitry Mukhin
Position: Information Technology Programmer Analyst Supervisor
Division: Office of Information Technology
Salary Grade: 19 (\$50,631 - \$81,287)
Effective Date: TBD

JOB REQUIREMENTS:

Education:

A Bachelor's degree from an accredited college or university in Computer Information Technology, Computer Science, Management Information Systems, or other information technology-related field to include coursework in systems analysis and applications programming using high level computer programming languages and developmental tools.

Experience:

Three years of experience designing, developing, testing, implementing and maintaining applications systems including web applications and programs using high level generally accepted computer program languages. Experience developing .NET applications that function in a Microsoft environment using Visual Basic, JavaScript, HTML, XML, and VB Script is preferred

Notes:

1. Thirty credit hours from an accredited college or university in Computer Information Technology, Computer Science, Management Information Systems, or other information technology related field to include coursework in systems analysis and applications programming using third generation or other generally accepted computer programming languages may be substituted for the required education.
2. An additional year of experience designing, developing, testing, implementing and maintaining applications systems and programs using third generation or other generally accepted computer programming languages may be substituted for the required education.

DESCRIPTION:

This is a professional position responsible for supervising programmers to develop, enhance, maintain, or customize computer software applications; serves as project manager for major computer programming projects, technology projects and operations, critical to Department of Education objectives.

Qualifications:

Education:

Johns Hopkins, Carey Business School (Baltimore, Maryland) 2011 – Masters of in Business Administration-Information Telecommunications Management

National Cardiology Center (Moscow, USSR) 1989 – Doctorate in Education in Biochemistry

Lomonosov Moscow State University (Moscow, USSR) 1984 – Master's Degree in Biophysics;
1983 - Bachelor's Degree in Biology

Experience:

Maryland State Department of Education (Baltimore, Maryland)

2007 – Present: IT Programmer Analyst – Systems Integration

GlobeInvent, Inc. (Baltimore, Maryland)

2007 – Present: Chair of the Board, President

AbilityHR, Inc (Baltimore, Maryland)

2007: Senior Systems Engineer

Getintegrated, Inc. (Baltimore, Maryland)

2001 – 2006: Senior Systems Engineer

Triad Management Systems (Columbia, Maryland)

2000 – 2001: Programmer Analyst Consultant

Technosoft Inc. (Burtonsville, Maryland)

2000 – 2000: Programmer Analyst Consultant

DNM-Marketing (Towson, Maryland)

1999 – 2000: President – Web Consulting

Harvard University (Cambridge, Massachusetts)

1997 – 1998: Postdoctoral Fellow

The Johns Hopkins University (Baltimore, Maryland)

1995 – 1997: Senior Postdoctoral Fellow

Alexander von Humboldt Foundation of Germany (Regensburg, OC)

1994 - 1993: Research Fellow

Russia's National Cardiology Research (Moscow, USSR)

1993: Assistant Professor

Employment Status

Promotion

**MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE MAY 21, 2013 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> |
|------------------------------------|---|---------------------|---|----------------------------|
| Gardner, Daniel | Principal, Allegany County and Garrett County Youth Centers | IEPP | Career and College Readiness, Juvenile Services Education Program | TBD |
| Jackson, Matthew S. (Promotion) | Program Manager II, Regional Director | 20 | Rehabilitation Services, Region V | 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> |
|-------------|-----------------|---------------------|------------------------|----------------------------|
|-------------|-----------------|---------------------|------------------------|----------------------------|

III. Other Actions:

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



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May 21, 2013

BOARD LIST

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

Name: Daniel B. Gardner
Position: Principal
Division: Career and College Readiness
Juvenile Services Education Program
Salary Grade: IEPP (\$85,216-\$100,709)
Effective Date: TBD

JOB REQUIREMENTS:

Education:

Master's Degree in School Administration and Supervision or Master's Degree with 18 graduate credits in School Administration and Supervision and eligible for a Maryland Administrator II or Principal Certificate.

Experience:

Five years of satisfactory teaching experience. Principal experience is preferred; experience in alternative or correctional education programs desired.

DESCRIPTION:

This is a professional position serving as Principal, responsible for providing supervision, management, and leadership to professional teaching staff of the education program for residents of detention programs at the Allegany County and Garrett County Youth Centers.

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Daniel B. Gardner

Page two

Qualifications:

Education:

Frostburg State University (Frostburg, Maryland) 1995 – Master’s Degree in K-12 Guidance and Counseling; 2000 – Master’s Degree in Administration and Supervision

West Virginia University (Morgantown, West Virginia) 1977 – Bachelor’s Degree in Secondary Education

MSDE - Possesses a Maryland Advanced Professional Certificate with endorsements for Administrator I, and II, Guidance Counselor, and Mathematics 7-12

Experience:

West Virginia Department of Education - Optional Education Pathways Chick Buckbee Center (Augusta, West Virginia)

2012 – Present: Long-Term Substitute School Counselor

Garrett County Public Schools (Oakland, Maryland)

2011 – 2012: Academic Advisor

2010 – 2011: County GEARUP Coordinator

West Virginia Department of Education - Institutional Education Program (Charleston, West Virginia)

2006 – 2010: Principal, Burlington and Buckbee Centers

Mineral County Schools (Keyser, West Virginia)

2002 – 2005: Principal, Mineral County Alternative School

Keyser Primary-Middle School (Keyser, West Virginia)

1996 – 2002: Mathematics Teacher

Union High School (Mt. Storm, West Virginia)

1979 – 1996: Mathematics Teacher

Wirt County High School (Elizabeth, West Virginia)

1977 – 1979: Mathematics Teacher

Employment Status

New Hire



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May 21, 2013

BOARD LIST

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

Name: Matthew S. Jackson
Position: Program Manager II (Fields Services)
Division: Rehabilitation Services, Region V
Salary Grade: 20 (\$54,009 - \$78,907)
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: Six (6) years of professional experience in rehabilitation or in the adjudication or processing of disability claims is required. Three (3) 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 eligibility for Social Security Disability Benefits and Supplemental Security Income.

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 (1) year of the required experience in rehabilitation or in the adjudication or processing of disability claims.

DESCRIPTION:

This position is responsible for directing and coordinating the Division of Rehabilitation Services programs located in Baltimore County, Howard County, and Harford County (Region V). Also this position determines how to best utilize human resources within the region to provide high quality vocational rehabilitation to eligible individuals with significant disabilities in order for them to achieve successful employment outcomes.

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Matthew S. Jackson

Page two

Qualifications:

Education:

Western Maryland College (Westminster, Maryland) 1989 – Master of Arts in Counseling Education; 1987 - Bachelor of Arts in Psychology

Experience:

Maryland State Department of Education (Baltimore, Maryland)

2002 – Present: Vocational Rehabilitation Specialist Supervisor

1997 – 2002: Vocational Rehabilitation Specialist and Vocational Rehabilitation Technical Specialist

1992 – 1997: Vocational Rehabilitation Specialist, Claims Examiner

TARGET, Inc. (Westminster, Maryland)

1990 – 1992: Director, Vocational Services

Western Maryland College (Westminster, Maryland)

1987 – 1990: Coordinator, Disabled Student Services (Part-time)

Employment Status

Promotion