

# MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Thursday & Friday  
December 10-11, 2009

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

The Maryland State Board of Education met in regular session on Thursday and Friday, December 10-11, 2009, at the Nancy S. Grasmick State Education Building. The following members were in attendance: Mr. James H. DeGraffenreidt, Jr., President; Vice-President Charlene M. Dukes; Dr. Mary Kay Finan; Dr. Sylvester J. Gates, Jr.; Mr. David H. Murray; 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. Dr. Walks was absent from the meeting on Thursday and Ms. Staton was absent from the meeting on Friday.

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

## **CONSENT AGENDA**

Mr. DeGraffenreidt asked for approval of the Consent Agenda and asked Dr. Grasmick to report on the proposed amendments to COMAR.

Dr. Grasmick discussed the following three amendments:

1. Appeal of Denial of Diploma for Failure to Meet HSA Requirement.
2. Positive Behavioral Interventions and Support Program.
3. Corollary Athletic Programs.

Ms. Kameen explained the major changes proposed in the amendments. Dr. Grasmick reported that none of the amendments conflict with federal regulations and recommended Board approval of the Consent Agenda.

In response to a request by Ms. Walsh, Dr. Grasmick said that a discussion item can be included in an upcoming Board Meeting relative to the requirement that special education students must first fail a High School Assessment (HSA) prior to being given an opportunity to complete a bridge project to meet high school graduation requirements.

Upon motion by Dr. Dukes, seconded by Dr. Finan, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 9)

- Approval of Minutes of October 27-28, 2009
- Personnel (copy attached to these minutes)
- Budget Adjustments for October 2009
- Permission to Publish:
  - COMAR 13A.03.02.09.1 (RE-PROPOSE)  
Appeal of Denial of Diploma for Failure to Meet HSA Requirement
  - COMAR 13A.08.06.01-.02 (AMEND)  
Positive Behavioral Interventions and Support Program
  - COMAR 13A.06.03.04 (AMEND)  
Operational Guidelines
  - COMAR 13A.06.04 (NEW)  
Corollary Athletic Programs

## **MARYLAND TITLE I DISTINGUISHED SCHOOLS**

The Superintendent introduced Ann Chafin, Assistant State Superintendent, Division of Student, Family and School Support (DSFSS) and Maria Lamb, Director, Program improvement and Family Support Branch, DSFSS, to provide background on the two schools selected as this year's Maryland Title I Distinguished Schools.

Ms. Chafin introduced and thanked members of her staff and praised the work of Ms. Lamb in supporting the work of staff in schools receiving federal Title I funding. She said, "You can use this money and this law to do some incredible things."

Ms. Lamb said that the Title I Program is the largest federally funded programs for students who live in poverty. She reported that each year the National Association of State Title I Directors (NASTID) recognizes Title I Distinguished Schools from all fifty states and Puerto Rico that have been selected for their outstanding results in one of two categories: exceptional student performance for two or more consecutive years, or closing the achievement gap between student groups. She announced that two schools in Maryland were selected: Chadwick Elementary in Baltimore County and Adelphi Elementary in Prince George's County. She introduced Bonnie Hess, Principal of Chadwick Elementary and Dr. Jane Ennis, Principal of Adelphi Elementary.

Ms. Hess introduced several staff members from her school and discussed the elements that have made her school a success. She said, "It is a real family, parent, school partnership."

Dr. Ennis introduced her Superintendent of Schools, Dr. William Hite, Jr., and other staff members and reported on the various programs and interventions provided for the students in her school.

Dr. Grasmick and Mr. DeGraffenreidt congratulated the leaders and staff of the schools and awarded certificates and checks for \$2,000 to each school.

## INVESTING IN STEM TO SECURE MARYLAND'S FUTURE

Dr. Grasmick reminded Board Members that they had previously received a copy of the Report of the STEM (Science, Technology, Engineering and Mathematics) Task Force. She then introduced Dr. Brit Kirwan, Chancellor, University System of Maryland, and June Streckfus, Executive Director, Maryland Business Roundtable for Education, the co-chairs of the Task Force, to discuss their findings and recommendations.

Ms. Streckfus said that the Governor asked the Task Force members to look at pre-K through 20 education and determine what the future workforce will require of these students. She said the Task Force members reviewed many international reports and looked at benchmarks with a long-term view.

Dr. Kirwan provided data showing the annual STEM job openings in Maryland and discussed the seven STEM Task Force recommendations. He said that Maryland will need approximately 350 well-qualified STEM graduates and is currently producing approximately 120 from public and private institutions. Dr. Kirwan discussed each of the following recommendations:

1. align STEM curricula
2. eliminate STEM teacher shortage
3. prepare STEM teachers
4. provide STEM capstone experiences
5. increase STEM college grads
6. support STEM research and entrepreneurship
7. establish STEM Innovation Network

Dr. Kirwan said that the Task Force members believe they can move forward on these recommendations given the enormous amount of federal funding that is now available.

In response to a suggestion by Mr. DeGraffenreidt, Dr. Kirwan said that showing the negative effects on Maryland's economy that would result in not taking action on the recommendations is an important piece that needs to be added to their presentation.

In response to a question by Ms. Staton, Ms. Streckfus said that students are not choosing STEM fields because there is not enough information being provided to students about the vast amount of jobs in these areas and the opportunities they afford. Dr. Kirwan also added that there needs to be more and better-qualified STEM teachers. Dr. Gates said that there is interest on this Board in looking at alternative certification for STEM educators.

In response to a concern by Ms. Walsh about the coursework in mathematics for elementary teachers, Dr. Kirwan said that higher education leaders are calling for a redesign of teacher education. Dr. Grasmick said that the Department is pursuing a certification in STEM in partnership with the University System and that there is a strong alternative certification route. Dr. Finan said that most institutions of higher education have a strong math and science requirement for elementary teachers.

On behalf of the Board, President DeGraffenreidt thanked the presenters for their excellent work in support of providing a qualified workforce for Maryland's future.

## VISION AND MISSION STATEMENT

President DeGraffenreidt reported that the Governor has asked the Board and the Department to position Maryland education as number one in the world. He said that the Board, as part of its strategic planning process, had commissioned a survey of constituent groups and stakeholders to obtain their views on Maryland public education and its future. Using the data generated from that survey along with other documents and information, the Board, at its retreat in October, drafted Vision and Mission Statements for Maryland public education (**The statements are attached to and made a part of these minutes**) which he then reviewed. He indicated that following adoption of these statements by the Board, the statements would be used by senior Departmental staff to produce an strategic plan of action for Maryland public education.

Upon motion by Dr. Dukes, seconded by Dr. Gates, and with unanimous agreement, the Board voted to adopt the Vision and Mission Statements, as presented. (In Favor – 9)

## MASTER PLANS UPDATE

Mr. DeGraffenreidt asked Ann Chafin and Steve Brooks, Assistant State Superintendent, Division of Business Services, to provide the Board with some highlights of the review of the twenty-four local school system updates to their master plans.

Dr. Grasmick explained the genesis of the master planning process noting that she has reviewed and approved all twenty-four plan updates. She thanked the many staff members who served on the review panels.

Ms. Chafin thanked her staff and reported that more than 150 individuals participated in this review. She discussed the following:

- Timeline
- Local school system preparation
- Annual update review outcomes
- Budget alignment
- NCLB goal progress
- How LSSs use data to drive instruction
- Recommendation on approvable status

Mr. Brooks said that the plans represent the accountability mechanism for the funding provided by the Bridge to Excellence in Public Education Act of 2002.

Ms. Chafin said, "This is a wonderful window into what is happening in our school systems."

In response to a question by Dr. Dukes, Ms. Chafin said that school systems with a school in corrective action must meet in person with Department staff to provide a viable corrective action plan. She reported that one school in Prince George's County is currently in corrective action and that the local Superintendent did an exemplary job in showing how the school system is supporting the school's success.

In response to a question by Mr. Smith, Ms. Chafin said that not all school systems are represented on the review panels since participation is voluntary, not mandated.

### **PLAN TO STUDY EFFECTS OF LONG TERM SUSPENSIONS AND EXPULSIONS**

The President explained that the Board asked Department staff to undertake a review of long term suspension and expulsion policies of local school systems.

Dr. Grasmick introduced Chuck Buckler, Director of Student Services and Alternative Programs, to discuss the plan and timeline to conduct a study.

Mr. Buckler discussed the following plan:

- Input from Stakeholders
- Review of local school system practices
- Review of local and national data on the long-term effects of suspension/expulsion
- Public comment period
- Report to the Board

President DeGraffenreidt thanked Mr. Buckler for his thoughtful and comprehensive presentation and moved to adopt the plan. Dr. Dukes seconded the motion.

In response to a request from Ms. Walsh, Mr. Buckler said that the policies in all twenty-four school systems are available and will be provided to the Board. He said there are few variations in these policies.

Upon a vote on the DeGraffenreidt/Dukes motion, the Board, with unanimous agreement, approved the proposed plan. (In Favor – 9)

### **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. Walsh, and with unanimous agreement, the Board met in closed session on Thursday, December 10, 2009, in Conference Room 1, 8<sup>th</sup> floor of the Nancy S. Grasmick State Education Building. All board members were present except Ivan Walks. In attendance were Dr. Nancy S. Grasmick, State Superintendent of Schools, Dr. John Smeallie, Deputy State Superintendent for Administration, and Tony South, Executive Director to the State Board. Assistant Attorneys General Elizabeth

Kameen and Jackie La Fiandra were also present. The Executive Session commenced at 12:30 p.m. (In favor – 9)

The State Board deliberated three cases.

- *Alice McCurdy v. Cecil County Board of Education* – student discrimination
- *Anthony Shumate v. Prince George’s County Board of Education* – demotion
- *Fran Sonntag v. Anne Arundel County Board of Education* – student transfer

The State Board approved five decisions and one order for publication.

- *Mary Crookshanks v. Baltimore County Board of Education* - employee discipline 09-41
- *Allen Dyer v. Howard County Board of Education* - petition for declaratory ruling 09-42
- *David & Nino K. v. Anne Arundel County Board of Education* - residency 09-43
- *Linda & Michael L. v. Montgomery County Board of Education* - denial of school assignment 09-44
- *Shirley B. v. Montgomery County Board of Education* - student transfer 09-45
- *Yvette J. v. Montgomery County Board of Education* – student discipline OR09-05

Ms. Kameen provided legal advice on maintenance of effort issues.

Dr. Grasmick and Steve Brooks explained further possible budget reductions.

The Executive Session ended at 1:30 p.m.

### **RECONVENE**

The meeting reconvened at 2 p.m.

### **REVIEW OF COMAR 13A.12.03.11 SCHOOL SOCIAL WORKER**

Dr. Grasmick introduced Jean Satterfield, Assistant State Superintendent, Division of Certification and Accreditation (C&A) and Dr. Joanne Ericson, Chief, Certification Branch, Division of C&A to discuss a review of COMAR 13A.12.03.11, the certification requirement for school social worker. The Superintendent reported that no action was needed by the Board.

Ms. Satterfield reported that a Task Force was convened to study the requirement and that no changes were needed in the regulation.

### **PROPOSED AMENDMENTS TO COMAR 13A.12.01 GENERAL PROVISIONS (PERMISSION TO PUBLISH)**

The Superintendent asked Ms. Satterfield and Dr. Ericson to continue by discussing a proposed action by the Professional Standards and Teacher Education Board (PSTEB). She reminded

Board members that they have the option to request a “Joint Conference Committee” with PSTEB to discuss any proposed changes to the certification regulations prior to publication by PSTEB.

Ms. Satterfield said that the proposed changes are editorial and non-substantive and reflect changes in terminology.

The Board did not choose to convene a “Joint Conference Committee.”

### **SCHOOL LEADERS LICENSURE ASSESSMENT**

Dr. Grasmick asked Ms. Satterfield to remain to discuss the School Leaders Licensure Assessment (SLLA) and asked Dr. Louise Tanney, Recruitment and Assessment Coordinator, Division of C&A, to join Ms. Satterfield. She recommended State Board affirmation of the qualifying score of 165 for the revised School Leader Licensure Assessment.

Ms. Satterfield explained that Maryland has used the Educational Testing Service’s SLLA to assess the qualifications of individuals seeking Administrator II Certification to become eligible to be school principals. She said that the ETS has been revising the Assessment and that a new qualifying score must be set. She reported that Dr. Tanney looked at scores throughout the country and a score of 165 was found to meet the needs for Maryland.

In response to a question by Ms. Walsh, Dr. Tanney said that this test does not show whether principals will be successful but that there are other avenues for assessing that. In response to Ms. Walsh’s second question, Dr. Tanney reported that the test costs \$450.

Upon motion by Mr. Smith, seconded by Dr. Gates, the Board affirmed the qualifying score of 165 for the revised SLLA. (In Favor – 8; Opposed – 1 (Walsh))

### **COMAR 13A.01.04.08; ET.AL (AMEND) VOLUNTARY STATE CURRICULUM**

Dr. Grasmick invited Dixie Stack, Director of Curriculum, Division of Instruction, to answer any questions on the adoption of proposed amendments to COMAR 13A.01.04.08; 13A.04.01.01; 13A.04.08.01; 13A.04.09.01; 13A.04.12.01; 13A.04.14.01; 13A.06.02.02; and 13A.,09.10.15, .17, .20 in which Voluntary State Curriculum was renamed to the State Curriculum. She explained that no school systems consider the curricula voluntary and that there was no opposition to these changes.

Upon motion by Dr. Dukes, seconded by Dr. Finan, and with unanimous agreement, the Board adopted the proposed amendments to COMAR removing the word “Voluntary” where it appears before “State Curriculum.” (In Favor – 9)

## **VOTING RIGHTS OF STUDENT MEMBER OF THE STATE BOARD**

Mr. DeGraffenreidt reminded Board members that staff had been asked to research the issue of supporting full voting rights for the Student Member of the State Board and reported that staff could find no legal impediments to making this change. He asked David Murray, the current Student Member, to answer any questions from the Board.

In response to a question by Dr. Dukes, Mr. Murray said that local school boards can take a State Board change into account and reported that the Montgomery County School Board has expanded the voting rights of Montgomery County's student member. In response to a question by Ms. Staton, Mr. Murray said that the Board would not be asked to introduce legislation before the General Assembly, but that he would find a private sponsor to introduce it.

Dr. Gates said that he is in favor of supporting this change but urged that Board Members review the wording in the legislation prior to supporting the legislation before the General Assembly.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Gates, and with unanimous agreement, the Board voted to support, in concept, legislation being introduced in the 2010 Legislative Session to grant the Student Member of the State Board of Education full voting rights. (In Favor – 9)

## **PRESIDENT'S REMARKS**

Mr. DeGraffenreidt thanked Ms. Walsh and Dr. Gates for their work on a proposal for the Board to examine and review certification in Maryland. He proposed the following 45 – 60 minute discussions at the next three Board meetings:

1. January – What is Teacher Certification and why do we have it?
2. February – What is going in the right direction and what needs to be improved?
3. March – What do we need to do as a Board to enhance certification?

Dr. Gates thanked the President for responding to these issues and said that Department staff seem to be ready to engage in these discussions.

Ms. Walsh said that there are some items that would make Maryland more competitive in meeting the criteria for Race To The Top federal funding.

The President said that there is a timing problem in fashioning an application for Race To The Top funding since the first round of applications is due in January, 2010. Ms. Walsh suggested that the first two meeting discussions be compressed into one meeting and that the February Board Meeting would include any changes to be made. President DeGraffenreidt said that he would like Ms. Walsh and Dr. Gates to be included in the Board's planning meeting on January 4, 2010, to discuss this review further.



## SUPERINTENDENT'S UPDATE

Dr. Grasmick said that the Department has received two competitive grants to fund its longitudinal data system and that staff is working collaboratively with higher education personnel. She reported that the Department's current data system fulfills seven components of a high quality student data system and that staff has applied for an additional competitive grant to complete the remaining elements.

The Superintendent said that she has received the first batch of common core standards and that grade by grade common core standards will be presented to the Department in January, 2010, in two subject areas. She noted that they will be brought to the State Board for adoption.

Dr. Grasmick reported that there are thirty-seven areas to be articulated in the application for Race To The Top funding and that states will be considered if they are either implementing or have a plan to implement the specific requirements. She explained that because Maryland does not have an appropriate teacher tenure law it was excluded from consideration by the Gates Foundation for funding for a professional advisor and writer to complete the application for Race To The Top.

In response to a question by Mr. DeGraffenreidt, Dr. Grasmick said that the teacher tenure law in place in Maryland indicates to the federal government that Maryland is not serious enough about internships for new teachers. She said that the Secretary of Education wants to create a fair opportunity for teachers to improve and to ensure that we do not give tenure to teachers who do not demonstrate the requisite skills.

Ms. Staton said that the change in the tenure law should not be made solely based on the Race To The Top issue. Dr. Grasmick agreed and said that these discussions are taking place among superintendents of schools who also wish to revisit the tenure rules. She also noted that the issue of teacher and principal evaluations being conducted at the school level is a critical point as well.

Dr. Grasmick said that in critical areas of teacher shortage, there should be differentiated pay scales to attract teachers in those areas.

The Superintendent recommended that the Board approve a second phase submission for Race To The Top funding in June rather than submit a submission in January. Ms. Staton said that the items discussed by the Superintendent will require legislative action in January and concurred with Dr. Grasmick's suggestion to submit a Phase II application in June.

Upon motion by Mr. DeGraffenreidt, seconded by Dr. Gates, the Board voted to wait until June to submit an application for Phase II Race To The Top funding to allow time for the General Assembly to enact changes needed in Maryland law. (In Favor – 8; Ms. Walsh was not present for the vote or discussion related to RTTT.)

Dr. Grasmick discussed Maryland's weak charter school law which does not consider the funding for facilities aspect. She said that this area will require action by the Maryland General Assembly also.

Ms. Walsh returned to the meeting.

The Superintendent reported that she is not in favor of conducting an independent review of the Maryland School Assessment (MSA) process due to limited resources. She explained that not only would the review be costly it would also take up valuable staff time which is currently being stretched beyond the limit due to staff cutbacks. She recommended that the review not be pursued and that the Department move forward with enacting common core standards. She asked Dr. Leslie Wilson to speak to this issue.

Dr. Wilson reiterated the negative impact a review would have on staff time.

In response to a question by Ms. Walsh, Mr. DeGraffenreidt said that when the issue was proposed in 2008 a plan was put together but funding issues and cutbacks in staff have diminished resources and put severe constraints on this project. Dr. Grasmick explained that an important component of writing a Request For Proposal (RFP) was the technical report from the MSA which was not available until the spring of 2009 which accounted for the delay.

In response to Ms. Walsh's concern that there are no checks and balances on the assessment process, Mr. DeGraffenreidt and Dr. Grasmick outlined the various accountability measures in place. Dr. Grasmick said that the integrity of the assessment process in Maryland is exemplary and she praised the work of Dr. Wilson and her staff.

Upon motion by President DeGraffenreidt, seconded by Dr. Finan, and with unanimous agreement, the Board voted not to pursue a review of MSA testing practices. (In Favor – 9)

### **PUBLIC COMMENT**

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

1. Patricia Fletcher, a member of the Prince George's County Board of Education and the Maryland Association of Boards of Education (MABE) Board of Directors. Ms. Fletcher spoke on behalf of the MABE Board of Directors.
2. JoLynn Chadwick. Ms. Chadwick spoke on behalf of the Maryland Coalition for Gifted and Talented Education.

### **ADJOURNMENT**

The meeting adjourned at 3:25 p.m.

### **RECONVENE**

The meeting reconvened at 9 a.m. on Friday, December 11, 2009. Ms. Staton was absent.

## **REQUEST FROM LOCAL SCHOOL SYSTEM FOR CALENDAR MODIFICATION**

Dr. Grasmick presented a request to provide for three days that would help the Garrett County School System make up days lost due to inclement weather over the next several months. She reported that they currently reserve five days in their calendar to adjust for inclement weather. Dr. Grasmick said that she is recommending approval of the opening of schools in Garrett County on February 15<sup>th</sup> and/or April 5, 2010, as needed and denial of their request to open school on January 18, 2010, the celebration of Dr. Martin Luther King, Jr.'s birthday. She also requested the Board grant her the authority to take action on similar requests submitted for this school year from other school systems.

Upon motion by Mr. DeGraffenreidt, seconded by Mr. Smith, and with unanimous agreement, the Board approved the opening of schools in Garrett County on February 15<sup>th</sup> and/or April 5, 2010, as needed and denied the request to open schools on January 18, 2010. (In Favor – 9)

Upon motion by Dr. Dukes, seconded by Mr. Smith, and with unanimous agreement, the Board granted the Superintendent the authority to take action on similar requests submitted by local school superintendents for this school year. (In Favor – 9)

## **PROPOSED CHANGES IN MARYLAND'S NCLB ACCOUNTABILITY PLAN**

The Superintendent explained that under the NCLB Act, each state is required to have a *Consolidated State Accountability Plan* that outlines the assessments and technical aspects of the State's accountability system that fulfills the requirements of the NCLB Act. She said that states are allowed to submit requests for adjustments in their plans to the U.S. Department of Education (USDE) for review and approval on an annual basis and requested State Board approval to submit proposed 2010 revisions to the Plan to the USDE. Dr. Grasmick asked Dr. Leslie Wilson to review the adjustments and to answer any questions from the Board Members.

Dr. Wilson explained that the request includes:

- Changes that will be effective with the 2010 results
- Plans for those changes that will be applied to the 2011 results as the Department transitions to the four-year graduation rate using the longitudinal data system, and
- The plan that will be implemented for 2012 and subsequent years.

In response to questions from Mr. DeGraffenreidt, Dr. Wilson explained that students that dropout remain in the cohort. She also responded to second question explaining that the same rate is applied to charter schools.

In response to a question by Dr. Gates, Dr. Wilson said that the federal government has not informed the Department about how it should deal with five-year graduates. She noted that students that remain in school until the age of twenty-one remain part of the cohort as well.

In response to a question by Ms. Walsh, Dr. Wilson said that the State's 2014 goal is considered high and that she will provide the Board with a comparison with other states.

Upon motion by Dr. Gates, seconded by Dr. Finan, and with unanimous agreement, the Board authorized the Department to submit the proposed 2010 revisions to Maryland's *Consolidated State Accountability Plan* to the USDE. (In Favor – 9)

## **FEDERAL LEGISLATIVE PRIORITIES**

Dr. Grasmick explained that the Department is asked to submit to the Governor's Washington Office its Priorities for Pre-K-12 Education, for consideration during the upcoming session of the U.S. Congress. She introduced Debra Lichter, Director, Departmental Coordination and National Legislation Liaison, to review the proposed priorities for this year's submittal. She recommended Board approval of the proposed Federal Priorities for the 11<sup>th</sup> Congress and requested authorization to submit them to the Governor's Washington Office.

Ms. Lichter gave an update on the federal budget explaining that until the budget is approved there is a continuing resolution in place. She said that the budget should be approved by the start of the Christmas holiday and noted that that Maryland received \$100 million in earmarks for education. She offered to do a presentation on the budget after it is approved by Congress.

Ms. Lichter discussed reauthorization requests, bill or report language requests and programmatic (budget) requests.

In response to questions by Mr. DeGraffenreidt, Dr. Grasmick said that the desire and need for teaching of international languages has increased and that the reauthorization of the Elementary and Secondary Education Act (ESEA) includes funding for leadership training. Mary Gable, Director, Instructional Programs, Division of Instruction, reported that a report by the Middle School Task Force recommended beginning language programs in middle school and Department staff is looking at the issue of teacher certification in world languages.

In response to a request from Dr. Gates, Dr. Grasmick said that Colleen Seremet, Assistant State Superintendent for Instruction, will submit details to the Board on education through technology partnerships in Maryland. Ms. Lichter said that nationally, funding for technology in the classroom, has been drastically reduced. Dr. Grasmick said that this is a very important topic and that "schools will not be defined by bricks and mortar in the future." She said the staff will make a presentation on this topic at a future Board meeting.

Upon motion by Dr. Walks, seconded by Dr. Finan, and with unanimous agreement, the Board approved the proposed Federal Priorities for the 111<sup>th</sup> Congress and authorized submission to the Governor's Office. (In Favor – 9)

## **STATE LEGISLATIVE PROPOSALS**

The Superintendent introduced Renee Spence, Executive Director, Governmental Relations, to discuss the upcoming legislative session.

Ms. Spence discussed S.B. 673, Fairness in Negotiations Act, which was considered in the 2009 legislative session and will be reintroduced in the 2010 Session. She noted that this bill passed the Senate last year and that no action took place in the House. She said there will be a House briefing on this bill on January 19<sup>th</sup>. Ms. Spence reported that this bill would establish a Public School Labor Relations Board composed of two representatives from labor unions, two representatives from education or the business community and one representative from the public at large. She explained that this legislation would remove the State Board from consideration of appeals of public school personnel actions and could influence the transfers and assignments of teachers and other school personnel.

She discussed proposed legislation which would establish criteria for the State Board to take into consideration when it is deliberating Maintenance of Effort waiver requests.

The President said that both of these issues have an effect on how Maryland is viewed in the competition for Race To The Top Funding.

## **TELL MARYLAND SURVEY**

Due to scheduling delay, this presentation was postponed to a future Board meeting.

## **OPINIONS**


Ms. Kameen announced the following Opinions:

- 09-41 *Mary Crookshanks v. Baltimore County Board of Education* – employee discipline (affirmed local board's decision)
- 09-42 *Allen Dyer v. Howard County Board of Education* – petition for declaratory rules (dismissed)
- 09-43 *David & Nino K. v. Anne Arundel County Board of Education* – residence (affirmed local board's decision)
- 09-44 *Linda and Michael L. v. Montgomery County Board of Education* – denial of school assignment (affirmed local board's decision)
- 09-45 *Shirley B. v. Montgomery County Board of Education* – student transfer (affirmed local board's decision)
- 09-46 *Yvette J. v. Montgomery County Board of Education* – student discipline (dismissed)

**ADJOURNMENT**

With no further business before the Board, the meeting adjourned at 10:30 a.m.

Respectfully submitted,

  
Nancy S. Grasmick  
Secretary, Treasurer

NSG/rms

**APPROVED:** 1/20/10

# MARYLAND STATE BOARD OF EDUCATION

## CLOSED SESSION

On this **10th** day of **December 2009**, at the hour of 11:55 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: J. Dubois

Seconded by: Ms. Walsh

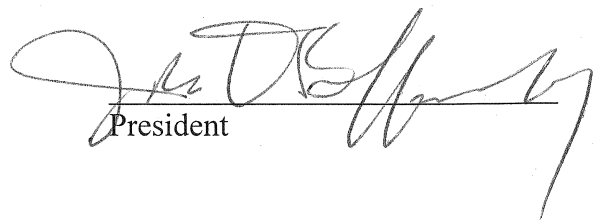
In Favor: 9 Opposed: 0 Member(s) Opposed: \_\_\_\_\_

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 3 legal appeals.
2. Review 4 draft opinions.
3. Review 1 expedited draft opinion
4. Review 1 expedited draft order.
5. Discuss an MSDE personnel matter.

  
\_\_\_\_\_  
President

**MARYLAND STATE DEPARTMENT OF EDUCATION  
PERSONNEL APPROVALS FOR THE December 10-11, 2009 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>
Jacobs, Janet L.	Education Program Specialist II, Special Education Program Monitoring and Improvement	22	Special Education and Intervention Services	TBD
Williams, Tyra S.	Education Program Specialist I, Family Support Services Coordinator (Part-time)	21	Special Education and Intervention Services	TBD

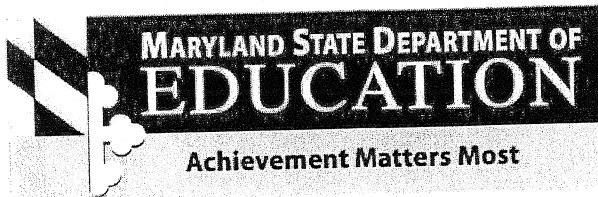
**II. Appointments Grade 18 and below:**

<u>NAME</u>	<u>POSITION</u>	<u>SALARY GRADE</u>	<u>DIVISION/OFFICE</u>	<u>DATE OF APPOINTMENT</u>
Phipps, Christopher A.	Financial Compliance Auditor II	15	Office of the State Superintendent, Audit Office	11/18/2009
Wells, Tchacona J.	Child Care Licensing Specialist Trainee	13	Early Childhood Development	12/02/2009

**III. Other Actions:**

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





Nancy S. Grasmick  
State Superintendent of Schools

200 West Baltimore Street · Baltimore, MD 21201 · 410-767-0100 · 410-333-6442 TTY/TDD

December 10-11, 2009

BOARD LIST

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

**Name:** Janet L. Jacobs  
**Position:** Education Program Specialist II, Special Education Program Monitoring and Improvement  
**Division:** Special Education/Early Intervention Services  
**Salary Grade:** 22 (\$58,783 – 94,388)  
**Effective Date:** TBD

JOB REQUIREMENTS:

**Education:**

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

**Experience:**

Five (5) years of administrative or teaching experience in, or affiliated with, special education programs or services. Experience developing, facilitating and monitoring school improvement programs that focus on students with disabilities is desirable.

JOB DESCRIPTION:

This position is responsible for serving as lead technical specialist for Juvenile Special Education Services and the coordinator for the Baltimore City Monitoring Team implementing the Enhanced Monitoring for Continuous Improvement and Results (EMCIR).

**Qualifications:**

Loyola University (Baltimore, Maryland) – Master’s Degree in Special Education/Reading

University of Maryland (Baltimore, Maryland) – Bachelor’s Degree in Elementary Education

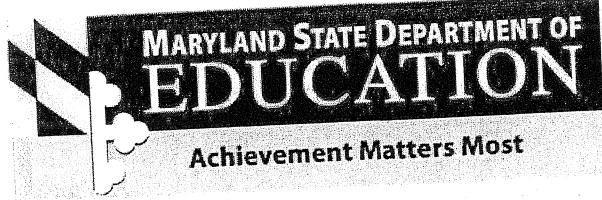
**Experience:**

Baltimore City Public Schools (Baltimore, Maryland)

- |                 |  |
|-----------------|--|
| 2004 – Present: | Education Program Specialist II, Program Monitoring and Improvement Specialist (On Loan to MSDE) |
| 1998 – 2003:    | Education Specialist, Special Education  |
| 1988 – 1998:    | Chairperson, Divisional ARD Committee  |
| 1976 – 1988:    | Diagnostic and Prescriptive Teacher  |

**EMPLOYMENT STATUS:**

New Hire



Nancy S. Grasmick  
State Superintendent of Schools

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December 10-11, 2009

BOARD LIST

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

**Name:** Tyra S. Williams  
**Position:** Education Program Specialist I, Family Support Services Coordinator (Part-time)  
**Division:** Special Education/Early Intervention Services  
**Salary Grade:** 21 (\$55,084 - \$88,439) Will be prorated for 50% part-time  
**Effective Date:** TBD

JOB REQUIREMENTS:

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

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

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

DESCRIPTION:

This is a professional position responsible for providing technical assistance with the coordination of a Statewide network of family support services for families of children with disabilities, ages birth-21.

**Qualifications:**

**Education:**

University of Maryland (Baltimore, Maryland) 2002 – Juris Doctorate

Syracuse University (Syracuse, New York) 1999 – Bachelor of Arts Degree in Policy Studies/International Relations

**Experience:**

DC Action for Children (Washington, D.C.)

2008 – Present: Policy Counsel (for children and youth with disabilities)

The Davis Law Group (Columbia, Maryland)

2007 – 2008: Counsel (Early Intervention and Special Education Services)

Advocates for Justice and Education, Inc. (Washington, D.C.)

2005 – 2007: Equal Justice Works Fellow/Staff Attorney

Neighborhood Legal Services (Washington, D.C.)

2003 – 2005: Fellow and Staff Attorney

Morgan State University, Office of the General Counsel (Baltimore, Maryland)

2002 – 2003: Law Clerk (Part-time)

United State Department of Education, Office for Civil Rights (Washington, D.C.)

2001: Legal Intern

**Employment Status**

New Hire