

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday
August 26, 2008

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

The Maryland State Board of Education met in regular session on Tuesday, August 26, 2008, at the Nancy S. Grasmick State Education Building. The following members were in attendance: Mr. James H. DeGraffenreidt, Jr., President; Mr. Blair G. Ewing, Vice President; Dr. Lelia T. Allen; Mr. Dunbar Brooks; Dr. Charlene M. Dukes; Dr. Mary Kay Finan; Ms. Rosa M. Garcia; Mr. Richard Goodall; Dr. Karabelle Pizzigati; Dr. Ivan C.A. Walks; Ms. Kate Walsh; Mr. D. Derek Wu and Dr. Nancy S. Grasmick, Secretary/Treasurer and State Superintendent of Schools.

Elizabeth Kameen, Esq., Assistant Attorney General, and the following staff members were also present: Ms. JoAnne Carter, Deputy State Superintendent for Instruction and Academic Acceleration, Dr. John Smeallie, Acting Deputy State Superintendent for Administration; Dr. Ronald Peiffer, Deputy State Superintendent for Academic Policy; and Mr. Anthony South, Executive Director to the State Board.

Mr. DeGraffenreidt thanked the Department staff for accommodating the new approach to agenda preparations. He noted that State Board presentations will be brief allowing more time for Board discussion. He thanked Board Members for their timely input into this new procedure.

CONSENT AGENDA

Upon motion by Dr. Dukes, seconded by Mr. Goodall, and with unanimous agreement, the Board approved the Consent Agenda as follows: (In Favor – 12)

Approval of Minutes of July 15, 2008
Personnel (**copy attached to these minutes**)

INTRODUCTION

Dr. Grasmick introduced Mr. Edward Cashman, Deputy Regional Representative to Secretary Spellings, United States Department of Education, who was in attendance at the meeting.

UPDATE ON 2008 MARYLAND SCHOOL ASSESSMENT RESULTS

Dr. Grasmick noted that following the announcement of the MSA results in July, a newspaper article called into doubt the reasons for the improved results. She noted that the Board has received extensive information on this matter and summarized the facts of the situation. She

recognized that the excellent results reported in July reflect the hard work of school districts, school personnel and committed students.

Dr. Grasmick then introduced Dr. Lesley Wilson, Assistant State Superintendent, Division of Assessment and Accountability, to give a brief update on the 2008 MSA results.

Dr. Wilson discussed the minimal changes made in the MSA which included replacing a small number of Norm Referenced Test (NRT) items with identical questions, eliminating irrelevant NRT test questions and a small reduction in testing time. She noted that the greatest improvements in test scores were where significant instructional work was done for the following cohorts of students: special education, English Language Learners (ELL) and in Baltimore City and Prince George's County. She explained why the improvements were predictable since each year the cohort begins higher than the one before it. Dr. Wilson provided graphs depicting the gains made by the cohorts of students mentioned above.

In response to a question by Ms. Walsh, Dr. Wilson reported that the 2008 MSA was field tested and found to be comparable to the tests administered last year. Ms. Walsh said she is looking forward to the results of an independent review of the MSA, as revised.

In response to a question by Mr. Ewing about the changes to the assessments, Dr. Grasmick explained that whenever a vendor is changed, there are minor changes made which are then validated by national experts. Dr. Wilson explained that there are numerous statistical checks and balances and constant reviews of the assessments throughout the entire testing process.

Mr. DeGraffenreidt indicated that time should be devoted at a future Board meeting to have a full presentation and discussion on the test development process. This presentation would include information on how improvements to tests are implemented without jeopardizing the comparability of results for measuring progress.

Dr. Dukes urged that the public be apprised of the external review processes conducted in the MSA process.

In response to a question by Mr. Wu, Dr. Wilson explained the differences between the MSA and the prior testing vehicle, the Maryland School Performance Assessment Program (MSPAP).

In response to a question by Ms. Garcia, Dr. Grasmick explained that local superintendents were informed about the MSA changes at their regular superintendents' meeting and were almost universally in agreement with the changes. Dr. Finan expressed her frustration in the negative response to increased test scores among the State's minority populations. Mr. Brooks noted that test results made during the past school years were not questioned although student cohorts made significant gains over the last several years.

Mr. DeGraffenreidt reported that Dr. Grasmick will be providing the Board with a forward-looking master calendar of key events to keep them apprised of new developments.

Mr. Ewing suggested that the Department look at the work of other states where students have scored statistically higher in reading than Maryland students to ensure further success for students.

Mr. Walks noted the need to provide parents and the public with information on how students are succeeding in schools in an easily understood way given that the assessment procedures are so difficult to understand.

STATUS REPORT ON HIGH SCHOOL ASSESSMENTS

Dr. Wilson explained that the HSA status will be used by Maryland beginning with the 2008 HSA administration for Adequate Yearly Progress (AYP) determinations. She said this will be a significant improvement over the previous method since it takes advantage of federal rules permitting school systems to use the student's highest score in AYP calculations rather than their first test administration.

In response to a question by Ms. Garcia about the students who will not graduate in 2009, Dr. Wilson said that principals are aware of students in grade eleven who are in jeopardy and will be providing appropriate interventions and assistance for them. Dr. Grasmick said that she will be providing information to the Board by the end of September on the approximate number of students who are in jeopardy of not receiving a diploma in 2009. She said that discussions with all superintendents show that they have made analyses of every student who will need additional help. She expressed her complete confidence in what is being done in every school system and said, "It is amazing what the local systems have done."

Ms. Garcia urged that parents be kept apprised of how their students are doing and the need for education programs for parents as well. Dr. Grasmick reported that all high school materials have been translated into seven different languages and that there is an outreach staff member in the Department who works on providing parents with information. She asked Board Members to provide feedback to her on how to improve outreach to parent groups.

In response to a question by Mr. Wu, Dr. Wilson explained that students work with their counselors to substitute AP test scores for HSA scores.

Dr. Pizzigati requested a matrix of what interventions and remediations are being done in local school systems to help students succeed and graduate. Dr. Grasmick said that she will be meeting with local superintendents in early September and will provide materials to the Board following that meeting.

Mr. Ewing congratulated Dr. Grasmick and the school system personnel for their hard work. He noted that the HSA tests are considered the minimum requirements for graduation and asked when the bar could be raised. Dr. Grasmick said that there are other initiatives moving in that direction simultaneously. She said Maryland is joining twenty-seven other states in setting higher standards. She noted the prevalence of Advanced Placement (AP) and International

Baccalaureate (IB) programs in schools and said that the College Board will be releasing information which places Maryland first and second in the nation for advanced educational programs.

STANDARDS SETTING OVERVIEW

Dr. Wilson discussed the standard setting process and provided background information in preparation for setting standards for the Modified HSA and the Alternative MSA. She explained the bookmark standard-setting procedure and discussed the next steps to be taken as follows:

1. Review and approve proposed standards to be used to determine proficient and advanced performance on the modified HSAs. The scores will be used to determine AYP for Maryland high schools next year.
2. Review and approve proposed standards for the Alt-MSA. Science will be reported this fall for the first time.

In response to a question by Dr. Pizzigati, Dr. Wilson said that following the standard setting process, the experts involved complete a confidential evaluation of the process. The results of those evaluations are provided to the Psychometric Council for review.

In response to a question by Ms. Garcia, Dr. Carole Ann Heath-Baglin, Assistant State Superintendent, Division of Special Education, provided the names of organizations involved in the Standards Setting Process who are advocates for students with special needs and for students who are English Language Learners.

STANDARDS SETTING – MODIFIED HSAs

Dr. Grasmick recommended State Board adoption of the proposed standards for the Modified HSAs which were administered in Maryland in spring 2008 for the first time. She explained that this assessment is an alternative test administered under the federal *No Child Left Behind* (NCLB) law, used with approximately two percent of students with disabilities meeting specific federally prescribed criteria. The recommended standards are as follows:

| | Proficient | Advanced |
|---------|------------|----------|
| Algebra | 412 | 450 |
| English | 396 | 429 |
| Biology | 400 | 452 |

Dr. Heath-Baglin reported that providing students with a Modified HSA has raised the level of instruction for special education students. She explained that the Alt-MSA is based on alternate achievement standards and provided to up to one percent of the school population with the most delayed cognitive abilities.

Dr. Wilson explained the various requirements and differences in requirements for the Alt-MSA and the Mod-HSA. She provided the following numbers of students participating in the 2008 Mod-HSA in grades 9-11 combined: Algebra – 2719; English – 2532; Biology – 2012.

Mr. DeGraffenreidt congratulated the Department staff on responding so quickly to the federal government’s guidelines.

In response to a question by Dr. Allen, Leslie Margolis, Esq., Attorney with the Maryland Disability Law Center, reported that Discalcular students are identified as have a learning disability and receive individual special education accommodations.

Dr. Heath-Baglin reported that the U.S. Department of Education has clarified their requirements to match Individual Education Programs (IEPs) with the test contents. She reported that a large amount of federal funding has been provided to school systems to assist in enhancing special education programs.

In response to a question by Mr. Ewing about the similarity of the proposed cut scores for the Mod-HSA and the regular HSA, Ms. Margolis urged the Board to approve identical cut scores stating that reducing cut scores for Mod-HSAs would send a very bad message to these students, their parents and their schools.

Upon motion by Mr. Goodall, seconded by Mr. Brooks, and with unanimous agreement, the Board adopted the proposed standards for the Modified HSA. (In Favor – 11; Dr. Allen not present for vote)

STANDARD SETTING – ALTERNATIVE MSAs

Dr. Grasmick reported that the Alternative MSA assesses students with significant cognitive disabilities, which is approximately one percent of students. She then recommended State Board adoption of the following standards:

| | Proficient | Advanced |
|-------------|------------|----------|
| Science | 6 | 9 |
| Reading | 6 | 9 |
| Mathematics | 6 | 9 |

Dr. Wilson provided the Board with the number of students participating in the 2008 Alt-MSA in Science, Reading and Math, grades three through 10.

In response to a question by Dr. Walks, Dr. Heath-Baglin explained that some student disabilities are degenerative and require students to be removed from the diploma track. She also explained that parents are often reluctant to remove their child from the diploma track to take the Alt-MSA.

In response to a question by Ms. Garcia, Dr. Heath-Baglin said that Maryland has had a model program for significantly disabled students since 1980. Dr. Grasmick explained that students are identified very early with disabilities but the expectations for them are not lowered immediately so as to avoid placing limitations on their learning and success. She noted that these students can be kept in the school system until they are twenty-one years old.

In response to a concern by Mr. Ewing about autistic children, Dr. Heath-Baglin said that annual assessments are done to provide the maximum learning opportunities for this growing cohort of students.

In response to a question by Dr. Walks, Dr. Heath-Baglin said that beginning at fourteen years of age, students are provided a transition plan to adulthood. She said that some students will have career opportunities and some will require group care.

In response to a question from Mr. Goodall about funding cuts, Dr. Grasmick said it is very difficult to continue the current quality of education to special education students.

Upon motion by Dr. Pizzigati, seconded by Mr. Goodall, and with unanimous agreement, the Board approved the recommended standards for the Alternative MSAs for grades 3-10. (In Favor – 12)

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. Garcia, and with unanimous agreement, the Maryland State Board of Education met in closed session on Tuesday, August 26, 2008, in Conference Room 1, 8th Floor, at the Nancy S. Grasmick State Education Building. All board members were present. In attendance were Nancy S. Grasmick, State Superintendent of Schools, John Smeallie, Acting Deputy State Superintendent for Administration, Ron Peiffer, Deputy State Superintendent for Academic Policy, and Tony South, Executive Director to the State Board. Assistant Attorney General, Elizabeth M. Kameen, was also present. The Executive Session commenced at 12:05 p.m. (In favor – 12)

The Board considered and deliberated the following appeals. Opinions will be issued at an upcoming meeting.

- *Austin G. v. Prince George's County Board of Education* – student transfer
- *Keith & Cynthia J. v. Prince George's County Board of Education* - student suspension
- *Annette K. v. Somerset County Board of Education* - student discipline
- *Kent County Board of Education v. Kent County Teachers' Association, Inc.* - reconsideration

The State Board approved five decisions and two orders for publication.

- *Cecil Charter High School v. Cecil County Board of Education* - charter application - 08-38
- *Charlita Mayhand v. Prince George's County Board of Education* - non-certificated employee termination - 08-39
- *Jan M. v. Prince George's County Board of Education* - student transfer - 08-40
- *Susan Gruz v. Baltimore City Board of School Commissioners* - failure to exhaust administrative remedies - 08-41
- *Melvin Rawles v. Prince George's County Board of Education* - untimeliness – 08-42
- *LaKesha W. v. Howard County Board of Education* - failure to exhaust administrative remedies - OR 08-12
- *Melissa D. v. Howard County Board of Education* - untimeliness - OR 08-13

Ms. Kameen provided general legal advice on a school fees issue.

Dr. Grasmick and Steve Brooks explained the Department's preliminary thoughts on how to meet upcoming cost containment initiatives.

Mr. DeGraffenreidt discussed three internal board management items - - the upcoming retreat on October 29; the need for information from the Committee on Performance Standards; and the 2009 Meeting Calendar.

The Executive Session ended at 2:20 p.m.

RECONVENE

The meeting reconvened at 2:30 p.m. Mr. Goodall and Dr. Walks were absent.

ANNOUNCEMENT

Dr. Grasmick announced that a report on the status of Maryland students AP, ACT and SAT scores is to be released later today. She reported that, in the past, Maryland has ranked first and second in the number of test takers and that this year, Maryland has increased almost ten percent points. She noted that the Department has a special relationship with the College Board to identify under-represented students. She reported that African-American student participation increased by 29 percent, Mexican-American student participation increased by 19.8 percent, Puerto Rican student participation increased by 9 percent and other Hispanic student participation increased by 22 percent.

She reported that the number of students taking the ACT has increased this year to 10,700 and that this year's graduates received collective scores above the national average. She stated that

the Scholastic Aptitude Test (SAT) was recently redesigned to include a writing component and that the overall scores of students in Maryland declined this year. She reported that the Department is looking at the correlation between the two tests.

SEED SCHOOL OF MARYLAND TRANSPORTATION PLAN

Dr. Grasmick introduced Dawn Lewis, Head of the SEED School of Maryland; the State's first residential public school, to brief the Board on the school's transportation plan to bring students to and from the school from across the State.

Ms. Lewis introduced the following SEED School Administrators: Gail Whitaker, Managing Director; Nedra Ross, Admissions and Parent Relations Manager; and, Rajiv Vinnakota, Co-Founder and Managing Director. She reported that seventy-nine students entered the school this week and that more than \$27 million was raised to support the school.

Ms. Whitaker explained that the transportation plan includes three major objectives:

1. Securing partnerships with Boys & Girls Clubs, YMCAs, Recreational Centers and Police Athletic League Centers to provide drop-off and pick-up points for students across the State;
2. Maintaining compliance with State and Federal laws governing public schools in Maryland as well as accountability to the State achievement standards; and,
3. Conducting home site visits to answer any questions and resolve any issues surrounding the school.

Ms. Ross explained that each student will receive a year's membership in the organization that sponsor's the center at which they are to be picked up and dropped off.

In response to a question by Dr. Allen, Ms. Whitaker explained the School's inclement weather policies will adhere to policies of the local school districts in which the centers are located.

In response to a concern by Ms. Garcia about the small numbers of Hispanic students who applied and were admitted to the school, Mr. Vinnakota reported that the vision of the school is to serve children in need and that the School is working to do a better job of outreach to under-represented populations. Ms. Lewis reported that a lot of outreach was done across Maryland to the Hispanic community but noted that Latino families often don't feel comfortable sending their children to residential schools. She reported that all materials have been translated into Spanish and expressed confidence that, over time, the school community will be very diverse.

Board members congratulated the presenters. Ms. Lewis invited them to visit and tour the school at any time. Dr. Grasmick acknowledged Mr. Ed Beck, the Department's Transportation Director, for the assistance he has provided to the SEED School in developing this transportation plan and insuring compliance with State school transportation laws and regulations.

Mr. DeGraffenreidt thanked the presenters and stated the State Board will be interested in monitoring how this initial group of SEED School students progresses each year through completion of their education at the SEED School before going on to higher education.

PUBLIC COMMENT

Mr. DeGraffenreidt went over the procedure by which the Board hears public comments. He introduced the following individual who provided comments: Mark Wolkow, Harford County Board of Education on behalf of the Maryland Association of Boards of Education (MABE). Mr. Wolkow included in his remarks information on the efforts underway in Harford County to reach out to the community regarding the HSAs and the opportunities available to students to assist them in successful completion of the graduation requirements.

FY 2010 MSDE BUDGET AND STATE AIDED INSTITUTIONS

The Superintendent introduced members of the Division of Business Services: Mr. Steve Brooks, Assistant State Superintendent, Mr. Robert Crawford, Director, and Mr. Rick Baker, Acting Chief of the Budget Branch, to give an update and answer any questions about the FY 2010 Budget. She recommended State Board approval for submission to the Department of Budget and Management, for the following:

1. FY 2010 base budget estimates;
2. FY 2010 prioritized Over-the-Target Requests;
3. FY 2009 Deficiency Requests; and
4. FY 2010 Requests for State Aided Educational Institutions

Mr. Brooks reported that the FY 2010 base budget is estimated at \$6.79 billion.

Mr. Crawford discussed the State Funding Budget Adjustments for FY 2009 which included cuts by the Department of Budget and Management and the Maryland Legislature during the Special Session.

State Board Member Brooks requested an impact statement on the cuts to the State Library funding formula.

Mr. Baker discussed the FY 2010 Budget Requests for the four Budgets monitored by the Department. The Superintendent explained that in the Funding for Educational Organizations budget, the Maryland School for the Blind funding is estimated at the statutory formula level. She said that other funding has been subject to an across the board reduction. Dr. Grasmick said that the State Board has taken action in the past to not include funding for the Nonpublic School Textbooks Programs. She asked the Board for approval of this omission.

Upon motion by Dr. Pizzigati, seconded by Mr. Brooks, and with unanimous agreement, the Board approved providing no funding for the Nonpublic School Textbooks Program. (In Favor—10; Mr. Goodall and Dr. Walks were absent)

In response to a question by Ms. Walsh, Dr. Grasmick explained that the Children's Cabinet is funded by several State Agencies on a pre-determined scale. She discussed the work of the Cabinet and its value to the students in Maryland.

In regard to the Aid to Education Budget, Mr. Ewing expressed his concern about approving a budget that does not include details on each funded program. Mr. Brooks explained that, as a result of the Thornton Commission, the structure of State funding was simplified and that the accountability for provision of the programs falls within the Master Plans of local school systems and the performance of students on assessments throughout the State. He explained that the details reside in Master Plans on how the funds are used as well as program descriptions. Ms. Walsh requested that the Board hear presentations throughout the year on the programs funded in the budget.

In response to a concern by Ms. Garcia about the unrestricted nature of the Bridge to Excellence funding to school systems, Dr. Grasmick explained that not only are the school systems accountable through the State assessment and Master Planning Processes but also through federal audits since federal dollars are used as well.

Several Board Members expressed concern about approval of a \$6 billion budget without more detail on how the funds are used. Mr. Ewing suggested taking a specific program and providing the Board with an explanation of how the funding for this program is being implemented in the local school systems.

Mr. Baker then discussed the FY 2010 Funding for Educational Organizations which was subject to a three percent overall reduction except for the Maryland School for the Blind which received an increase of 1.88 percent.

In response to a question by Mr. DeGraffenreidt, Mr. Brooks said that funding of the State Aided Educational Institutions is not prioritized and went on to described the accountability procedures in place. Dr. Grasmick explained that this program was originally overseen by the Maryland General Assembly which passed legislation to place it in the Department's jurisdiction. She reported that the program serves the students of Maryland very well and introduced Ms. Mary Bea Preston, Director for Grant Program Initiatives, Division of Leadership Development, who discussed the requirements mandated by the Legislature for these programs.

Upon motion by Dr. Finan, seconded by Ms. Garcia, and with unanimous agreement, the Board approved the FY 2010 base budget estimates. (In Favor – 10)

Mr. Brooks discussed the FY 2010 prioritized Over-the-Target Requests, the FY 2009 Deficiency Requests; and the FY 2010 Requests for State Aided Educational Institutions.

Upon motion by Dr. Dukes, seconded by Mr. Brooks, and with unanimous agreement, the Board approved the FY 2010 prioritized Over-the-Target Requests, the FY 2009 Deficiency Requests; and the FY 2010 Requests for State Aided Educational Institutions. (In Favor – 10)

In response to a request by Mr. DeGraffenreidt, Dr. Grasmick distributed a chart comparing MSDE salaries to salaries of selected local school systems in the State.

COMAR 13A.12.01.13 ADDING NEW CERTIFICATION AREAS

Dr. John Smeallie, Acting Deputy State Superintendent, introduced Dr. Joann Ericson, Branch Chief in the Division of Certification and Accreditation, to answer any questions about the Superintendent's recommendation for Board approval of the proposed amendments to COMAR 13A.12.01.13, Adding New Certification Areas. Dr. Smeallie explained that the proposed changes were initiated by the Professional Standards and Teacher Education Board (PSTEB) with which the State Board shares authority for teacher certification. He explained that the recommendation would allow professionally certificated personnel to receive additional endorsements by taking a minimum of 30 credits in a specified content area or by passing the Praxis II in that content area.

Upon motion by Dr. Finan, seconded by Mr. Brooks, and with unanimous agreement, the Board approved the proposed amendments. (In Favor – 10)

COMAR 13A.07.08 INCENTIVE PROGRAM FOR CERTIFICATION BY THE NATIONAL BOARD OF PROFESSIONAL TEACHING STANDARDS

Dr. Grasmick asked for Board approval of the proposed amendments to COMAR 13A.07.08 Incentive Program for Certification by the National Board of Professional Teaching Standards. Dr. Smeallie explained that the proposed amendments would extend eligibility for participation in Incentive Programs to include those teachers seeking renewal of the National Board Certificate and also provide state financial support for one retake entry for unsuccessful candidates. He noted that the amendments would bring the regulation into alignment with State statute.

In response to a concern by Ms. Walsh about the effectiveness of National Board Certification and her view that candidates should not be allowed to take the test more than once, Dr. Smeallie said that the Department has no authority to change the State law.

Mr. Ewing requested that the Board inform the Maryland General Assembly of its concerns about differing opinions on the effectiveness of National Board Certification.

Dr. Finan stated that teachers seeking National Board Certification go through a very rigorous program and put forth a huge amount of effort to gain this recognition.

Upon motion by Ms. Garcia, seconded by Dr. Allen, and with unanimous agreement, the Board adopted the proposed amendments to COMAR 13A.07.08 Incentive Program for Certification by the National Board of Professional Teaching Standards. (In Favor – 10)

PROPOSED BOARD MEETING CALENDAR FOR 2009

Mr. DeGraffenreidt said that a proposed calendar for Board meetings in 2009 will be acted upon at the September Board Meeting.

UPDATES

The President congratulated Dr. Grasmick on her receipt of the Civitas International Leader Award. The award was presented to her during a recent trip to Kazakjstan.

Dr. Grasmick reported that as a result of legislation transferring the Adult Education Program to the Department of Labor, Licensing, and Regulation, the first meeting of a Transition Committee/Team was held to ensure a smooth transition. She also reported that the Governor signed an Executive Order on Environmental Education and that she will co-chair a group to work on the initiative.

Dr. Pizzigati gave a brief report on the activities of the National Association of State Boards of Education (NASBE) of which she serves as President. She discussed the Annual Conference and gala to be held in October, 2008 as well as a follow-up symposium on AIDS and she urged State Board Members to attend these events. She reported on a conference to be held in September on education sponsored by the Army and NASBE. Dr. Pizzigati reported that information-rich committee reports will be released at the Annual Conference on early secondary education and career and technology education.

Mr. Ewing reported on his attendance at a training session on the Positive Behavioral Intervention and Supports program in Baltimore City. In the training session teachers developed plans for their schools for implementation in September. He praised the program and said it is spreading throughout the State.

Mr. DeGraffenreidt reported that he and the Superintendent are preparing a list of future Board topics and asked Board Members to inform them of any topics to be added. Mr. Ewing requested that a discussion of persistently dangerous schools and the Task Force Report on African-American Males be added to the list of discussion items. Dr. Grasmick said she has appointed a staff committee to move forward on the Report Recommendations. This committee has met and the Board will receive an update on this issue at its next meeting.

OPINIONS

Ms. Kameen announced the following Opinions:

- 08-38 *Cecil Charter High School v. Cecil County Board of Education* – charter school denial (affirmed the local board’s decision)
- 08-39 *Charlita Mayhand v. Prince George’s County Board of Education* – non-certificated employee termination (affirmed the local board’s decision)

- 08-40 *Jan M. v. Prince George's County Board of Education* – student transfer (affirmed the local board's decision)
- 08-41 *Susan Gruzs v. Baltimore City Board of School Commissioners* – failure to exhaust administrative remedies (dismissed)
- 08-42 *Melvin Rawles v. Prince George's County Board of Education* – untimeliness (dismissed employee case)


Ms. Kameen announced the following Orders:

- 08-12 *Lakeisha W. v. Howard County Board of Education* – failure to exhaust administrative remedies (dismissed)
- 08-13 *Melissa D. v. Howard County Board of Education* – untimeliness (dismissed)

ADJOURMENT

The Board meeting adjourned at 6:10 p.m.

Respectfully submitted,


Nancy S. Grasmick
Secretary, Treasurer

NSG/rms

APPROVED: 9/23/08

MARYLAND STATE BOARD OF EDUCATION

CLOSED SESSION

On this **26th** day of **August 2008**, at the hour of 12:05 am/pm, the Members of the State Board of Education voted as follows to meet in closed session:

Motion made by: Dr. Dukcs

Seconded by: Ms. Garcia

In Favor: 12 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 discussed during this closed session include the following:

1. Discuss four legal appeals.
2. Review three draft opinions.
3. Review four draft orders.
4. Legal advice on school fee issue.
5. Discuss three internal Board management matters.


President

**MARYLAND STATE DEPARTMENT OF EDUCATION
PERSONNEL APPROVALS FOR THE August 26-27, 2008 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> |
|------------------------------------|---|---------------------|---|----------------------------|
| Coston, Kelly M. | Education Program Specialist II, After School Program Coordinator | 22 | Student, Family, and School Support | TBD |
| Dixon, Joe A. | Principal | IEPP | Career Technology and Adult Learning, Juvenile Services Education | TBD |
| Griffin, Scottie J. | Academic Program Coordinator, Juvenile Services Education | IEPP | Career Technology and Adult Learning, Juvenile Services Education | TBD |
| Pogue, Kimberly B. (Promotion) | Assistant Principal | IEPP | Career Technology and Adult Learning, Juvenile Services Education | TBD |
| Stanford, Peggy M. (Reinstatement) | Principal | IEPP | Career Technology and Adult Learning, Juvenile Services Education | TBD |
| Susio, David B. | Fiscal Services Administrator V | 22 | Business Services, Budget Branch | TBD |

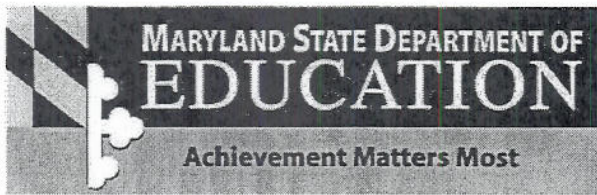
II. Appointments Grade 18 and below:

| <u>NAME</u> | <u>POSITION</u> | <u>SALARY GRADE</u> | <u>DIVISION/OFFICE</u> | <u>DATE OF APPOINTMENT</u> |
|----------------------|---|---------------------|-------------------------------------|----------------------------|
| Britt, Michelle | Vocational Rehabilitation Specialist II | 13 | Office of Blind and Vision Services | 08/13/2008 |
| Colbert, Christopher | Vocational Rehabilitation Specialist I | 12 | Rehabilitation Services, Region VI | 07/02/2008 |

| | | | | |
|-----------------|---|----|------------------------------------|------------|
| Turner, Kristal | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region VI | 07/16/2008 |
| Walp, Gene | Vocational Rehabilitation Specialist II | 13 | Rehabilitation Services, Region II | 07/30/2008 |

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

August 26-27, 2008

BOARD LIST

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

Name: Kelly M. Coston
Position: Education Program Specialist II, After School Program Coordinator
Division: Student, Family, and School Support
Salary Grade: 22 (\$60,290-\$88,030)
Effective Date: TBD

JOB REQUIREMENTS:

Education:

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

Experience:

Five (5) years of professional administrative or teaching experience within an educational setting or a community based organization designing and monitoring afterschool programs.

Notes:

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

DESCRIPTION:

This position serves as the Coordinator of State Afterschool Programs responsible for providing lead technical assistance and administration to local recipients of State funds utilized for afterschool programs that are designated to improve the academic achievement of disadvantaged children.

Qualifications:

Education:

Goucher College (Towson, Maryland) 1998 – Master’s Degree in Education (School Mediation and Conflict Resolution)

Indiana University of Pennsylvania (Baltimore, Maryland) 1996 – Bachelor of Science in Elementary Education

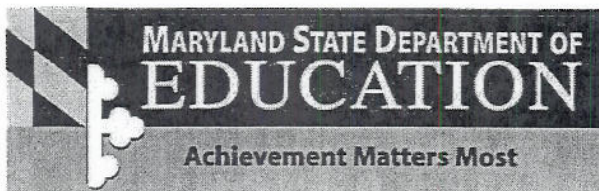
Experience:

Baltimore County Public Schools (Towson, Maryland)

| | |
|-----------------|---|
| 2006 – Present: | Safe and Drug-Free Schools Specialist (On loan with MSDE) |
| 2005 – 2006: | Behavioral Specialist |
| 2004 – 2005: | Teacher Mentor/Trainer |
| 2001 – 2004: | Assistant Principal |
| 1998 – 2001: | Teacher Mentor/Trainer |
| 1995 – 1998: | ExCEL Program Teacher, Team Leader |
| 1992 – 1995: | Elementary Teacher |

Employment Status

New Hire



Nancy S. Grasmick
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August 26-27, 2008

BOARD LIST

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

Name: Joe A. Dixon
Position: Principal
Division: Career Technology and Adult Learning
Juvenile Services Education Program
Salary Grade: IEPP (\$94,029 - \$98,734)
Effective Date: TBD

JOB REQUIREMENTS:

Education and Experience:

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

DESCRIPTION:

This position serves as Principal responsible for providing leadership in the administration of education and library programs for residents of detention programs at the Baltimore City Juvenile Justice Center.

Qualifications:

Education:

Tennessee State (Nashville, Tennessee) 1997 – Master’s Degree in Special Education; 1993 – Bachelor’s Degree in Criminal Justice

Howard University (Washington, D.C.) – 63 credits in Educational Administration towards a Doctorate in Education

Currently Holds a Maryland State Department of Education Advanced Professional Certificate in Administrator I/II and Generic Special Education Infant-3/1-8/6-Adult

Experience:

District of Columbia Public Schools (Washington, D.C.)

2001 – Present: Principal

1999 – 2000: Assistant Principal/Interim Principal

Nashville Public Schools (Nashville, Tennessee)

1997 – 1999: Special Education Coordinator/Teacher/Trainer

Cumberland Hall Hospital (Clarksville, Tennessee)

1995 - 1997: Clinical Educator

River Haven Residential Facility (Nashville, Tennessee)

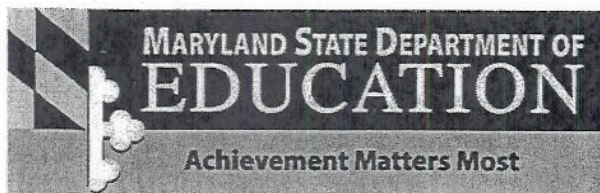
1993 – 1995: Program Director

Juvenile Probation (Nashville, Tennessee)

1990 – 1991: Probation Officer

Employment Status

New Hire



Nancy S. Grasmick
State Superintendent of Schools

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August 26-27, 2008

BOARD LIST

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

Name: Scottie J. Griffin
Position: Academic Program Coordinator, Juvenile Services Education
Division: Career Technology and Adult Learning
Juvenile Services Education
Salary Grade: IEPP (\$83,545 - \$98,734)
Effective Date: TBD

JOB REQUIREMENTS:

Education and Experience:

A Master's Degree in Education with a specialty in Curriculum and Instruction or a related field; possession of or eligibility for a Maryland Administrator II or Principal Certificate is preferred. Five years of satisfactory teaching experience in K-12 or alternative education school and 3 years satisfactory administrative or supervisory experience. Special education grant administration experience preferred.

DESCRIPTION:

This position is responsible for providing leadership and management for the Academic Juvenile Service Education Program, including Middle School, High School, or General Education Development (GED) level instruction.

Qualifications:

Education:

Western Michigan University (Kalamazoo, Michigan) 1995 – Doctorate in Educational Leadership

Eastern Michigan University (Ypsilanti, Michigan) 1974 – Master’s Degree in Special Education

Jackson State University (Jackson, Mississippi) 1971 – Bachelor’s Degree in Special Education

Eastern Michigan University – Certificates in Learning Disabilities, Emotionally Impaired, School Administration

Currently Holds a Maryland State Department of Education Certificate in Superintendent, Administrator II, and Visually Impaired.

Experience:

Griffin Enterprises (Self-Employed)

2005 – Present: Educational/Organizational Consultant (Silver Spring, Maryland)

1998 – 1999: International Educational/Organizational Consultant

Charlottesville City Schools (Charlottesville, Virginia)

2004 – 2005: District Superintendent

New Orleans Public Schools (New Orleans, Louisiana)

2003 – 2004: Area Superintendent

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

2002 – 2003: Director, Equity and Minority Achievement

2000 – 2002: Associate Superintendent, Curriculum and Instruction

District of Columbia Board of Education (Washington, DC)

1999 – 2000: Executive Director, Public Charter Schools

Kennedy Institute (Washington, DC)

1997 – 1998: Director of Education

Flint Community Schools (Flint, Michigan)

1991 – 1997: Elementary Principal

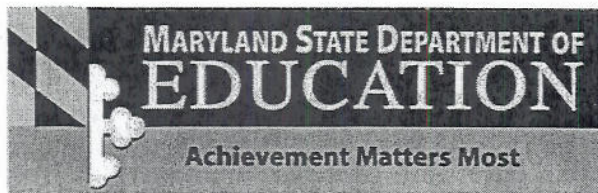
1986 – 1991: Elementary Assistant Principal

1977 – 1986: Supervisor, Special Education

1971 – 1977: Teacher

Employment Status

New Hire



Nancy S. Grasmick
State Superintendent of Schools

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

August 26-27, 2008

BOARD LIST

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

Name: Kimberly B. Pogue
Position: Assistant Principal
Division: Career Technology and Adult Learning
Juvenile Correctional Education
Salary Grade: IEPP (\$78,030 - \$89,891)
Effective Date: TBD

JOB REQUIREMENTS:

Education and Experience:

A Master's Degree in School Administration and Supervision or Master's Degree plus the required 18 graduate credits in School Administration and Supervision and Administrator I Certificate. Administrator II Certificate Preferred Five years of satisfactory teaching experience. Previous juvenile services/alternative education experience preferred.

DESCRIPTION:

This position serves as Assistant Principal responsible for assisting to the principal with the supervision, management, and leadership of the education program within a juvenile services detention facility.

Qualifications:

Education:

Trinity College (Washington, D.C.) 2003 – Master’s Degree in Educational Administration

Catholic University (Washington, D.C.) 1997 – Master of Science, Library and Information Science

Howard University (Washington, D.C.) 1992 – Bachelor of Fine Arts

Currently Holds a Maryland State Department of Education Advanced Professional Certificate in Administrator I/II and Library Media Specialist

Experience:

Maryland State Department of Education (Baltimore, Maryland)

2008 – Present: Acting Principal

2007 – 2008: Teacher Supervisor

2004 – 2007: Library Media Specialist

District of Columbia Public Schools (Washington, D.C.)

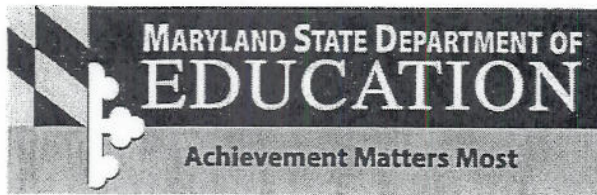
1999 – 2004: Library Medical Specialist

George Washington University – Jacobs Burns Law Library (Washington, DC)

1997 – 1999: Serials Librarian

Employment Status

Promotion



Nancy S. Grasmick
State Superintendent of Schools

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August 26-27, 2008

BOARD LIST

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

Name: Peggy M. Stanford
Position: Principal
Division: Career Technology and Adult Learning
Juvenile Services Education Program
Salary Grade: IEPP (\$94,029 - \$98,734)
Effective Date: TBD

JOB REQUIREMENTS:

Education and Experience:

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

DESCRIPTION:

This position serves as Principal responsible for providing leadership in the administration of education and library programs for residents of detention programs at two juvenile services facilities on Maryland's Eastern Shore.

Qualifications:

Education:

University of Pittsburgh (Pittsburgh, Pennsylvania) 1986 – Master’s Degree in Special Education; 1984 – Bachelor’s Degree in Child Development

Edinboro University (Edinboro, Pennsylvania) 1993 – Certificate in School Administration (30 credits)

Currently Holds a Maryland State Department of Education Advanced Professional Certificate in Administrator I/II and Generic Special Education 6-Adult

Experience:

Horry County School District (Loris, South Carolina)

2007 – Present: Special Education Teacher

Maryland State Department of Education (Baltimore, Maryland)

1999 – 2007: Special Education Teacher/Supervising Teacher

Washington County Public Schools (Hagerstown, Maryland)

1997 – 1999 Special Education Teacher

Southwood Psychiatric Hospital (Pittsburgh, Pennsylvania)

1997: Special Education Teacher

Allegheny Intermediate Unit (Homestead, Pennsylvania)

1996 – 1997: Substitute Teacher

Yuma Union High School District (Yuma, Arizona)

1995 – 1996: Special Education Teacher

Craig House (Pittsburgh, Pennsylvania)

1994 – 1995: Special Education Teacher

Northwest Tri-County Intermediate Unit (Edinboro, Pennsylvania)

1986 – 1994: Special Education Teacher

Employment Status

Reinstatement



Nancy S. Grasmick
State Superintendent of Schools

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August 26-27, 2008

BOARD LIST

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

Name: David B. Susio
Position: Fiscal Services Administrator V (Budget Branch Chief)
Division: Business Services
Salary Grade: 22 (\$59,107 - \$86,303)
Effective Date: TBD

JOB REQUIREMENTS:

Education:

A Bachelor's Degree in Business Administration, Accounting, or a related area. The selected applicant must be eligible for and/or willing to complete the CPA examination.

Experience:

Five (5) years of professional experience with designing, developing, financial and budget control systems for multiple programs.

NOTES:

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

DESCRIPTION:

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

Qualifications:

Education:

University of Baltimore (Baltimore, Maryland) 1991 – Master’s Degree in Management Information Systems

University of Maryland (College Park, Maryland) 1980 – Bachelor’s Degree in Business Administration

Experience:

Spherion – Consultant to University of Maryland Medical Center (Baltimore, Maryland)

2008 – Present: Financial Analyst

Sm Consulting – Consultant to Constellation Energy (Baltimore, Maryland)

2007 – 2008: Financial Analyst

Provident Bank (Baltimore, Maryland)

2006 – 2007: Financial Analyst

MBNA America (Hunt Valley, Maryland)

1995 – 2006: Financial Analyst

2003 – 2005: Department Manager

Employment Status

New Hire