At its July 22 - 23 meeting, the Maryland State Board of Education:

Announced Board President Marilyn Maultsby’s resignation from the State Board for personal reasons. Elected new officers: Dr. Edward Root, President; JoAnn Bell, Vice President.

Heard Dr. Gary Heath, MSDE, review the proposed Maryland School Assessment Performance Standards recommended by the Department and a standards setting committee comprised of approximately 300 educators and testing experts. He described the performance standards as establishing high academic expectations against which each student subgroup must be measured for school, school system, and state accountability requirements under the federal No Child Left Behind Act (NCLBA). Dr. Heath outlined MSDE’s coordination of groups of reviewers who met during the past month to make recommendations regarding the Maryland State Assessments (MSAs), Maryland’s High School Assessment, the psychometric review of the validity of the standard setting process, and other NCLBA required tests. Dr. Heath reviewed the recommended performance standards and cut scores based on 2003 Maryland State Assessment (MSA) results, for assessments in reading (grades 3, 5, 8, and 10), mathematics (grades 3, 5, 8, and geometry), the reading and mathematics independence mastery assessment program (IMAP) for severely disabled students, and the graduation rate performance standard. The performance standards include proficient and advanced scores, and the percentages of students in the basic, proficient, and advanced categories based on the 2003 MSA results. He noted that the standards reflect performance levels expected of students by the end of the 2013-2014 school year. The standards setting unit of the assessment vendor, CTB/McGraw Hill, provided technical assistance and oversight for the standard setting committee. Dr. Heath stated that next summer MSDE will conduct its performance standards analysis for grades 4, 6, and 9, and then proceed to review Maryland’s content standards. He also stated that the federal government has granted MSDE permission to comprehensively review its performance standards system every five years.

Board members questioned the implications for Maryland if other states set lower standards. Dr. Grasmick responded that the U.S. Department of Education is committed to rigorous requirements and the avoidance of ranking states based on uneven accountability requirements. Board members questioned the adequacy of funding to support the Department’s new testing regimen. Dr. Grasmick responded that the Board of Public Works approved her $53 million request last fall to enable the Department to meet the immediate costs of the new federal testing requirements. Board members focused on the technology demands for MSDE under the new requirements. Dr. Heath responded that the Department is operating web sites focused on reporting student, school, and school system performance, and that MSDE’s web sites are being used as models in other states. Ms. Cloutier, MSDE counsel, addressed the strict professional development standards required by NCLBA, noting that local school systems must assess their professional development programs to ensure alignment with state content standards. Board members discussed the need for local systems to devote existing funding to provide additional professional development. The Board approved the recommended school assessment performance standards.
ALLEGANY SCHOOLS CONSOLIDATION

Heard Dr. Grasmick report on the result of the Department's mediation of the Allegany County Board of Education's dispute regarding its decision to consolidate certain schools this fall. She noted that the mediation resulted in an agreement that the consolidation will not occur until adequate funding is secured to build a new high school, which has not occurred in Allegany County in over 50 years. She stated that the decision to consolidate students into an existing, inadequate high school was wrong, and would have diminished confidence in the opportunity for a quality education in Allegany County. She also noted that she and David Lever, director of the state school construction program, are working to develop the construction and funding plan for the expansion of school facilities contiguous to the Bell High School site.

FEDERAL LEGISLATION

Received an update from Ms. Nathanson, MSDE, on pending federal education legislation. She described the recent, unanimous passage in the House of Representatives of H.R. 1350, the reauthorization of the Individuals with Disabilities Education Act (IDEA). She noted that the Senate is expected to take up the bill in the coming month and that Senator Mikulski is a very strong advocate for IDEA funding. Ms. Nathanson reviewed varying House and Senate provisions, including the use of a percentage of funding for students at risk of entering special education, initiatives to reduce paperwork, and changes in disciplinary procedures. She also provided a status report on federal appropriations for education, including IDEA and NCLBA. She noted that Senator Mikulski did not vote for S. 1356 in committee because of her concerns that the funding levels are inadequate. Ms. Nathanson summarized other pending bills, including H.R. 2211, the Ready to Teach Act intended to improve teacher education and recruitment, and H.R. 1261, the Workforce Reinvestment and Adult Education Act of 2003. In addition, she described Dr. Grasmick's recent efforts to work with federal officials toward reforms of Head Start in H.R. 438, the School Readiness Act of 2003 and the Senate's version of similar legislation. Dr. Grasmick described the President's recent visit to Highland Park Elementary School in Prince George's County to observe the benefits of a seamless continuum of services to young children. She stated that she hopes Maryland can become a model for the nation.

NBPTS CERTIFICATION

Selected additional candidates from Baltimore City and Harford County to participate in the 2003-2004 Fee Incentive Program for public school teachers seeking National Board for Professional Teaching Standards (NBPTS) certification.

FOOD PROGRAMS

Granted permission to publish proposed amendments to COMAR 13A.06.01-Programs for Food and Nutrition, governing the programs' hearing procedures. MSDE counsel recommended the amendments to provide uniform procedures for hearings, consistent with federal regulations.

PUBLIC COMMENT

Heard public comment from several individuals on issues including the Anne Arundel County school calendar and algebra education and testing standards.

INTER-SCHOOL ATHLETICS

Approved amendments to COMAR 13A.06.03.03 - Interscholastic Athletics in the State, which provide greater flexibility to local school systems to schedule interscholastic athletic contests by allowing for three games in one week to be scheduled not more than twice during the regular season in basketball, field hockey, lacrosse, soccer, and volleyball.

HIGHLY QUALIFIED TEACHER STANDARDS

Received a report from Dr. Larry Leak, MSDE, on the status of the Department's development of the Highly Uniform Objective State Standard of Evaluation (HOUSSSE) for incumbent and new elementary and secondary teachers. He reviewed a document entitled "How to Be a "Highly Qualified" Teacher in Maryland" which outlines core academic subject area competency requirements for early childhood and elementary teachers, and competency standards for middle, junior high, secondary and K-12 (art and music) teachers. He described HOUSSSE as a rubric to provide teachers with credit for professional and educational experience resulting in a determination of whether a teacher is "highly qualified" as defined by the federal No Child Left Behind Act. The rubrics will require teachers to obtain 100 points to satisfy the "highly qualified" standard, with points awarded for course work in
core academic subject areas, years of service, and continuing professional development. Dr. Leak noted that Maryland's version of HOUSSE is based on NCLBA requirements, stakeholder input, and ongoing input from the U.S. Department of Education, including very recent indications that additional federal guidance is being developed which will assist states in complying with teacher qualification standards. He highlighted several ongoing debates, including whether the rubric should grant 100 points to early childhood and elementary teachers with advanced professional certificates as it does for middle and secondary teachers. Dr. Grasmick outlined her concerns, stating that while the HOUSSE requirements for middle and secondary teachers are reasonable, she is concerned that many outstanding early childhood and elementary teachers may not need additional course work. She also described her concern that many special education teachers have to be generalists and that the State should have the flexibility to recognize classroom realities, suggesting that a national task force may be needed to fully analyze the special education teacher qualification issue. She also stressed that she would appeal to the U.S. Department of Education that APC should qualify early childhood and elementary teachers as highly qualified. Board members focused on the fiscal burden on MSDE to comply with these new requirements. Dr. Leak responded that MSDE will have to build databases to track teacher qualification information in a much more specific and timely manner, resulting in an unfunded mandate. Board members also voiced concern that the Board remain sensitive to existing teachers who have devoted years of service to public education.

Heard Mr. Peiffer, MSDE, review the proposal that Maryland invoke its authority as an Education Flexibility Partnership Act (Ed-Flex) State to offer local school systems, on a case-by-case basis, a one-year waiver of "highly qualified" teacher and paraprofessional requirements under the No Child Left Behind Act. He described the NCLBA requirement that all Title I teachers be highly qualified in the 2003-2004 school year, but that the state's ongoing Ed-Flex waiver from certain federal requirements allows Maryland to apply for a waiver from the Title I highly qualified teacher requirement for the next year. He noted that the waiver would not apply to teachers in schools under school improvement or restructuring, and reminded the Board that by 2005-2006 all teachers must meet the new standard. The Board approved the recommendation.

CHARTER SCHOOLS MODEL POLICY

Received a report from Dr. Steinke and Ms. Dates, MSDE, on the Department's "Maryland Public Charter Schools Model Policy and Resources Guide." Dr. Steinke described the documents as a product of the joint relationship between MSDE, local school systems and MABE, and many other parties, providing a strong foundation on which Maryland can build a quality public charter school program. Board members raised concerns regarding capital costs arising from approved charter schools. Dr. Steinke responded that the work groups recognized that facility issues are a prominent concern for charter schools throughout the nation, but that Maryland's law does not expressly deal with capital funding. He noted that MSDE and local school systems should be able to benefit in the future from federal funding designated for charter school facilities. Board members discussed whether the State Board has to take formal action to approve the model policy. Ms. Cloutier, MSDE counsel, recommended that the Board approve the model policy, but clarified that the policy is not regulation, but satisfies the statute's requirement that MSDE develop and disseminate a model policy.

BALTIMORE CITY RECRUITMENT AND RETENTION

Heard a status report from the Baltimore City Public School System regarding teacher recruitment and retention strategies. Acting CEO Bonnie Copeland described the system's efforts to recruit and retain highly qualified teachers for every classroom as the heart and soul of the system's overall reform. Board members praised the quality of the system's web-based teacher recruitment, and questioned which subject areas and personnel areas continue to be priorities. Dr. Copeland and Dr. Dudley responded that in addition to math and science teachers, recruiting, retaining, and maintaining a pipeline of high quality principals is essential to the long-term success of the system's efforts.
Approved the designation of the Baltimore City Public School System as a system in corrective action under state school accountability standards, COMAR 13A.01.04, recently amended to comply to the federal No Child Left Behind Act requirements. Dr. Grasmick reviewed the NCLBA required designation for a school system with 25% or more of its schools under state or local reconstitution for more than 3 school years as of January 8, 2002. She stressed the priority to comply with the federal requirement to place highly qualified teachers in classrooms in systems under corrective action and the priority she places on highly qualified educational leadership. Dr. Grasmick recommended that the State Board order the school system to institute and implement a new curriculum aligned with the voluntary state curriculum and order a reorganization of the local school system to group specified schools under the direct supervision of the CEO. She stressed that the recommended designation and actions are not unilateral MSDE actions, but that the acting CEO and board of school commissioners have collaborated in the development of these recommendations. Specifically, the proposal requires a curriculum audit to ensure that the BCPS curriculum is aligned with Maryland content standards, core learning goals, and state assessments; aligned professional development for schools and principals in a manner that is year-long, comprehensive, and job-embedded; development of a plan to meet the highly qualified teacher requirement; a principal evaluation system; and a CEO district for low-performing middle schools and identified elementary and secondary schools in a feeder cluster.

Received a report from MSDE budget staff regarding the proposed fiscal 2005 budget. Dr. Grasmick reviewed the state’s fiscal condition and expressed her appreciation for the Governor’s recent statements of intent to fully fund the Bridge to Excellence in Public Schools Act in his submitted fiscal 2005 budget, a nearly $350 million increase over fiscal 2004. She noted that in light of the state’s $1 billion deficit, fiscal 2005 will be an austere budget year, and that on July 30 the Board of Public Works will make additional cuts that will impact the ongoing 2004 budget. Ms. Clapsaddle, MSDE, stated that the Governor’s direction to set aside 10% of the Department’s budget totals $7.7 million, but that the Department does not anticipate cuts of this magnitude. She noted that despite the budget outlook, the Department must seek certain funding enhancement to meet new demands. Dr. Grasmick reiterated that MSDE has obligations as the centerpiece of the state’s compliance with NCLBA requirements including assessments, standards-setting, and data collection and reporting that warrant seeking additional resources. Specifically, the Department is seeking additional funding to assume control of the educational program at the Hickey School. Board members discussed the school’s current educational budget of $2 million, provided under a private contract that expires in March 2004, and the proposed $7.5 million budget for MSDE’s provision of educational services, including one-time costs. Ms. Clapsaddle stated that MSDE estimates an annual educational budget of $5.5 million. Dr. Grasmick emphasized her support for MSDE’s role at the Hickey School, particularly in light of potentially deep cuts to other agencies, and MSDE’s heightened accountability requirements under NCLBA. In addition, MSDE is proposing funding enhancements for the Division of Rehabilitation Services, administrative costs under the Bridge to Excellence Act such as technical assistance and evaluation of master plans, information technology costs arising from NCLBA mandates, including creating the data base and collection and reporting capabilities regarding adequate yearly progress, student performance per race and ethnic categories, and teacher qualification and certification. Ms. Clapsaddle also reviewed budget proposals for aid to educational organizations and general aid to education, totaling $362 million as required by state funding formulas.

Announced opinions in the following cases: Coalition for Balanced Excellence in Education, et al. v. Anne Arundel County Board of Education, upholding the local board decision affirming the superintendent’s adoption of new scheduling models; Thomas Marsh v. Allegany County Board of Education, adopting the Administrative Law Judge’s affirming the local board’s decision to consolidate and reconfigure school districts; Norman L. Nichols v. Caroline County Board of Education, affirming the board’s decision to terminate a teacher’s employment; Linda B. Smoot v. Charles County Board of Education, affirming the local board’s student expulsion decision.