

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, June 23, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met via videoconference on Tuesday, June 23, 2020 at 11:00 a.m. The following members participated on the videoconference call: Brigadier General (BG) Warner Sumpter (Ret.); Ms. Jean Halle; Ms. Gail Bates; Mr. Clarence Crawford; Mr. Charles R. Dashiell, Jr., Esq.; Dr. Vermelle D. Greene; Dr. Justin M. Hartings; Dr. Rose M. Li; Dr. Joan Mele-McCarthy; Ms. Rachel McCusker, Ms. Lori Morrow, Mr. Michael Phillips, Dr. David Steiner; Ms. Noureen Badwi, Student Representative; and State Superintendent Dr. Karen B. Salmon.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, Office of School Effectiveness; Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration; Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

President Sumpter called the meeting to order and asked Dr. Simpson to conduct the roll call. Mr. Schoen declared the presence of a quorum.

President Sumpter explained the procedures for conducting the virtual meeting.

NEW BUSINESS

➤ *Approval of Consent Agenda*

President Sumpter called for a motion to approve the Consent Agenda, which included the following items:

- Approval of May 27, 2020 Meeting Minutes
- Personnel Actions
- Budget Adjustments, May 2020

***ACTION:** Upon motion by Dr. Steiner and seconded by Dr. Mele-McCarthy, the State Board approved the consent agenda. (In Favor: 14; Opposed: 0; Abstained: 0)*

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Halle, seconded by Ms. McCusker, and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on Tuesday, June 23, 2020. All board members were present. Also in attendance were Dr. Sylvia Lawson, Chief Performance Officer, Amalie Brandenburg, Chief Operating Officer, Dr. Miya Simpson,

Executive Director, Office of the State Board and Assistant Attorneys General, Elliott Schoen, Jackie La Fiandra, and Lydia Hoover.

The Executive Session commenced at 11:10 a.m. At that time, the State Board approved three Opinions.

- Aaron and Nicole Jackson v. Frederick County Board of Education – redistricting – Op. No. 20-24
- M.E.C.C.A Business Learning Institute (MBLI) v. Montgomery County Board of Education – charter school waiver request – Op. No. 20-25
- Peter Stephan v. Prince George’s County Board of Education – teacher evaluation – Op. No. 20-26

Elliott Schoen gave legal advice regarding charter schools, the Bradford case, and federal regulations.

Internal Board Management:

General Sumpter discussed future Board scheduling and the evaluations of the State Superintendent and Executive Director. Mr. Crawford gave the Board information about the procurement for a search firm to assist with the State Superintendent search. The Board gave final approval of the State Superintendent’s contract extension.

The Executive Session ended at 12:35 p.m.

RECONVENE

President Sumpter called the meeting to order at 12:50 pm and explained the procedures for conducting the virtual meeting.

STATE SUPERINTENDENT’S REPORT/UPDATES

➤ **School Level Per-Pupil Expenditure Funding**

(Presenter: Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration)

Ms. Brandenburg provided an overview and explanation on the reporting of school-level per-pupil funding expenditures as required by the federal Every Student Succeeds Act (ESSA). The presentation included background information, implementation methodology, and reporting procedures. Ms. Brandenburg informed the Board that district and school data are available on the MSDE website.

ACTION: None. For information and discussion.

- **Maryland Together: Maryland's Recovery Plan for Education – June 2020**
(Presenter: Dr. Karen B. Salmon, State Superintendent)

Dr. Salmon reviewed preparation for the reopening of Maryland schools and the June 2020 draft of *Maryland Together: Maryland's Recovery Plan for Education*. Dr. Salmon reviewed the timeline and process for developing the plan and highlighted updates and revisions to the second draft.

ACTION: None. For information and discussion.

- **Review of Data Related to PreKindergarten to Grade 2 Suspensions and Expulsions and Arrests on School Premises**
(Presenter: Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use)

Dr. Shaw reviewed data related to PreKindergarten (PreK) to grade 2 suspensions and arrests on school premises. The arrest data for the 2018-2019 school year is provided with a review of trends for the four years of data since the first collection based on data from the 2015-2016 school year.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

- **Local School System Continuity of Learning Plans**
(Presenters: Dr. George Arlotto, Superintendent, Anne Arundel County Public Schools; Dr. Andrea Kane, Superintendent, Queen Anne's County Public Schools)

Dr. Salmon introduced Dr. Arlotto and Dr. Kane to share and discuss the continuity of learning plan developed for their local school systems. The MSDE continues to work closely with local school system superintendents in reviewing plans and providing feedback in preparing for implementation.

State Board members thanked each superintendent for their work and inquired about any supports and resources that would be helpful as they move forward.

ACTION: None. For information and discussion only.

- **Requests for Waivers Related to Interscholastic Athletics due to the COVID-19 Pandemic**
(Presenter: Andy Warner, Executive Director, Maryland Public Secondary Schools Athletic Association Use)

Mr. Warner reviewed the following waiver recommendations related to requirements for interscholastic athletics as a result of the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures. The waiver recommendations would apply to interscholastic athletics from July 1, 2020 through June 30, 2021. These include:

COMAR 13A.01.01.02-1 *Waivers from Regulations* – Request a waiver from the requirement that each local superintendent of schools on behalf of the school system file a waiver request with the State Superintendent of School regarding statewide interscholastic athletics governed under COMAR 13A.06.03 *Interscholastic Athletics in the State*.

COMAR 13A.06.03.03 A - *Sports Season* - Request waiver of the defined sport seasons. The waiver request allows the MPSSAA to modify the length and timeframes of sports seasons. This allows local school systems to administer interscholastic athletic participation based on local county conditions and orders and allows the MPSSAA to work with individual local school systems to safely operate interscholastic athletics consistent with the latest county, State, and federal information, and to make calculated decisions to best support safe student, school personnel, and referee participation. **NOTE:** As MPSSAA members, the local school systems agree to institute schedules that adhere to defined practice and seasonal structure based on MPSSAA decisions. The MPSSAA maintains authority on defining sport seasons.

COMAR 13A.06.03.03 B(1) - *Maximum Number of Contests during a Sports Season* - Request waiver of the requirement that all sports schedules must be set by the first allowable playdate. This allows local school systems the flexibility to reschedule and adapt to the latest local and State COVID19 guidance and orders. Some areas of the State may see interruptions during the course of the year or their local health department may implement stricter requirements that would affect intercountry and statewide contests. **NOTE:** MPSSAA does not seek a waiver of the requirements for B(1)(a) through (q) for seasonal and weekly limitations for the number of contests allowed per school athletic team and student participation during the course of a season.

COMAR 13A.06.03.04C(9) - *Limits of Participation* - Request waiver of the limit of participation to permit students who play on junior varsity and varsity teams in the previous season to participate in interscholastic competition and in intramurals or school sponsored athletic programs in the same sport outside the sport season. Intramural programs may be one of the earlier stages to create student participation before expanding into interscholastic and multi-school participation.

COMAR 13A.06.03.04E - *Out-of-Season Practice* - Request waiver of the regulations related to school participation in practice outside the defined seasonal limitations or beyond the regular sports season. This waiver allows for the MPSSAA and local school systems to re-engage coach and student interaction for the social-emotional and physical well-being of the student. Moreover, it permits coaches to conduct teaching and training beyond the regular sports seasons to help students' athletic conditioning and skill development after the long layoff from interscholastic sports. Flexibility for allowing coaches to conduct reconditioning and training is necessary for student safety and to permit schools to safely operate practices and individual student drills. **NOTE:** As MPSSAA members, the local school systems agree to institute a set out-of-season practice time frame per sport before operating any out-of-season practices and obtain approval from the MPSSAA Executive Director for the out-of-season practice time frame.

COMAR 13A.06.03.08(1)(b) - Sanctioning for Interstate Competition - Request waiver of the sanction request deadline date for interstate competition. The waiver does not change the requirement to request sanction approval from the MPSSAA, but provides flexibility to make necessary modifications during the course of the year.

COMAR 13A.06.03.08(2)(c) - Sanctioning for Intrastate Competition - Request waiver of the sanction request deadline date for intrastate competition. The waiver does not change the requirement to request sanction approval from the MPSSAA, but provides flexibility to make necessary modifications during the course of the year.

***ACTION:** Upon motion by Mr. Dashiell and seconded by Ms. Bates, the State Board approved the requested waivers. (In Favor: 13; Opposed: 0; Abstained: 0. Ms. Halle was not present).*

- **Waiver Authority for the Period of Availability for Individuals with Disabilities Education Act (IDEA) – Part B Funds for Federal Fiscal Year (FFY) 2018**
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support)

Request for permission to submit a waiver of State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006 for FY18 funds.

***ACTION:** Upon motion by Dr. Dashiell and seconded by Dr. Li, the State Board granted permission to submit the waiver. (In Favor: 13; Opposed: 0; Abstained: 0. Ms. Halle was not present).*

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Dr. Li provided an update on the Digital Learning Committee and shared the different phases in the action plan. A formal presentation will be made to the State Board at a future meeting.
- Dr. Greene reviewed her proposal for the State Board’s support in the creating a *Task Force on Achieving Academic Equity and Excellence for Black Boys (Task Force)*. The Task Force would be charged to:
 - Consider the impact that discipline policies have on black boys in the classroom; determine best practices to minimize disciplinary problems and correct behavior without discouraging academic achievement.
 - Evaluate the availability and effectiveness of teacher preparation and professional development for culturally responsive teaching and cultural literacy as it pertains to black boys.
 - Identify opportunities to improve current curricula and instructional techniques, strategies, and methods to educate black boys.

- Review current research and identify effective, research-based practices for educating boys of color inside and outside of Maryland; best practices can include but are not limited to, *single-sex classes, mentoring, rites of passage programs, male-specific pedagogy, and phonics-based reading instruction.*
- Evaluate current hiring methods and identify obstacles to the recruitment and retention of black male teachers; identify organizations that could form partnerships to support the Department's efforts to recruit black male teachers.
- Examine the reports and findings of other MSDE task forces and commissions, including, but not limited to, the *Kirwan Commission*, the Commission on the School to Prison Pipeline, the Task Force on Student Discipline Regulations and the Task Force on the Education of Maryland's African-American Males (March 2007) and determine to what degree the recommendations have been successfully implemented.

The Task Force will report its findings, recommendations, and a suggested implementation plan (including assignment of lead offices and departments within MSDE, an implementation timeline, and responsibilities regarding progress monitoring) to the State Board on or about **February 23, 2021**.

Dr. Greene and Dr. Mele-McCarthy will serve as Chair and Co-Chair, respectively. There will be at least six additional members. These individuals will be selected based upon their background in education, with preference given to those who have experience working with black boys. Interested parties will submit their resumes and a brief statement describing the skills and experiences they would bring to the team. The Chair and Co-Chair will select team members. The final selection of the Task Force members will be on or before July 15, 2020, with the list presented to the Board at the July 28th meeting.

ACTION: Upon motion by Dr. Greene and seconded by Dr. Mele-McCarthy, the State Board approved creation of the Task Force. (In Favor: 12; Opposed: 0; Abstained: 0. Ms. Halle and Dr. Li were not present).

- Mr. Crawford shared that the Request for Proposal for the State Superintendent search firm is out for bid. Proposals are due at the end of July.
- Ms. McCusker proposed a State Board workgroup session to gather input from teachers and counselors on social and emotional learning resources and supports. Superintendent Salmon said she would provide information to the State Board on the social and emotional learning resources available through the MSDE.
- President Sumpter suggested the State Board consider adding a second meeting and/or resuming the work/information sessions that were once held before each regular Board meeting that allowed more time for additional information and data gathering.

STATE BOARD MEMBER RECOGNITIONS

President Sumpter and members recognized Dr. Justin Hartings, Mr. Michael Phillips, and Ms. Noureen Badwi, whose terms on the State Board expire on June 30, 2020.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen read the following Opinions and Orders:

- Aaron and Nicole Jackson v. Frederick County Board of Education – redistricting – Op. No. 20-24
- M.E.C.C.A Business Learning Institute (MBLI) v. Montgomery County Board of Education – charter school waiver request – Op. No. 20-25
- Peter Stephan v. Prince George’s County Board of Education – teacher evaluation – Op. No. 20-26

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 4:33 p.m.

Karen B. Salmon, Ph.D.
Secretary/Treasurer

Date: July 28, 2020

The information included here provides a summary of the agenda items presented and actions taken during the meeting of the Maryland State Board of Education. The video recordings of the meetings are the official record of the meetings and can be located at:

<http://www.marylandpublicschools.org/stateboard/Pages/meeting-agendas/2020/2020-06-23.aspx>

Meeting materials, Opinions, and Orders can be found at:

<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2020.aspx>

The next meeting of the Maryland State Board of Education will be held on Tuesday, July 28, 2020. Appropriate accommodations for individuals with disabilities will be provided upon request. Eight business days notice prior to the event is required. Please contact Charlene Necessary at (410) 767-0467 or TTY at (410) 333-6442 so arrangements can be made.

MARYLAND STATE BOARD OF EDUCATION
PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER OPEN MEETINGS ACT (General Provisions Article § 3-305)

1. Recorded vote to close the meeting.

Date: June 23, 2020

Time: 11:10 a.m.

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Ms. Halle

Seconded by: Ms. McCusker

Members in favor: 14

Opposed: 0

Abstaining: 0

Absent: 0

2. The meeting was closed under authority of Section 3-305(b) of the General Provisions Article of the Annotated Code of Maryland (check all provisions that apply). This meeting will be closed under General Provision Art. § 3-305(b) only.

- 1. To discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals.
- 2. To protect the privacy or reputation of individuals concerning a matter 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.

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion to topic
§ 3-305(b)(1)	Personnel Matter	State Superintendent's salary.
§ 3-305(b)(7)	Legal Counsel/Advice and Internal Board Management	To discuss with legal counsel 3 appeals, legal advice, and 3 internal board management items.

4. This statement is made by BG Warner I. Sumpter, Ret., Presiding Officer.