

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, September 22, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met via WebEx videoconference on Tuesday, September 22, 2020 at 9:30 a.m. The following members participated in the videoconference: Mr. Clarence Crawford (President); Ms. Jean Halle (Vice President); Mr. Shawn Bartley; Ms. Gail Bates; Mr. Charles R. Dashiell, Jr., Esq.; Dr. Susan Getty; Dr. Vermelle D. Greene; Dr. Rose M. Li; Dr. Joan Mele-McCarthy; Ms. Rachel McCusker, Ms. Lori Morrow; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Jason Wu, 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 Crawford called the meeting to order and asked Dr. Simpson to conduct the roll call. Mr. Schoen declared the presence of a quorum.

President Crawford explained the virtual meeting procedures.

PUBLIC COMMENT

- *Kimberly Howes* – Return of sports in the fall
- *Cheryl Bost (MSEA)* – School Reopening
- *Dr. Josh Funk* – High School Athletics/Return to Play
- *Dr. Laurie Henry (USM and MICUA Education Deans Council)* – COMAR 13A.07.06 Programs for Professionally Licensed Personnel and COMAR 13A.12.01-.07 Educator Licensure
- *Catherine McDonough* – Fall sports and full return to play
- *Burt Cashman* – Return to fall sports
- *Anthony Masters* – Concerns with lack of school opening options and delayed start for high school sports
- *Corrine Guglielmini* – School sports
- *Erika Pabon* – Fall sports

ORAL ARGUMENT

Mr. Schoen explained the oral argument procedures and introduced counsel for each side in the case of The Baltimore Education Trust for Young Men v. Baltimore City Board of School Commissioners regarding charter school non-renewal.

NEW BUSINESS

➤ **Approval of Consent Agenda**

- August Meeting Minutes
- Personnel Actions
- Budget Adjustments, August 2020

***ACTION:** Upon motion by Mr. Dashiell, and seconded by Mr. Wu, the State Board approved the consent agenda. (In Favor: 14; Opposed: 0; Abstained: 0)*

STATE SUPERINTENDENT'S REPORT/UPDATES

➤ **Career and Technical Education**

(Presenter: Tiara Booker-Dwyer, Assistant State Superintendent for College and Career Readiness)

Ms. Booker-Dwyer provided an overview of the revised vision and direction for career and technical education (CTE). The revised direction and vision for CTE in Maryland was informed by input from over 300 stakeholders over the course of a year. The revised direction was guided by the Maryland Workforce Innovation and Opportunity Act State Plan, Maryland Every Student Succeeds Act Consolidated Plan, Maryland Commission on Innovation & Excellence in Education recommendations, and the requirements outlined in the Strengthening Career and Technical Education for the 21st Century Act. The revised direction for CTE will expand opportunities available for students' successful preparation for college and careers.

The presentation included an overview of Career and Technical Education Programs of Study and next steps and next steps for the Division of Career and College Readiness to include: collaborating with employers to inform CTE programs of study; proactively addressing Kirwan recommendations; expanding CTE opportunities for students, including out-of-school time CTE; and ensuring all students have equitable CTE experiences.

State Board members expressed support and appreciation for the departments CTE efforts.

***ACTION:** None. For information and discussion only.*

- **Summary and Review of Local School System Reopening Plans**
(Presenter: Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)

Dr. Williamson and Ms. Gable reviewed the outcomes for the evaluation of reopening plans submitted by local school systems to the Maryland State Department of Education (MSDE). All 24 local school systems, The SEED School of Maryland, and Maryland School for the Deaf were required to submit reopening plans to MSDE. The Maryland Together: Maryland's Recovery Plan for Education defined thirteen requirements that must be included in reopening plans from local school systems. All plans were submitted to MSDE by August 14, 2020 for an initial review. Each requirement was reviewed by a cross-divisional team at MSDE using a rubric that assessed the level of completeness and the degree to which content met the stated requirement. All 24 school systems have plans that earned either comprehensive or acceptable ratings for each of the thirteen requirements identified in *The Maryland Together: Maryland's Recovery Plan for Education*.

State Board members inquired about and discussed the protocols for ensuring a safe school reopening plan/process, student transportation, opportunities for stakeholder engagement, and the availability of personal protective equipment (PPE).

ACTION: None. For information and discussion.

- **Maryland's Recovery Plan for Education: Update on Reopening Plans, Special Education, and Monitoring and Evaluation**
(Presenter: Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use)

Dr. Williamson and Ms. Gable provided a review and update on local school system reopening plans, support for special education students, and monitoring and evaluation of local plans. The presentation included a timeline for the presentation of data and updates throughout the 2020-2021 school year, supports to students who receive special education services, updates on student engagement as provided by local school systems, professional learning opportunities and technical assistance to support the adjustment of school schedules, and the process for gathering data to determine success.

Dr. Shaw provided information about the technical assistance provided by the MSDE and reviewed performance metrics.

State Board members discussed the need for successful supports and strategies and effective communication with local school systems.

ACTION: None. For information and discussion only.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Jason Wu, seconded by Gail Bates, and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on September 22, 2020. All board members were present. Also in attendance were Dr. Sylvia Lawson, Chief Performance Officer, Amalie Brandenburg, Chief Operating Officer, Carol Williamson, Chief Academic Officer, Dr. Miya Simpson, Executive Director, Office of the State Board and Assistant Attorneys General, Elliott Schoen and Jackie LaFiandra. The Executive Session commenced at 1:27 pm.

At that time, the State Board reviewed and approved three Opinions and one Order.

- *Beth B. v. Calvert County Board of Education* –dismissal of State Board appeal for lack of standing– Op. No. 20-35
- *Gina F. v. Howard County Board of Education* – student transfer – Op. No. 20-36
- *Charlene Stafford v. Baltimore City Board of School Commissioners* – termination of at-will position – Op. No. 20-37
- *S.R. v. Montgomery County Board of Education (II)* – dismissal for untimely filing of State Board appeal– Order No. OR20-20

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

- *The Baltimore Education Trust for Young Men, Inc. v. Baltimore City Board of School Commissioners* – non-renewal of charter school

The State Board received legal advice regarding its authority related to public secondary school athletics.

The State Board received confidential proposed budget information as required by Educ. Art. §2-205(j).

The Executive Session ended at 3:00 p.m.

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

- ***Fiscal Year 2022 Budget Estimates and Requests***
(Presenter: Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration)

Ms. Brandenburg reviewed budget information and requested approval for submission of the following items to the Department of Budget and Management:

- The Fiscal Year (FY) 2022 base budget estimates;
- The FY 2022 request for State Aided Educational Institutions, which is included in the Funding for Educational Organizations budget; and
- The FY 2022 budget reduction options.

ACTION: Upon motion by General Sumpter, and seconded by Ms. Morrow, the State Board approved the waiver. (In Favor: 14; Opposed: 0; Abstained: 0)

➤ ***Update on Financial Reporting Requirements***

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

Ms. Brandenburg briefed the State Board on the status of audit reports of local school systems and requested authorization for the State Superintendent to notify the Comptroller to withhold 10% of the November State aid payment and each subsequent installment for any local school system that is not in full compliance with §5-114 of the Education Article.

ACTION: Upon motion by Ms. Halle, and seconded by Ms. Bates, the State Board approved the waiver. (In Favor: 14; Opposed: 0; Abstained: 0)

➤ ***CODE OF MARYLAND REGULATIONS (COMAR)***

(Presenter: Ms. Mary Gable, Assistant State Superintendent, Student Support, Academic Enrichment & Educational Policy; Ms. Sarah Spross, Assistant State Superintendent, Educator Certification and Program Approval)

• ***COMAR 13A.12.01.14 Waivers and Special Certification Provisions (Adoption)***

Request to adopt amendments to Regulation .14 under Code of Maryland Regulations 13A.12.01 General Provisions. The purpose of the amendments is to establish an emergency certificate that will allow local school systems to hire teacher candidates who have not yet taken certification assessments.

ACTION: Upon motion by General Sumpter, and seconded by Mr. Wu, the State Board granted permission to adopt amendments to Regulation .14 Waivers and Special Certification Provisions under COMAR 13A.12.01. (In Favor: 14; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Dr. Greene provided an update on the *Task Force on Achieving Academic Equity and Excellence for Black Boys (Task Force)* and shared information regarding the most recent meeting and tentative recommendations from each of the three study groups. Dr. Greene encouraged members of the public who would like to share thoughts/ideas to submit input to the Task Force and also highlighted upcoming meetings.
- Mr. Wu shared that he met with student leaders earlier this month to discuss mental health for a discussion regarding the need for more supports for students. He also noted that the Maryland Association of Student Councils has been working to elevate the student voice with presentation opportunities for students. He also informed State Board

members of an upcoming town hall meeting to be held with other student board member and student leaders to discuss racial and social injustice.

- Ms. Halle provided an update on the work of the Virtual Learning Committee. The next committee meeting will include an update from procurement regarding information gathering from vendors and exploring Utah’s digital learning plan.
- President Crawford provided an update on the State Superintendent search and shared that the committee is in the latter stage of technical review of proposals.
- Vice President Halle and Dr. Williamson provided an update on the Digital Learning Committee. Ms. Halle thanked the committee for their work, and also thanked the Advisory Committee. Dr. Williamson summarized the objectives of the committee. Information will be forwarded to State Board members and a future presentation will be planned.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen read the following Opinions and Orders:

- *Beth B. v. Calvert County Board of Education* – dismissal of State Board appeal for lack of standing and mootness – Opin. 20-35
- *Gina F. v. Howard County Board of Education* – student transfer – Opin. 20-36
- *Charlene Stafford v. Baltimore City Board of School Commissioners* – termination of at-will position – Opin. 20-37
- *S.R. v. Montgomery County Board of Education (II)* – dismissal for untimely filing of State Board appeal – Order No. OR20-20

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 4:27 p.m.

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

Date: October 27, 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>

Minutes for September 22, 2020

The next meeting of the Maryland State Board of Education will be held on Tuesday, October 27, 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: September 22, 2020

Time: 1:27 pm

Location: Virtual

Motion to close meeting made by: Jason Wu

Seconded by: Gail Bates

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)(7)	Quasi judicial matters	3 Appeals from local board decisions
	Legal advice	1 Draft Order
		1 Oral Argument after an OAH proposed decision
		Legal Advice Regarding High School Athletics Authority
§ 3-305(b)(13)		Confidential budget information governed by executive privilege.

4. This statement is made by Clarence Crawford, Presiding Officer.