

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, January 28, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in regular session on Tuesday, January 28, 2020, at 9:00 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Ms. Jean Halle; Ms. Gail Bates; Mr. Clarence Crawford; Charles R. Dashiell, Jr., Esq.; Dr. Vermelle D. Greene; Dr. Justin M. Hartings; Dr. Rose M. Li; Dr. Joan Mele-McCarthy, Mr. Michael Phillips, Dr. David Steiner; Ms. Noureen Badwi, Student Representative; and State Superintendent Dr. Karen B. Salmon. (Brigadier General (BG) Warner Sumpter (Ret.) was absent.)

The following staff members were present: 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.

Vice President Halle called the meeting to order and opened with the Pledge of Allegiance.

Vice President Halle recognized members of the Maryland Association of Boards of Education in attendance.

Dr. Salmon recognized local superintendents in attendance.

PUBLIC COMMENT

- Angela Alvarez – *Proposed Commensurate Funding Regulations*
- Leslie Pellegrino – *Proposed Commensurate Funding Regulations*
- Theresa Dudley – *Conditional Teachers*
- Cheryl Bost – *Charter School Regulations*

NEW BUSINESS

➤ ***Approval of Consent Agenda:***

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

- Minutes for December 3, 2019
- Personnel Actions
- Budget Adjustments – December 2019

- 2019-2020 Identification of “Comprehensive Needs” Schools for the Purpose of Awarding the Quality Teacher Stipends to Certain Teachers and Non-Administrative School-Based Employees

ACTION: Upon motion by Dr. Steiner and seconded by Ms. Bates, the State Board approved the Consent Agenda. (In Favor: 10; Opposed: 0; Abstained: 0. Dr. Li had not arrived.)

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

- ***Updates on Student Support Initiatives and Research on Achievement Gaps***
(Presenters: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy; Walt Sallee Director, Student Services and Strategic Planning; Dr. Dara Shaw, Executive Director, MSDE Office of Research)

Update on the 2007 Report of the Task Force on Education of Maryland’s African American Males, the 2019 Task Force on Student Discipline Regulations, and other student support initiatives. The presentation included an overview of the history of MSDE’s efforts implemented as related to recommendations, highlights of select initiatives and accomplishments to date, and ongoing practices.

Dr. Shaw also provided a review of the literature on factors associated with academic achievement gaps.

State Board members requested information about the effectiveness of programs and services and correlations between academic performance and student safety and climate. Dr. Salmon will provide State Board members with the gap analysis report.

ACTION: None. For information and discussion.

- ***Maryland Report Card Analysis***
(Presenter: Dr. Dara Shaw, Executive Director, MSDE Office of Research)

Dr. Shaw presented additional analysis of the 2019 results of Maryland’s Accountability System Report Card. Information included 2019 indicators and measure results, by star rating and the relationship between academic and school quality/student success indicators; a summary of student group results and the relationship between overall performance and school demographics; and comparison of 2018 and 2019 results.

State Board members inquired about the decrease in math scores, which was noted as a national trend. The department is still reviewing data.

ACTION: None. For information and discussion.

- ***Change to High School Maryland Integrated Science Assessment (MISA) Structure***
(Presenter: Bruce Lesh, Director, Social Studies, Science, STEM, Environmental Literacy, and Disciplinary Literacy)

Mr. Lesh presented background information regarding MISA and the recommendation of the department to transition from a 3-dimensional domain-integrated high school science assessment to a 3-dimensional single domain assessment.

State Board members requested additional information and alternatives to the recommended action for further consideration. The department will bring the information back to the Board outlining the pros and cons of each option for the State Board to consider. State Board members also inquired about the number of students who do not achieve proficiency.

ACTION: Upon motion by Dr. Greene and seconded by Ms. Badwi, State Board members opposed the recommendation to transition the High School Maryland Integrated Science Assessment to a 3-dimensional assessment of single domain. (In Favor: 6—Mr. Crawford, Ms. Halle, Ms. Badwi, Dr. Greene, Mr. Dashiell, and Ms. Bates; Opposed: 4 —Mr. Phillips, Dr. Steiner, Dr. Li, Dr. Hartings; Abstained: 1—Mele-McCarthy)

ADJOURN TO EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Dr. Justin Hartings, seconded by Dr. Rose Li and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, January 28, 2020 in Conference Room #1, 8th Floor, at the Nancy S. Grasmick State Education Building. All board members were present except for Brigadier General (BG) Warner Sumpter (Ret.). Also in attendance were Dr. Sylvia Lawson, Chief Performance Officer, Dr. Carol Williamson, Chief Academic Officer, Amalie Brandenburg, Chief Operating Officer, Dr. Miya Simpson, Executive Director, Office of the State Board, and Assistant Attorneys General, Elliott L. Schoen and Jackie LaFiandra. The Executive Session commenced at 12:30 p.m.

At that time, the State Board approved six Opinions and three Orders for publication.

- *Nalda Rozon, et al v. Prince George’s County Board of Education* — petition for declaratory ruling — Op. No. 20-01
- *J.M. and S.J. v. Baltimore County Board of Education* — student suspension — Opin. No. 20-02
- *Erica Lunn v. Baltimore City Board of School Commissioners* — employee termination — Opin. No. 20-03
- *M.S. v. Montgomery County Board of Education* — student discipline — Opin. No. 20-04
- *Jerome A. Nicholas, III v. Baltimore City Board of School Commissioners* — employee termination — Opin. No. 20-05
- *T.R. & B.J. v. Caroline County Board of Education* — reportable offense — Opin. No. 20-06
- *Yvette Brebnor v. Baltimore City Board of School Commissioners* — request for

reconsideration — Order No. OR 20-01

- *Jaime and Bryan S. v. Harford County Board of Education* — request for reconsideration — Order No. OR 20-02
- *Tyboia Brown v. Somerset County Board of Education* — untimeliness — Order No. OR 20-03

Dr. Salmon provided embargoed data to the Board and an update on new Board Members.

Vice President Halle and Board Member Clarence Crawford provided an update on the State Superintendent procurement.

Elliott Schoen provided legal advice on a local assessment investigation, appeal *Key Systems, Inc. v. Anne Arundel County Board of Education*, and current litigation.

The Executive Session ended at 1:40 p.m.

STATE SUPERINTENDENT'S REPORT

- ***Environmental Education Instructional Programs for Grades PreK-12***
(Presenter: Steven Hicks, Assistant State Superintendent, Division of Early Childhood)

Dr. Williamson and Mr. Lesh provided an update on the Environmental Education Instructional Program Standards for Grades PreK-12 and presented the department's recommendation to transition the HS MISA to a 3-dimensional single domain assessment.

ACTION: None. For information and discussion.

- ***The State of Early Childhood Education***
(Presenter: Steven Hicks, Assistant State Superintendent, Division of Early Childhood)

Mr. Hicks provided an update on key early childhood programs and initiatives. The Division has several programs that seek to expand access to high-quality early education, support the early childhood workforce, improve program quality, promote a two-generation approach to support families and children, and coordinate a prenatal to age 8 early childhood system. He also shared information about Maryland Families Engage, which provides information about early childhood resources.

ACTION: None. For information and discussion.

- ***2020 Legislative Session Overview***
(Presenter: Tiffany Clark, Director, Legislative Affairs; Amalie Brandenburg, Deputy Superintendent, Finance and Administration)

Ms. Clark provided an overview of the legislative session process and a status update of PreK-12 education-related bills that are currently before the 2020 Maryland General Assembly.

Ms. Clark discussed 4 key legislative committees, as well as the State Board's role in the legislative session process, and highlighted several education bills of interest. State Board members considered bills they may want to take a position on. Ms. Clark will provide regular updates to the State Board.

Ms. Brandenburg also shared information about the 2020 Legislative Session Operating Budget Process.

ACTION: None. For information and discussion.

NEW BUSINESS

➤ ***Update on Educator Preparation and Licensure***

Dr. Salmon and Ms. Spross provided updates on recent meetings with the Advisory Committee, local Superintendents, and other partners and stakeholders. Ms. Spross shared the concerns that have been expressed related to national content standards and Maryland competencies, credit requirements, clinical experience requirements, and assessment/dual enrollment. Ms. Spross also reviewed a comparison of the recommendations proposed by the MSDE and the Advisory Committee.

Ms. Spross will also present this information to the Professional Standards and Teacher Education Board (PSTEB), who has requested to establish a joint committee between members of the PSTEB and State Board. The State Board will wait until after this meeting to make a decision regarding the joint committee.

ACTION: None. For information and discussion.

➤ ***Code of Maryland Regulations (COMAR)***

(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support; Sarah Spross, Assistant State Superintendent, Division of Educator Effectiveness)

▪ **COMAR 13A.02.02.03-.04 Emergency Plans (Permission to Publish)**

Request for permission to publish amendments to Code of Maryland Regulations (COMAR) 13A.02.02 *Emergency Plans*. The amendments incorporate by reference the Maryland State Department of Education's *Emergency Planning Guidelines for Local School Systems and Schools (October 2017)*. The *Guidelines* have been updated, necessitating that the reference to the *Guidelines* be updated in COMAR.

ACTION: Upon motion by Dr. Steiner and seconded by Mr. Dashiell, the State Board granted permission to publish the regulation. (In favor: 9; Opposed: 0; Abstained: 0. Dr. Hartings was not in the room. Dr. Greene was not present.)

- **COMAR 13A.04.17 *Environmental Education Instructional Programs for Grades PreK-12* (Permission to Publish)**

Request for permission to publish amendments to COMAR 13A.04.17 *Environmental Education*. The proposed amendments are informed by consultation with the public, teachers, content supervisors, other state agencies, and non-profit environmental advocacy organizations. The amendments also bring clarity to the regulations.

ACTION: Upon motion by Dr. Steiner and seconded by Dr. Mele-McCarthy, the State Board granted permission to publish the regulation. (In favor: 10; Opposed: 0; Abstained: 0. Dr. Greene was not present.)

- **COMAR 13A.05.01.14 *Provision of a Free Appropriate Education: Procedural Safeguards – Independent Educational Evaluation* (Permission to Adopt)**

Request for permission to adopt amendments to Regulation .14 under 13A.05.01 *Provision of a Free Appropriate Public Education*. The purpose of these amendments is to implement statutory requirements as stated in Education Article, §8-405, Annotated Code of Maryland, which established the independent educational evaluation. The amendments include: (1) if a parent requests an independent educational evaluation at public expense the local school system or public agency shall provide a written response approving or denying the request within 30 days; (2) if the local school system or public agency approves a request, the written response shall advise the parent of the process for arranging the evaluation at public expense; and (3) if the local school system or public agency denies a request, the local school system or public agency shall file a due process complaint within 30 days of the date of denial.

ACTION: Upon motion by Ms. Bates and seconded by Dr. Mele-McCarthy, the State Board granted permission to adopt the regulation. (In favor:10; Opposed: 0; Abstained: 0. Dr. Greene was not present.)

- **COMAR 13A.05.12.01-.03 *Hearing Aid Loan Bank Hearing Aid and Language and Communication Video Loan Bank* (Updated Title - Permission to Adopt)**

Request for permission to adopt amendments to Regulations .01—.03 under 13A.05.12 *Hearing Aid Loan Bank*. The amendments include: 1) change the program name to *Maryland Hearing Aid and Language and Communication Video Loan Bank*; 2) extend eligibility to include individuals under age 21 who have not graduated from high school; 3) change the initial loan term to one year and the extension period to one year; and 4) provide videos and downloadable resources that offer unbiased information about language and communication options, and resources to learn the language, or other means of communication, the parents choose to use (American Sign Language (ASL), Cued Speech, and Listening and Spoken Language).

ACTION: Upon motion by Ms. Badwi and seconded by Mr. Phillips, the State Board voted to delay for further consideration. (In favor: 10; Opposed: 0; Abstained: 0. Dr. Greene was not present.)

▪ **COMAR 13A.03.02 Graduation Requirements for Public Schools in Maryland and COMAR 13A.03.02.08 Grading and Reporting (Review)**

Ms. Gable provided background information regarding the regulation and summarized the public comments received. Comments related to absences, waiver of graduation requirements regarding assessments, and grading and reporting. Ms. Gable noted that most comments supported extending waivers and did not support the language around absences. The Maryland Joint Committee on Administrative, Executive, and Legislative Review (AELR) has put a hold on the regulation based on the comments received. Dr. Salmon said the department will submit a written response to AELR.

State Board members recalled previous conversations related to this regulation and expressed concerns and frustrations related to those conversations and the current status and requests for action(s). State Board members also inquired about any conflicts between the regulation and statute. Mr. Schoen explained that the statute would overrule regulation. It was suggested that the department schedule a presentation on Bridge Projects and that it should now be possible to compare outcomes.

ACTION: None. For information and discussion only.

➤ **Calendar Modifications**

The State Board considered: 1) a waiver request from Baltimore County Public Schools' to open school on February 17, 2020, President's Day, as an inclement weather make-up day for the 2019-2020 school year; and 2) a request to grant authority to the State Superintendent to approve requests received from local school systems to open school on February 17, 2020, President's Day, as an inclement weather make-up day, if needed, for the 2019-2020 school year.

ACTION: Upon motion by Dr. Hartings and seconded by Dr. Li, the State Board approved the requested actions. (In favor: 10; Opposed: 0; Abstained: 0. Dr. Steiner was not present.)

STATE BOARD MEMBER REPORTS AND COMMENTS

- Ms. Halle provided an update on the recent meeting of the Strategy Committee.
- Dr. Hartings suggested having a legal review of comments received regarding commensurate funding to ensure the State Board is consistent with the existing standard(s). He noted that it would be helpful if information in the regulation is consistent with the law. Dr. Salmon also suggested reviewing the clarity of the language and said the intent was to have all information in one place.

FUTURE AGENDA ITEMS/AGENDA PLANNING

Ms. Halle reviewed the tentative agenda items for the next meeting on **Tuesday, February 25, 2020:**

- Graduation Requirements
- AP/SAT Data Review
- State Board Member Reports
- State Superintendent's Report
- Regulatory Actions

State Board members requested an update on the Bridge Projects at the February meeting.

Mr. Schoen suggested having a review of the AELR process at a future meeting.

OPINIONS

The following Opinions and Orders were rendered:

- *Nalda Rozon, et al v. Prince George's County Board of Education* (In the Matter of Summer School Fees) — Op. No. 20-01
- *J.M. and S.J. v. Baltimore County Board of Education* — student suspension — Opin. No. 20-02
- *Erica Lunn v. Baltimore City Board of School Commissioners* — employee termination — Opin. No. 20-03
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- *Tyboia Brown v. Somerset County Board of Education* — untimely appeal — Order No. OR 20-03

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 4:55 p.m.

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

Date: February 25, 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/Meetings-2019.aspx>

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

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The next meeting of the Maryland State Board of Education will be held on Tuesday, February 25, 2020 at the Nancy S. Grasmick State Education Building, 200 West Baltimore Street, 7th Floor Board Room, Baltimore, Maryland 21201.

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: January 28, 2020

Time: 12:30 pm

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Dr. Justin Hartings

Seconded by: Dr. Rose Li

Members in favor: 11

Opposed: 0

Abstaining: 0

Absent: 1

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)	Legal Counsel/Advice and Internal Board Management	To discuss with legal counsel five appeals from local boards of education; one draft opinion; three draft orders of the State Board; obtain legal advice; and discuss three internal board management items.



4. This statement is made by _____, Presiding Officer.

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Citation (insert #
from above)

Topic

Reason for closed-session discussion to topic

§ 3-305(b)(7)

Legal Counsel/Advice and
Internal Board Management

To discuss with legal counsel five appeals from local boards of education; one draft opinion; three draft orders of the State Board; obtain legal advice; and discuss three internal board management items.



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