

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, December 7, 2021
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, December 7, 2021 at 9:00 a.m. at the Maryland State Department of Education, 200 W. Baltimore Street, 7th Floor Boardroom, Baltimore, Maryland. The following members were present: Mr. Clarence Crawford (President); Mr. Charles R. Dashiell, Jr., Esq. (Vice President); Ms. Gail Bates; Ms. Chuen-Chin Chang; Dr. Susan Getty; Dr. Vermelle D. Greene, Ms. Jean Halle; Dr. Joan Mele-McCarthy; Ms. Lori Morrow; Ms. Rachel McCusker; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Kevin Bokoum, Student Representative; and State Superintendent Mohammed Choudhury. Mr. Shawn Bartley was absent.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Ary Amerikaner, Chief of Staff; Dr. Deanne Collins, Deputy State Superintendent, Teaching and Learning; Dr. Sylvia Lawson, Deputy State Superintendent, School Effectiveness; Krishnanda Tallur, Deputy Superintendent of Operations; and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

President Crawford called the meeting to order and led the pledge of allegiance.

Dr. Simpson called the roll and Mr. Schoen declared the presence of a quorum.

President Crawford welcomed members of the public and provided opening remarks.

PUBLIC COMMENT

President Crawford welcomed the following speakers and reviewed the guidelines for public comment.

- Dr. Afie Mirshah-Nayar (Maryland Association of Secondary School Principals) – Recovery Needs of Administrators
- Cheryl Bost (Maryland State Education Association) – Workload of Educators
- Shamoyia Gardiner (Strong Schools Maryland) – Legislative Priorities and Education Equity
- Carol Vidal – Instruction Time in Maryland Schools

NEW BUSINESS

Approval of Consent Agenda

- Approval of October 26th (approved with amendments) and November 16th Meeting Minutes
- Personnel Actions
- Budget Adjustments, December 2021

ACTION: The State Board granted approval by unanimous consent.

2022 MARYLAND TEACHER OF THE YEAR RECOGNITION

State Superintendent Choudhury introduced Ms. Brianna Ross as the 2022 Maryland Teacher of the Year. A former elementary school teacher, Ms. Ross now teaches sixth grade World History and serves as the Social Studies Department Chair at Deer Park Middle Magnet School in Randallstown, Maryland. As her school's equity liaison, Ms. Ross works to interrupt teacher biases and practices that perpetuate inequity while building teacher capacity to create inclusive classrooms, and writes social studies curriculum that highlights more diverse perspectives, connects historical topics to current events, and encourages students to find solutions to real-world problems.

Ms. Ross and her local Superintendent, Dr. Darryl L. Williams provided brief remarks.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **Local Education Agency Virtual Programs Update**
(Presenter: Dr. Deanne Collins, Deputy State Superintendent, Teaching and Learning; Erin Senior, Education Program Specialist II- Digital Learning)

Dr. Collins and Ms. Senior provided information related to school year (SY) 2021-2022 approved virtual learning programs in Maryland's local school systems. The presentation included preliminary statewide results of virtual program quarterly metric reports including multiple aspects of the programs and comparisons between virtual school students and in-person information.

State Board members inquired about how attendance is being standardized and the difference between attendance and course grades; how the department is thinking through the data from an equity perspective; and if there is an alert system that can notify the MSDE to failing students. Concerns were raised regarding effective instruction and staffing for virtual classes at the elementary level, limited face-to-face time and instruction for younger students, and how social and emotional learning is being addressed. State Board members encouraged

more proactive approaches to monitoring indicators and requested a follow-up presentation on the enrollment breakdown by student groups, particularly those from economically disadvantaged backgrounds.

ACTION: None. For information and discussion.

- **Reopening Logistics and Transmission Rates in Schools - Update**
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)

Ms. Gable provided an update on reopening logistics and transmission rates in schools. The presentation included data on how the local school systems are addressing vaccinations, ventilation, physical distancing, screening, testing, and contact tracing, scenario preparation (i.e., what are the plans in the event of students or staff testing positive for COVID-19), guidance, and messaging. In addition, updates on the number of students and staff who have needed to be quarantined, positivity rates, 7-Day moving average case rates per 100K by jurisdiction, community transmission levels, and active COVID-19 outbreaks in local school systems were also provided.

State Board members wanted to know how some systems are able to report zero outbreaks. Ms. Gable explained that they must meet the established definition of outbreak in order to be counted. A question was also raised about the number of local school systems that adjusted their policies/guidance based on that provided by the MSDE. Ms. Gable said additional information is being collected.

ACTION: None. For information and discussion.

- **COMAR 13A.01.07 Face Coverings in School Facilities (Permission to Publish Emergency Action)**

President Crawford and State Superintendent Choudhury provided opening remarks and background on the intent of the regulation to promote in-person learning in a safe environment, minimize future disruption to in-person instruction, and balance safety without creating additional burdens on the local systems.

State Superintendent Choudhury shared an overview of the timeline leading to this proposed action and noted that since the initial emergency regulation was established only one school has closed since the start of the school year. He also shared information from other states – Texas and Tennessee – that have experienced multiple school closures and do not have a masking policy. State Superintendent Choudhury presented the updated proposed regulation, which provides opportunities for off-ramps for LEAs, and summarized the proposed pathways.

The proposed regulation for COMAR 13A.01.07 will apply to county boards of education and public schools in Maryland. It will require any person inside a school facility to wear a face covering, subject to certain exemptions. The proposed regulation includes newly defined terms and exemptions from the face covering requirement for certain individuals. The proposed regulation requires county boards of education and public schools to implement policies and procedures to ensure face coverings are worn in school facilities. The proposed regulation does not prevent these entities from establishing and implementing policies and procedures that establish face covering requirements in addition to those set forth in the proposed regulation.

The proposed regulation includes three off-ramps from the face covering requirements in schools:

- 1) If at least 80 percent of the county population in the county where the schools are located is fully vaccinated, as reported by MDH, a county board or the governing authority of a public school that is not in a local school system, may lift the face covering requirements by passing a motion or resolution in a public meeting.
- 2) The local superintendent may lift the face covering requirement for a school facility or facilities after a principal or designated school official verifies that 80 percent of the school staff and students in the school facility have been fully vaccinated. The principal or designated school official submits a signed Department approved attestation form to the local superintendent, and the local superintendent then signs and submits the attestation form affirming the 80 percent vaccination rate to the State Superintendent of Schools. If either the 80 percent vaccination thresholds are achieved, the following transmission rate provisions and procedures for lifting and reinstating the face covering requirements do not apply.
- 3) The local superintendent may lift the face covering in school's requirements if the county has sustained 14 consecutive days of moderate or low transmission rate of COVID-19 cases, as reported by the CDC. The local superintendent is required to reinstate the face covering requirements if transmission rates of COVID-19 cases are substantial or higher for 14 consecutive days, as reported by the CDC.

The proposed regulation provides that any decision to lift the face covering requirement is not appealable to the State Board and also requires the confidentiality of vaccination status consistent with federal and State law.

State Superintendent Choudhury requested permission to publish the proposed emergency action to repeal and replace immediately COMAR 13A.01.07 which expires February 25, 2022. This proposed regulation extends the protection needed against COVID-19 and its variants by extending the face coverings in schools beyond the February 25, 2022, deadline, as needed. This proposed regulation also implements

procedures to end face coverings in schools based upon vaccination status within the school facility or county or county transmission rates.

ACTION: Upon motion by Ms. Morrow, and seconded by Ms. Bates, the State Board granted permission to publish the emergency action to repeal and replace immediately COMAR 13A.01.07. (In Favor: 12; Opposed: 1 – General Sumpter; Abstained: 0)

- **Blueprint Deep Dive: English Learner (EL) Workgroup Update**

(Presenter: Dr. Deanne Collins, Deputy State Superintendent, Teaching and Learning; Susan Spinnato, Director of Instructional Programs)

State Superintendent Choudhury provided opening remarks and introduced Dr. Collins and Ms. Spinnato who provided background information on the EL Workgroup’s legislative requirements, its membership, and the structure and details of its meetings. The EL workgroup was established by the Blueprint for Maryland’s Future Act during the 2020 Maryland General Assembly session. The presentation included an update on the preliminary recommendations based upon existing state practices and opportunities for growth and highlighted the Cesar Chavez Dual Spanish Immersion School. Dr. Anna Santiago provided an overview of a dual immersion program at Cesar Chavez along with a video.

State Board members inquired about how families are being engaged and the communication plan; how EL students with learning disabilities are identified; how programs can be expanded in high schools; and the existence of partnerships with related community-based programs.

ACTION: None. For information and discussion.

- **Spotlight on Students Experiencing Homelessness**

(Presenter: Chandra Haislet, Director, Accountability and Data)

Ms. Haislet presented background information on Maryland students experiencing homelessness. The presentation included a description of the population, where students experiencing homelessness are in Maryland, outcome data on students experiencing homelessness, and information on federal and state initiatives.

State Board members inquired about and discussed assistance provided to identified students to get them into a stable situation/environment; the number of students who lost at least one parent to COVID-19; correlation between geographic regions (urban, rural, suburb) and academic performance and achievement among students; re-tooling activities and funding to support things that have been shown to improve student outcomes; and information on what other states are doing to assist this population and statewide initiatives to assist with housing. Suggestions were also made regarding sharing best practices.

ACTION: None. For information and discussion.

- **Preliminary Data on Early Fall and Kindergarten Red**
(Presenter: Chandra Haislet, Director, Accountability and Data)

State Superintendent Choudhury provided opening remarks regarding modifications to exams in reading, math, and science. Ms. Haislet provided an update on preliminary data from early fall 2021 assessments and the Kindergarten Readiness Assessment (KRA). The presentation included information on the assessments administered during the fall, including the following topics: background on the assessment administration for school year (SY) 2020-2021; prior assessment results; preliminary data; KRA for SY 2021-2022; individual student report information; and the timeline for results.

State Board members discussed the need to go deeper and in a different direction with data based on what students have experienced and to come up with solutions to address emotional and social issues as efforts are made to accelerate learning. A request was made to have the data disaggregated by gender. State Board members also inquired about the test being available in different languages. Ms. Haislet shared that English and Spanish versions are available.

ACTION: None. For information and discussion.

- **Bullying, Harassment, and Intimidation Policy Update**
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)

Ms. Gable shared updates to *Maryland's Model Policy Prohibiting Bullying, Harassment, and Intimidation*, as required under §7-424.1 of the Education Article, Annotated Code of Maryland. The updated policy expands definitions of bullying, cyber-bullying, harassment, and intimidation to provide more specificity for schools when addressing situations of bullying, harassment, or intimidation, and addresses language on the prohibition of bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a public school. The updated policy also includes expectations for communication to students, parents, and staff; procedures for reporting acts of bullying; procedures for providing notice of an act of bullying; investigation strategies and standard consequences and remedial actions; and interventions, prevention, and requirements for professional learning.

The department requested State Board approval of the updates, along with an extension for the local school systems to update their model policies to align with Maryland's Model Policy Prohibiting Bullying, Harassment, and Intimidation from January 1, 2022, to February 15, 2022.

ACTION: Upon motion by Ms. McCusker, and seconded by Ms. Halle, the State Board approved the request. (In Favor: 13; Opposed: 0; Abstained: 0)

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

(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Andy Warner, Executive Director, Maryland Public Secondary Schools Athletic Association)

- **COMAR 13A.06.03 Interscholastic Athletics in the State (Permission to Adopt)**

Request for permission to adopt the regulation. The proposed changes are to amend the section regarding limits of participation in interscholastic athletics and weekly limitations for wrestling. The State Board reviewed amendments to the regulation at the August 24, 2021 meeting and granted permission to publish. The MSDE did not receive any comments on the proposed amendments.

ACTION: Upon motion by Mr. Bokoum, and seconded by Ms. Halle, the State Board granted permission to publish the regulation. (In Favor: 13; Opposed: 0; Abstained: 0)

- **COMAR 13A.06.01 Programs for Food and Nutrition (Permission to Adopt)**

Request for permission to adopt the regulation, which governs the nutrition appeal procedures for Local School Systems (LSSs) participating in the federal nutrition programs. The proposed amendments include the option of a review of the record with the right to file written information for appeals in the National School Lunch and School Breakfast Programs. (The current procedures only allow LSSs to request a hearing). The State Board reviewed the regulation at the June 22, 2021 meeting and granted permission to publish. The MSDE did not receive any comments on the regulation.

ACTION: Upon motion by Mr. Dashiell, and seconded by General Sumpter, the State Board granted permission to publish the regulation. (In Favor: 13; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Dr. Greene provided an update on the work of the AAEEBB Advisory Council and pilot schools.
- Ms. Bates shared information regarding the recent National Summit on Education she attended. She noted that the focus was on outcomes and not just inputs and included presentations and discussions regarding civil discourse during challenging times, building

a diverse workforce, redlining and the drawing of school districts, academic achievement after COVID-19; teaching math; and dealing with conflict. She also shared that attendees that she spoke with were very complimentary of State Superintendent Choudhury.

- Dr. Wilcox shared information about the recent policy brief published by the National Association of State Boards of Education (NASBE), *Empowering Youth to Prevent Suicide*, which she co-authored. She also shared information about how different states are using relief funds to support students and mental health.
- Mr. Bokoum updated the State Board on his recent visits to several schools throughout the state.
- Ms. McCusker recently had the opportunity to moderate a teacher's round table and engage in candid conversations with teachers throughout the state regarding school climate.
- State Superintendent Choudhury recognized staff members Dr. Darla Strouse, Debra Lichter, and Robin Zeigler, who will retire in December.
- General Sumpter shared that he recently served on a review panel to select candidates for entry into various military academies.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Morrow, seconded by Ms. McCusker and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, December 7, 2021 in Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Mr. Bartley. Dr. Greene did not attend the Executive Session. Also in attendance were Superintendent Choudhury, Dr. Miya Simpson, Executive Director, Office of the State Board, Chief of Staff Ary Amerikaner, Deputy Superintendent Sylvia Lawson, and Assistant Attorneys General, Elliott Schoen and Jackie La Fiandra. The Executive Session commenced at 3:42 p.m.

At that time, the State Board reviewed and approved two Opinions and two Orders.

- *Melvin Rawles v. Prince George's County Board of Education* – reassignment of assistant principal – Opin. No. 21-54
- *John Welling v. Baltimore County Board of Education* – non-renewal of teaching contract – Opin. No. 21-55
- *In the Matter of Request for Removal of Local Board Members Julie Henn, Lisa Mack, and Lily Rowe* – request for removal of local board members – Order No. OR21-13
- *In the Matter of Request for Removal of Local Board Members Marsha B. Herbert, Kenneth A. Kiler, Tara A. Battaglia, and Donna M. Sivigny* – request for removal of local board members – Order No. OR21-14

AAG Schoen gave legal advice regarding a local board matter.

President Crawford and Superintendent Choudhury shared information concerning an administrative request.

Executive Director Simpson discussed a personnel matter.

Chief of Staff Amerikaner shared information regarding personnel training.

The Executive Session ended at 4:43 p.m.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen announced the following Opinions and Orders:

- *Melvin Rawles v. Prince George's County Board of Education* – reassignment of assistant principal – Opin. No. 21-54
- *John Welling v. Baltimore County Board of Education* – non-renewal of teaching contract – Opin. No. 21-55
- *In the Matter of Request for Removal of Local Board Members Julie Henn, Lisa Mack, and Lily Rowe* – request for removal of local board members – Order No. OR21-13
- *In the Matter of Request for Removal of Local Board Members Marsha B. Herbert, Kenneth A. Kiler, Tara A. Battaglia, and Donna M. Sivigny* – request for removal of local board members – Order No. OR21-14

With no further business before the Board, the meeting was adjourned at 4:50 p.m.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: January 25, 2022

The information included here provides a brief 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-2021.aspx>

Meeting materials, Opinions, and Orders can be found at:
<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2021.aspx>

The next Maryland State Board of Education meeting will be held on Tuesday, January 25, 2022. 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: December 7, 2021
 Time: 3:40 pm
 Location: 200 West Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Ms. Morrow
 Seconded by: Ms. McCusker
 Members in favor: 13
 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)(1)	Personnel Matter	Personnel matter
§3-305(b)(7)	Legal Advice	2 Appeals, 2 Draft Orders, and Legal Advice

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