

## MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, March 23, 2021  
Maryland State Board of Education  
200 W. Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met via WebEx videoconference on Tuesday, March 23, 2021 at 9:00 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

- *Shaun Rose – Childcare Funding*
- *Dr. Michael Martirano (Superintendent, Howard County Public Schools) – Development of Virtual Learning Programs*
- *Dr. Jack Smith (Superintendent, Montgomery County Public Schools) – Fall Assessments and State Report Card*
- *Cheryl Bost (MSEA) – Waivers and the Blueprint for Maryland's Future*
- *Thomas Werner – Substance Abuse and Suicides during the COVID-19 Pandemic and Compliance with COMAR 13A.04.18*
- *Dr. Margery Smelkinson – Reopening Schools*

### ➤ **Approval of Consent Agenda**

- Approval of February 23, 2021 and March 4, 2021 Meeting Minutes
- Personnel Actions
- Budget Adjustments, February 2021

***ACTION:** The State Board approved the consent agenda by unanimous consent.*

## **REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION**

➤ **Update on Broadband Access and Efforts**

*(Presenter: Kenrick Gordon, P.E., Director, Governor's Office of Rural Broadband)*

Mr. Gordon presented an overview of the state's broadband access, expansion efforts, and funding to support school systems and students throughout the state. The presentation included updates on current efforts to provide access to areas that lack the necessary infrastructure, as well as ensuring student data privacy.

State Board members requested to have regular updates in the future.

*ACTION: For information and discussion.*

➤ **Waiver Requests of Accountability, School Identification, and Reporting Requirements for School Year 2020-2021**

*(Presenter: Ms. Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Education Policy)*

Request for approval to post notice of intention to apply for flexibility from the USED on accountability, school identification, and reporting requirements for school year 2020-2021.

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

➤ **Request for Waivers Related to Graduation, Assessments, and Service Learning in the 2020-2021 School Year**

*(Presenter: Ms. Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Education Policy)*

Request for approval of waivers related to requirements for graduation, including assessments, service learning, and completion requirements as a result of the extraordinary circumstances created by the COVID-19 pandemic and resulting in school closures, virtual instruction, and hybrid schedules.

*ACTION: Upon motion by Ms. Morrow, and seconded by Mr. Dashiell, the State Board approved the requested waivers. (In Favor: 14; Opposed: 0; Abstained: 0)*

➤ **2020 Advanced Placement (AP) and SAT Results**

*(Presenter: Dr. Dara Shaw, Executive Director for Research and Strategic Data Use)*

Dr. Shaw presented 2020 data on student participation and success on AP exams and the SAT, disaggregated by student group. Dr. Shaw noted that the data is for seniors in the graduating class for that year.

*ACTION:* *For information and discussion.*

## **EXECUTIVE SESSION**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Senator Bates seconded by Mr. Dashiell, and with unanimous approval of the quorum, the Maryland State Board of Education met in closed session via WebEx on Tuesday, March 23, 2021. All board members were present except Dr. Holly Wilcox and student member Jason Wu. 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 12:00 p.m.

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

- *K.N. v. Baltimore City Board of School Commissioners* – residency – Opin. No. 21-10 – The Board affirmed the decision of the local board
- *S.R. v. Montgomery County Board of Education (III-VI)* – special education/discrimination Opin. No. 21-11 – The Board affirmed the decision of the local board

Legal counsel gave advice to the Board regarding the State Superintendent's terms of employment and fixing compensation.

The Executive Session ended at 2:00 p.m.

## **REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION**

### **➤ 2021 Legislative Session Update**

*(Presenter: Zachary Hands, Director, Office of Education Policy and Government Relations, Special Assistant to the State Superintendent)*

Mr. Hands provided an overview of the 2021 Legislative Session process and status updates on relevant PreK-12 education related bills currently before the 2021 Maryland General Assembly, highlighting revisions to the *Blueprint for Maryland's Future*, SB 785 (*State Board of Education Membership and Terms – Capability and Capacity Study of Education*), and HB 465 (*State Superintendent of Schools – Qualifications and Senate Confirmation*).

State Board members shared their concerns regarding the authorities and permissions granted to the Accountability and Implementation Board (AIB), as outlined in the legislation, and the potential impact of this additional Board on students.

*ACTION:* *For information and discussion.*

➤ **Literacy Support for Older Students**

*(Presenter: Cecilia Roe, Director, Instructional Assessment, Professional Learning and English Language Arts)*

Ms. Roe provided an overview of the supports available for older students who are not on track for grade level literacy standards. The presentation included a review of evidence-based strategies and the support provided to local school systems and school-based educators to implement evidence-based literacy strategies for older students. Ms. Roe also shared information about the Striving Readers Comprehensive Literacy (SRCL) grant.

State Board members commended the department on their work and asked what support the Board can provide in expanding these efforts across the state.

*ACTION:* *For information and discussion.*

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

*(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)*

- **COMAR 13A.06.02 Prekindergarten Programs and COMAR 13A.08.01 General Regulations (Permission to Publish)**

Ms. Gable provided background on the proposed regulations and requested permission to publish amendments, which update language, clarify early entrance for kindergarten, and reflect legislative changes to the Kindergarten Readiness Assessment (KRA).

Following discussion and suggestions by State Board members for further review and revisions, Dr. Salmon said she will bring it back before the State Board in April to allow more time for additional review and edits.

**STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES**

- Ms. Halle provided an update on the work of the Digital/Virtual Learning Committee and discussions regarding a statewide learning management system.
- Dr. Greene provided an update on the work of the Task Force on Achieving Academic Equity and Excellence for Black Boys and recent meetings with stakeholder groups. The final report and recommendations will be presented at the April 27<sup>th</sup> State Board meeting.
- Mr. Bartley commended Dr. Salmon, Governor Hogan, and Dr. Chan (Secretary of Health) on reopening plans and getting students back in school. He also shared his concerns regarding the lack of emphasis on equity and Black Boys in the Blueprint.
- Dr. Li expressed concerns regarding childcare funding and the related public comment received earlier in the meeting.

## **LEGAL OPINIONS AND ORDERS:**

The following Opinions were rendered:

- *K.N. v. Baltimore City Board of School Commissioners* – residency – Opin. No. 21-10
- *S.R. v. Montgomery County Board of Education (III-VI)* – special education/discrimination – Op. No. 21-11

## **ADJOURNMENT**

With no further business before the Board, the meeting was adjourned at 3:53 p.m.

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

Date: April 27, 2021

*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-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, April 27, 2021.** 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: March 23, 2021  
 Time: 12:00 pm  
 Location: Virtual  
 Motion to close meeting made by: Gail Bates  
 Seconded by: Mr. Dashiell  
 Members in favor: 12  
 Opposed: 0  
 Abstaining: 0  
 Absent: 2

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 advice regarding Appeals	2 Appeal Memoranda
§ 3-305(b)(7)	Legal advice regarding the State Superintendent search, employment terms, and pending legislation	Consult with legal counsel and obtain legal advice

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