



Karen B. Salmon, Ph.D.
State Superintendent of Schools

**Broadening Options and Opportunities for Students Today (BOOST)
Advisory Board Meeting – February 21, 2018
Summary of Decisions**

- 1) Schools' student handbooks and the non-discrimination requirements:
 - a. The BOOST Board discussed a legal advice memo dated January 9, 2018 concerning the enforcement of non-discrimination and reimbursement provisions in the BOOST law.
 - i. The schools' student handbooks fall into one of three categories, and two of the categories are discriminatory on their face as far as sexual orientation. The third category is in a grey area because the handbooks do not mention admissions requirements but the schools may require adherence to religious principles or they may have a statement on homosexuality.
 - ii. The Board directed staff at the Maryland State Department of Education (MSDE) to ask the schools in the third handbook category for additional information on how the schools comply with the BOOST law's non-discrimination requirements.
 - iii. The Board directed MSDE staff to include in future award notices to parents that schools are not allowed to discriminate, per the requirements of the BOOST law.
 - b. The Board discussed potential reimbursement/clawbacks:
 - i. Per the January 9, 2018 legal advice memo, the Board has the authority to pursue clawbacks from schools that received funds in 2016-2017 that are found to be ineligible. The Board asked MSDE staff to provide information on potential clawbacks, including the number of schools and amount of funds involved.
 - ii. The Board requested that legal counsel and MSDE staff gather information on the State's collections process, which would govern clawbacks.
- 2) Award payments for 2017-2018:
 - a. MSDE staff reported that a number of schools had belatedly met their reporting requirements, resulting in about \$531,000 that could not be paid in December 2017 but can now be paid (as of February 12, 2018). The Board directed MSDE staff to move forward with payments for schools that had met their reporting requirements.
- 3) Additional awards for 2017-2018:
 - a. The Board directed MSDE staff to issue new awards from the fund balance that was not yet awarded and from refunds received. This amount totaled between \$50,000 and \$90,000.

- b. The Board asked MSDE staff to provide information on other unencumbered funds. The Board indicated that other unencumbered funds should be issued as new awards.
 - i. Based on direction from the Board, on March 12, 2018, MSDE issued awards totaling \$220,000 to 157 students. Of the total, \$162,000 had become unencumbered from schools that were deemed ineligible due to their discriminatory student handbooks.

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