

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, July 27, 2021
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person and via WebEx videoconference on Tuesday, July 27, 2021 at 9:00 a.m. The following members were present at the Maryland State Department of Education, 200 W. Baltimore Street, 7th Floor State Board Room, Baltimore, Maryland: Mr. Clarence Crawford (President); Mr. Charles R. Dashiell, Jr., Esq. (Vice President); Ms. Chuen-Chin Chang; Dr. Susan Getty; Ms. Jean Halle; Ms. Rachel McCusker; Dr. Joan Mele-McCarthy; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Kevin Bokoum, Student Representative; and State Superintendent Mohammed Choudhury. Dr. Vermelle D. Greene and Ms. Lori Morrow participated by phone. Mr. Shawn Bartley and Ms. Gail Bates were absent.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, Office of School Effectiveness; 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 led the pledge of allegiance.

Mr. Schoen declared the presence of a quorum.

President Crawford explained the meeting procedures and provided opening remarks. President Crawford welcomed new State Board members Ms. Chuen-Chin Chang and Mr. Kevin Bokoum (Student Representative) and State Superintendent Mohammed Choudhury.

President Crawford read the closing statement to adjourn to Executive Session.

ADJOURN TO EXECUTIVE SESSION I

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of BG Warner Sumpter, seconded by Rachel McCusker, and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, July 27, 2021 in Conference Room #1, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Shawn Bartley, Gail H. Bates and Jean Halle. Vermelle Greene and Lori Morrow participated by phone. Also in attendance were Superintendent Mohammed Choudhury, Dr. Miya T. Simpson, Executive Director, Office of the State Board and Assistant Attorney General, Elliott Schoen. The Executive Session commenced at 9:05 a.m.

Board Member Mele-McCarthy took nominations for Board President and Board Vice President. President Crawford was nominated and elected President and Board Member Dashiell was nominated and elected Vice President.

The Executive Session ended at 9:20 a.m.

ELECTION OF OFFICERS

Upon reconvening, the State Board held the annual election of officers. Dr. Mele-McCarthy conducted the voting process. The State Board unanimously re-elected Mr. Clarence Crawford as President and elected Mr. Charles Dashiell as Vice President.

PUBLIC COMMENT

- Dr. Patricia Saelens (PSSAM) – Summer School, American Rescue Plan, Virtual Opportunities, and a new joint workgroup between PSSAM and MABE.
- Cheryl Bost (MSEA) – Welcome new State Superintendent, Regulations
- Laura Steward – Draft Plans/ESSER Funding Priorities
- John Graybeal – Use of ESSER Funds
- Shamoyia Gardiner – American Rescue Plan
- Damien Lang – English Language Learners
- Sharon Saroff – Virtual learning options for students with disabilities

NEW BUSINESS

- **Approval of Consent Agenda**
 - Approval of June Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, Fiscal Year 2021 Closeout

ACTION: The State Board granted approval by unanimous consent.

STATE BOARD SY2020-2021 PRIORITIES

- **Fourth-Term Performance Metrics, 2020-2021 School Year**
(Presenter: Dr. Dara Shaw, Executive Director, Office of Research)

Dr. Shaw reviewed the fourth-term performance metrics, including changes from the third term. Fourth-term metrics were collected from local school systems, covering the period of early/mid-April through mid-June 2021. School systems were asked to update the data collected during the first, second, and third terms (Fall, Winter, and Spring 2020-2021).

The presentation included data on student attendance, student learning modes and teacher location, and student course grades.

ACTION: None. For information and discussion.

- **Local School System Summer Programming 2021**
(Presenter: Dr. Carol Williamson, Deputy Superintendent, Office of Teaching and Learning)

Dr. Williamson provided a summary of local school system summer programming for summer 2021. The presentation included an overview of House Bill 1372, which requires each county board of education to establish and implement a summer school program for students ranging from kindergarten through 12th grade, and a summary of summer programs across local school systems. Dr. Williamson shared information on program goals, programs for special needs students, and reporting and program evaluation.

State Board members inquired about who is allowed to participate and if any programs had waitlists and/or staffing shortage issues. State Board members also expressed concerns regarding equity and the availability of compensatory services.

- **Maryland Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund**
(Presenter: Mohammed Choudhury, State Superintendent; Mary Gable, Assistant State Superintendent, Student Support, Academic Enrichment & Educational Policy)

Ms. Gable presented the Maryland State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund (ARP ESSER) and the result of feedback received on the draft Plan. The presentation included an overview and background on the purpose of the ARP ESSER Plan, funding requirements, stakeholder engagement, and the timeline for completing the plan. Ms. Gable also provided feedback on the survey designed to gather public input in developing the plan and requested the State Board's approval to submit the ARP ESSER State Plan and the stakeholder report to the U.S. Department of Education by July 30, 2021.

State Board members discussed the use of funds for environmental and facilities related concerns (e.g. infrastructure, ventilation, physical setting), students with disabilities, and private, non-public, and independent schools; implementation of the clinical and crisis response program/efforts; best practices for research and digital learning impact and the effectiveness of virtual learning; addressing teacher shortages and retention; and encouraging and providing opportunities for regular and timely stakeholder engagement.

- **Learning Loss and Learning Recovery**
(Presenter: Mohammed Choudhury, State Superintendent)

State Superintendent Choudhury presented data on Learning Loss and Learning Recovery, with an assessment of Maryland’s student achievement trends prior to the COVID-19 pandemic. State Superintendent Choudhury reviewed performance and proficiency data on third grade ELA and mathematics assessments disaggregated by FARMS, race/ethnicity, and gender. He also provided a brief overview of data from Texas and Indiana as a snapshot of what could be expected in terms of the potential impact of the COVID-19 pandemic on student progress and learning loss. State Superintendent Choudhury shared data on third-grade test-takers and changes in performance on ELA and mathematics assessments for 2015-2017. He emphasized the need to reassess efforts and messaging around acceleration and recovery, posing the question “what are we recovering to?” and stressed the importance of acting and thinking differently to meet the needs of students and provide the appropriate resources and supports.

ACTION: Upon motion by Mr. Dashiell, and seconded by Dr. Getty, the State Board granted approval to submit the ARP ESSER State Plan (In favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote).

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **Virtual Options for Maryland Students**
(Presenter: Dr. Carol Williamson, Deputy Superintendent, Office of Teaching and Learning; Val Emrich, Director, Instructional Technology, School Library Media, and Mathematics)

Dr. Williamson and Ms. Emrich provided an overview and updated information regarding approved Maryland Virtual Student Learning Opportunities (MVSLO) and local school systems virtual and/or virtual blended programs. Local school systems program proposals were reviewed by the MSDE and feedback was provided, as needed. The presentation included: information regarding implementation of MVSLO at the local level; student enrollment; the virtual program approval process; a summary of approved virtual programs for the 2021-2022 school year; and criteria for enrollment.

ACTION: None. For information and discussion.

- **Early Fall Assessment Reporting Waiver Request**
(Presenter: Dr. Jennifer Judkins, Assistant State Superintendent, Assessment, Accountability, & Information Technology)

Dr. Judkins requested permission to seek approval from the U.S. Department of Education for a waiver of the Every Student Succeeds Act (ESSA) requirement to report three achievement levels for the assessment results of the spring 2021/early fall 2021 Maryland

Comprehensive Assessments in English/Language Arts and mathematics. The MSDE is requesting to report two levels of achievement.

ACTION: Upon motion by Ms. Halle, and seconded by General Sumpter, the State Board approved the request. (In favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote).

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

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

- **COMAR 13A.12.01-.06 Educator Certification (Repeal) and COMAR 13A.12.01-.07 Educator Licensure (Replace – Permission to Publish)**

Request for permission to repeal of COMAR 13A.12.01-.06 *Educator Certification* and replace with COMAR 13A.12.01-.07 *Educator Licensure* for publication.

*ACTION 1: Upon motion by Ms. Halle, and seconded by Mr. Dashiell, the State Board approved the repeal of COMAR 13A.12.01-.06 *Educator Certification*. (In Favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote.)*

ACTION 2: Upon motion by Mr. Dashiell, and seconded by Ms. Halle, the State Board granted permission to publish the replacement regulation. (In Favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote.)

- **COMAR 13A.07.06 Programs for Professionally Licensed Personnel (Repeal and Replace - Permission to Publish)**

Request for permission to publish the repeal and replacement of the regulation.

ACTION: Upon motion by Mr. Dashiell, and seconded by General Sumpter, the State Board granted permission to repeal and publish the amended replacement regulation. (In Favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote).

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

Request for permission to withdraw the proposed amendments to the regulations. Given the requirements of the Blueprint for Education, the MSDE is requesting to further review the regulations and return to the State Board at a later date with all necessary amendments included rather than recommending amendments in two phases.

ACTION: Upon motion by General Sumpter, and seconded by Ms. McCusker, the State Board granted permission to withdraw the proposed amendments to the regulations. (In Favor: 11; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote.)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- President Crawford remarked on the compelling data regarding learning loss and learning recovery presented by State Superintendent Choudhury and encouraged transformative, innovative efforts to problem solving. He also suggested inviting speakers with experience and proven success to share best practices.
- Ms. McCusker also commended the State Superintendent on his presentation and thanked him for offering a different perspective.
- Mr. Bokoum thanked the Board for the warm welcome and expressed that he is optimistic about the future.

EXECUTIVE SESSION II

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Kevin Bokoum, seconded by Joan Mele-McCarthy, and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, July 27, 2021 in Conference Room #1, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Shawn Bartley and Gail H. Bates. Vermelle Greene and Lori Morrow participated by phone. Also in attendance were Superintendent Mohammed Choudhury, Dr. Miya Simpson, Executive Director, Office of the State Board and Assistant Attorneys General, Elliott Schoen, Jackie LaFiandra, Lori Hopkins and Amy Helbig. The Executive Session commenced at 2:00 p.m.

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

- *Autoflex Fleet, Inc. v. Montgomery County Board of Education* – contract award – Opin. No. 21-40
- *The DaVinici Collaborative, LTD v. Baltimore City Board of School Commissioners* – reconsideration of MSBE Op. No. 21-05 – Opin. No. 21-41
- *Willetta Goffigan v. Baltimore City Board of School Commissioners* – non-certificated employee termination – Opin. No. 21-42
- *Darren L. v. Wicomico County Board of Education (I)* – object to instruction – Opin. No. 21-43
- *In the Matter of Baltimore County Parent and Student Coalition, Inc.* – petition for declaratory ruling – Order No. OR21-06
- *Ashley Johnson v. Montgomery County Board of Education* – ADA accommodation- Order No. OR21-07
- *Jeff Wester v. Charles County Board of Education* – ADA accommodation – Order No. OR21-08

The Board received legal advice regarding its legal responsibilities and authority.

Board member Sumpter gave information about changes to the Board's Governance and Operations Manual.

State Superintendent Choudhury shared information about MSDE personnel matters.

The Executive Session ended at 4:00 p.m.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen announced the following Opinions:

- *Autoflex Fleet, Inc. v. Montgomery County Board of Education* – contract award – Opin. No. 21-40
- *The DaVinici Collaborative, LTD v. Baltimore City Board of School Commissioners* – reconsideration of MSBE Op. No. 21-05 – Opin. No. 21-41
- *Willetta Goffigan v. Baltimore City Board of School Commissioners* – non-certificated employee termination – Opin. No. 21-42
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- *Jeff Wester v. Charles County Board of Education* – ADA accommodation – Order No. OR21-08

With no further business before the Board, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: August 24, 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, July 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: July 27, 2021
 Time: 9:10 am
 Location: 200 West Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Gen. Sumpter
 Seconded by: Rachel McCusker
 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
	Administrative Function	Election of State Board Officers

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

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: July 27, 2021
 Time: 2:00 pm
 Location: 200 West Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Kevin Bokoum
 Seconded by: Joan Mele-McCarthy
 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)(1)	Personnel matters	Discuss MSDE personnel matters
§3-305(b)(7)	Legal Advice	Review and decide 4 Appeals and 3 Draft Orders Legal Advice regarding the State Board's authority
	Administrative Functions	Review revisions to the State Board Governance Manual Discuss the upcoming State Board training and retreat

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