

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, August 25, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met via WebEx videoconference on Tuesday, August 25, 2020 at 9:30 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. 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. Dr. Rose M. Li was not present.

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

- *Cheryl Bost (MSEA)* – Kindergarten Readiness Assessment, Pre-K Removals, and School Reopening
- *Sara Brown* – Ideas for Reopening Schools Safely
- *Teresa Dudley (Prince George’s County Educator’s Association)* – Conditional Teachers and Timing for Certification

NEW BUSINESS

➤ **Approval of July Meeting Minutes**

President Crawford called for a motion to approve the July meeting minutes.

ACTION: Upon motion by General Sumpter and seconded by Mr. Dashiell, the State Board approved the consent agenda. (In Favor: 12; Opposed: 0; Abstained: 0. Vice President Halle and Dr. Li were not present.)

- President Crawford provided an update on the discussion from the August 24th meeting regarding the *Maryland Together: Maryland's Recovery Plan for Education* and the recommendation presented by Dr. Salmon to require 3.5 hours of synchronous instruction. Mr. Crawford recommended that the discussion be tabled and that a meeting be scheduled for Tuesday, September 1st at 9:00 am for further discussion and consideration.

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 Dr. Mele-McCarthy, and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on August 25, 2020. All board members were present except Dr. Rose Maria Li. 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 La Fiandra. The Executive Session commenced at 10:00 am

At that time, the State Board approved five Opinions and one Order.

- *Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners* – non-renewal of charter school – Op. No. 20-30
- *Olivia Aberdeen v. Howard County Board of Education* – teacher contract non-renewal – Op. No. 20-31
- *Julene D. v. Montgomery County Board of Education* – student transfer – Op. No. 20-32
- *Dawn M. v. Calvert County Board of Education* – disability discrimination and bullying – Op. No. 20-33
- *Dan and Lauren T. v. Montgomery County Board of Education* – student transfer – Op. No. 20-34
- *In Re: Baltimore City Public Schools Charter School Waiver Request* – Order No. OR20-19

Board members received confidential budget information that has not been publically disclosed.

The Superintendent asked Board members propose topics for possible legislation that are confidential until authorized for disclosure.

The Executive Session ended at 11:57 am.

STATE SUPERINTENDENT'S REPORT/UPDATES

- **Early Grade Removals by Incident Type (HB425/SB651 Policy Impact Follow Up)**
(Presenter: Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use)

Dr. Shaw provided an update on removals of Pre-Kindergarten, Kindergarten, first grade, and second grade students by incident type, before and after the implementation of HB425/SB651. The Maryland General Assembly passed HB425/SB651 Public Schools -

Suspensions and Expulsions in 2017, Education Article 7-305.1. The State Board adopted the Code of Maryland Regulation (COMAR) 13A.08.01.11 (C) *Suspension and Expulsion Prohibition* in 2017. COMAR states that a Pre-Kindergarten, Kindergarten, first grade, or second grade student may not be suspended or expelled unless (1) federal law requires it (ex: carrying a firearm on school property), or (2) the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. Suspensions may not exceed five days. In June of 2020, the Maryland State Department of Education presented the State Board of Education with research on the impact of HB425/SB651. This presentation and research report provided additional data regarding incident types and the relative ratios of incident types before and after implementation of the law.

State Board members inquired about the plan moving forward to address cultural behaviors or norms, the availability of disaggregated data, whether there are any external factors being considered as influences, and also encouraged more support for PreK. Ms. Morrow requested information on plans for how schools/districts are addressing disproportionality.

ACTION: None. For information and discussion only.

➤ **Equal Opportunity Schools: Program Overview and Impact**

(Presenter: Dr. Carol Williamson, Deputy State Superintendent; Mr. Eddie Lincoln, Equal Opportunity Schools, Chief Partnership Development Officer; Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use)

Dr. Williamson provided opening remarks regarding the partnership between Maryland public schools and Equal Opportunity Schools (EOS), a national nonprofit organization established in 2010 to increase the participation of low-income students and students of color in Advanced Placement (AP) courses. Equal Opportunity Schools (EOS) is a national nonprofit organization established in 2010 to increase the participation of low-income students and students of color in AP courses. Starting in 2016-17, EOS partnered with schools in Maryland to identify low income students and students of color that are missed in typical identification methods for AP courses. Over the past four years, 53 schools have participated in the program for at least one year. Nationally, EOS has worked with over 600 schools in 30 states to provide onsite technical assistance to analyze data, create a strategy to recruit underrepresented students, and provide ongoing support, data tools, and enrollment tracking. In addition to test scores, EOS uses survey data on students' learning mindsets to identify underrepresented students who have potential to be successful in AP courses.

Dr. Williamson introduced Mr. Eddie Lincoln, Chief Partnership Development Officer at Equal Opportunity Schools. Mr. Lincoln provided an overview of the work EOS has done in Maryland.

Dr. Shaw then presented the results of a study on the impact of EOS on the participation rate and exam performance of underrepresented students on AP exams.

State Board members commended Mr. Lincoln and EOS on the work they are doing.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

➤ ***Request for Waiver of the Requirement for the Administration of the Kindergarten Readiness Assessment***

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

Request for approval of a waiver for the 2020-2021 school year to administer the Kindergarten Readiness Assessment (KRA) as required by COMAR 13A.08.01.02-3 *Kindergarten Readiness Assessment*. The KRA is a developmentally appropriate assessment tool administered to incoming public-school kindergarteners that relies on a set of 50 selected response items, performance tasks, and observations of children's work and play to measure specific skills and behaviors across four learning domains: Language and Literacy, Mathematics, Social Foundations, and Physical Well-Being and Motor Development. Administered by kindergarten teachers at the start of the school year, the KRA looks at the Prekindergarten knowledge, skills, and behaviors necessary to be successful in starting kindergarten.

At the May 27, 2020 State Board Meeting, the State Board granted an extension to November 1 for the administration of the KRA with the expectation that schools would have been able to open with a face-to-face model. Due to all school systems beginning with a virtual program and given that Maryland remains in Stage 2 based on the Governor's Executive Order, the Maryland State Department of Education, on behalf of the 24 local school superintendents, requests a waiver of the administration of the KRA for the 2020-2021 school year. It is not possible to administer the entire KRA virtually and to screen for all of the KRA skills, knowledge, and behaviors before the November 1 end of the administration window.

ACTION: Upon motion by Ms. McCusker, and seconded by Dr. Mele-McCarthy, the State Board approved the waiver. (In Favor: 13; Opposed: 0; Abstained: 0)

➤ ***CODE OF MARYLAND REGULATIONS (COMAR)***

(Presenter: Ms. Mary Gable, Assistant State Superintendent, Student Support, Academic Enrichment & Educational Policy; Ms. Sarah Spross, Assistant State Superintendent, Educator Certification and Program Approval)

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

Request for permission to publish COMAR 13A.12 *Educator Licensure* and repeal existing 13A.12 *Certification*. In December 2018, the SBOE approved an action plan to address the recommendations of the MSDE's comprehensive plan to increase the rigor and accountability of educator certification and program approval. The amended regulations presented incorporate recommendations by the SBOE subcommittee, PSTEB, the Commission on Innovation and Excellence in Education, and the Educator Preparation and Certification Advisory Committee and are designed to increase educator effectiveness in Maryland. The proposed regulatory language is aligned to the MSDE's comprehensive plan to increase accountability of educator certification in Maryland and to the recommendations of the Commission on Innovation and Excellence in Education.

ACTION: Upon motion by Ms. Bates, and seconded by Dr. Getty, the State Board granted permission to repeal and replace the existing regulation and publish the new regulation. (In Favor: 12; Opposed: 1 – Ms. McCusker; Abstained: 0)

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

Request for permission to publish COMAR 13A.07.06 *Programs for Professionally Licensed Personnel* and repeal existing 13A.07.06 *Programs for Professionally Certified Personnel*. Beginning in January 2019, the State Board of Education (SBOE) established requirements for educator preparation programs leading to initial Maryland teacher licensure and tasked the MSDE with developing regulatory language. The proposed regulations represent discussions with the SBOE, the Professional Standards and Teacher Education Board (PSTEB), and the Commission on Innovation and Excellence in Education. The regulatory language provided establishes the program requirements for educator preparation programs leading to initial Maryland teacher licensure and is aligned to the MSDE's comprehensive plan to increase accountability of educator preparation programs in Maryland and to the recommendations of the Commission on Innovation and Educational Excellence.

Dr. Greene proposed amendments to the regulation to include incorporating researched-based literacy instruction as determined by the National Reading Panel Report (NICHD, 2000) and requirements that programs preparing candidates for early childhood shall include instruction in a) written expression, spelling, and grammar; and b) assessment and instructional decision-making.

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

- **COMAR 13A.07.14 *Child Sexual Abuse and Sexual Misconduct History (Permission to Adopt)***

Requested permission to adopt new Regulations .01—.06 under new chapter, COMAR13A.07.14 *Child Sexual Abuse and Sexual Misconduct History*. The proposed regulations outline the following with respect to the requirements of the employee history review required by Education Article, §6-113.2, Annotated Code of Maryland: (1) scope; (2) definitions; (3) general provisions; (4) reporting violations; (5) penalties; and (6) appeal process.

ACTION: Upon motion by Ms. Halle, and seconded by Ms. Bates, the State Board adopted the regulation. (In Favor: 12; Opposed: 1 – Dr. Mele-McCarthy; Abstained: 0)

- **COMAR 13A.08.01.01 and 13A.08.02.01 Student Records Manual (Permission to Adopt)**

Requested permission to adopt amendments to COMAR 13A.08.01.01 and 13A.08.02.01 to incorporate by reference the Maryland Student Records System Manual 2020.

ACTION: Upon motion by Mr. Dashiell, and seconded by Ms. Bates, the State Board adopted the regulation. (In Favor: 13; Opposed: 0; Abstained: 0)

➤ **Approval of 2021 State Board Meeting Dates**

President Crawford reviewed and requested approval of the 2021 State Board meeting dates (attached). General Sumpter suggested adding dates to the 2020 calendar between the October and December and December to January meetings.

ACTION: Upon motion by General Sumpter, and seconded by Ms. Bates, the State Board approved the 2021 meeting dates. (In Favor: 13; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- President Crawford and Ms. McCusker discussed opening up/encouraging stakeholder engagement opportunities for the State Board to hear from constituents. Ms. McCusker reiterated her previous recommendation to have a work session focused on social and emotional learning. She also suggested gathering data regarding what is currently happening in the midst of the COVID-19 pandemic and coordinating round table discussions to gather key stakeholder information and feedback, obtain more timely information, and allow the State Board and MSDE to be more responsive in meeting needs and concerns. State Board members were in support.
- Vice President Halle and Dr. Williamson provided an update on the Digital Learning Committee. Ms. Halle thanked the committee for their work, and also thanked the Advisory Committee. Dr. Williamson summarized the objectives of the committee.

Information will be forwarded to State Board members and a future presentation will be planned.

- Dr. Greene provided an update on the *Task Force on Achieving Academic Equity and Excellence for Black Boys (Task Force)* and shared information regarding the most recent meeting and tentative recommendations from each of the three study groups. Dr. Greene encouraged members of the public who would like to share thoughts/ideas to submit input to the Task Force and also highlighted upcoming September and October meetings.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen read the following Opinions and Orders:

- *Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners* – non-renewal of charter school – Op. No. 20-30
- *Olivia Aberdeen v. Howard County Board of Education* – teacher contract non-renewal – Op. No. 20-31
- *Julene D. v. Montgomery County Board of Education* – student transfer – Op. No. 20-32
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ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 3:42 p.m.

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

Date: September 22, 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/meeting-agendas/2020/2020-06-23.aspx>

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

<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2020.aspx>

The next meeting of the Maryland State Board of Education will be held on Tuesday, September 22, 2020. 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: August 25, 2020

Time: 10:00 AM

Location: Virtual

Motion to close meeting made by: Ms. Lori Morrow

Seconded by: Dr. Joan Mele-McCarthy

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)(7)

4 Appeals, 1 Draft Order, 1 Draft Opinion, and 2 Internal Board Management Items

§ 3-305(b)(13)

Receive confidential information of executive agency budget and legislative recommendations.

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