

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, July 28, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met via videoconference on Tuesday, July 28, 2020 at 9:30 a.m. The following members participated on the videoconference call: Brigadier General (BG) Warner Sumpter (Ret.); Ms. Jean Halle; Mr. Shawn Bartley; Ms. Gail Bates; Mr. Clarence Crawford; 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; 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 Sumpter called the meeting to order and asked Dr. Simpson to conduct the roll call. Mr. Schoen declared the presence of a quorum.

President Sumpter recognized the following newly appointed State Board members: Mr. Jason Bartley, Esq., Dr. Susan Getty, Dr. Holly Wilcox, and Mr. Jason Wu (Student Representative).

President Sumpter explained the virtual meeting procedures.

PUBLIC COMMENT

- *Cheryl Bost (MSEA)* – Task Force on Achieving Academic Equity and Excellence for Black Boys and Testing
- *Lisa VanBuskirk* – MD Together Plan and Task Force on Achieving Academic Equity and Excellence for Black Boys
- *Alexandra Hayward* – Virtual Learning Plans for Autistic Children
- *Gleovan Sealey* – Delivery of Elementary Education
- *Chania M. Robinson* – School Counseling
- *Anil (Neil) Chaudhry* – Using consensus based risk mitigation strategies to safely open schools now
- *Courtney Cass (Tech for America)* – Basic Skills Assessment Policy
- *Adele Fabrikant (Teach for America)* – Basic Skills Assessment Policy
- *Lacie Collins* – Childcare while schools are closed

- *Thomas Werner* – Substance Abuse Prevention Instruction – Compliance with new MSDE Regulations

EXECUTIVE SESSION I

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Rachel McCusker, seconded by Charles Dashiell, and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on Tuesday, July 28, 2020. All board members were present. 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. The Executive Session commenced at 10:05 a.m.

At that time, the State Board conducted an election for officers.

The Board returned to Open Session at 10:37 am.

ELECTION AND INTRODUCTION OF NEW OFFICERS

Upon reconvening, the State Board held the annual election of officers. Mr. Clarence Crawford was nominated as President and Ms. Jean Halle was nominated as Vice President.

ACTION 1: Upon motion by General Sumpter and seconded by Dr. Greene, the State Board unanimously elected Mr. Crawford as President (In favor: 14; opposed: 0; abstained: 0.)

ACTION 2: Upon motion by Mr. Crawford and seconded by General Sumpter, the State Board unanimously elected Ms. Halle as Vice President (In favor: 14; opposed: 0; abstained: 0.)

NEW BUSINESS

➤ *Approval of Consent Agenda*

President Crawford called for a motion to approve the Consent Agenda, which included the following item:

- Approval of June 23, 2020 Meeting Minutes
 - Ms. McCusker requested an amendment to the minutes on p. 6 to reflect her recommendation for a State Board workgroup session to gather input from teachers and counselors on social and emotional learning resources and supports, and for information and updates on those provided by the department.

***ACTION:** Upon motion by Ms. Halle and seconded by Mr. Wu, the State Board approved the consent agenda. (In Favor: 14; Opposed: 0; Abstained: 0)*

ORAL ARGUMENT

Mr. Schoen reviewed the oral argument procedures and introduced the attorneys in the case of *Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners*.

EXECUTIVE SESSION II

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of General Warner Sumpter, seconded by Lori Morrow, and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on Tuesday, July 28, 2020. All board members were present. 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 11:20

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

- *Darryl Baccus v. Prince George's County Board of Education* – employee termination – Op. No. 20-27
- *Susan and Santo C. v. Montgomery County Board of Education* – grade change – Op. No. 20-28
- *Keith H. v. Montgomery County Board of Education* – student grade – Op. No. 20-29
- *In the Matter of Baltimore Collegiate School for Boys* – charter school waiver request – Order No. OR20-14
- *In the Matter of Baltimore Montessori Public Charter School* – charter school waiver request – Order No. OR20-15
- *In the Matter of KIPP Harmony Academy* – charter school waiver request – Order No. OR20-16
- *In the Matter of Lillie May Carroll Jackson Charter School* – charter school waiver request – Order No. OR20-17
- *In the Matter of Southwest Baltimore Charter School* – charter school waiver request – Order No. OR20-18

The Board deliberated one case. It will be published at a later date.

- *Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners* – non-renewal of charter school

The Board received information from Superintendent Salmon regarding the MSDE budget and received advice from legal counsel.

The Executive Session ended at 1:25 p.m.

RECONVENE

President Crawford reconvened the meeting at 1:30 p.m. and reviewed the virtual meeting procedures.

STATE SUPERINTENDENT'S REPORT/UPDATES

➤ **Budget Information – Closeout of Fiscal Year 2020**

(Presenter: Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration)

Ms. Brandenburg reviewed final major budget realignment information for the closeout of the 2020 fiscal year. The State Board reviews and authorizes budget adjustments affecting the current fiscal year's appropriation as part of the monthly consent agenda. Budget amendments are required whenever an increase is requested for the current budget appropriation at the budgetary program and appropriated fund level (i.e. General, Special, Federal, or Reimbursable Funds).

Approval was requested for major budget realignments for the closeout of the 2020 fiscal year.

***ACTION:** Upon motion by General Sumpter and seconded by Ms. Halle, the State Board approved the request for major budget realignments for the closeout of the 2020 fiscal year. (In favor: 14; opposed: 0; abstained: 0.)*

➤ **Maryland 2018-2019 Report Card Website**

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

Ms. Haislet provided an overview of data on the Maryland Report Card website regarding Educator Qualifications (included disaggregated data by poverty and students of color) and High School Completion. The information is available as a data download by State and Local School Systems. The website was redesigned and released in December of 2018 to support the new Every Student Succeeds Act reporting requirements.

Ms. Halle commended the department on their work in developing the Report Card.

***ACTION:** None. For information and discussion.*

➤ **Maryland Together: Maryland's Recovery Plan for Education Updates**

(Presenter: Dr. Karen B. Salmon, State Superintendent of Schools)

Dr. Salmon provide an update on the plan and feedback received. The Recovery Plan Stakeholder Committee continues to work with the development of the Maryland Recovery Plan and the identification of information that will benefit local school system recovery plans. The presentation included a review of scenario planning and results of the process of

consideration of nine areas related to the opening of schools by identifying the issues, roadblocks, and solutions; as well as guiding principles for reopening plans. A summary of the extensive feedback received from parents, educators, and the community regarding the Maryland Plan was also provided. Dr. Salmon also discussed input/data gathering and how the process informs the department's process.

Dr. Salmon also shared information about public comment emails and other COVID-19 related correspondence received between June 1, and July 20, 2020 and acknowledged the work of staff who have managed this process including Ms. Debra Lichter, Ms. Teresa Dantzler, and Ms. Jasmine Brown.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

- ***Local School System Recovery Plans and Summer School Program Review***
(Presenters: Dr. Daniel D. Curry, Superintendent, Calvert County Public Schools; Dr. Jeffrey Lawson, Superintendent, Cecil County Public Schools; Dr. Theresa R. Alban, Superintendent, Frederick County Public Schools)

Dr. Salmon introduced Dr. Curry, Dr. Lawson, and Dr. Alban to share and review their local school system recovery and reopening plans and implementation of summer learning during the COVID-19 pandemic. The presentations reviewed, from a local perspective, the process for making decisions about reopening, how the requirements from the MSDE were addressed, and the practical impacts of those decisions on the school community for the fall.

ACTION: None. For information and discussion only.

- ***CODE OF MARYLAND REGULATIONS (COMAR)***
(Presenter: Ms. Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Bruce Lesh, Director of Social Studies, Science, and Disciplinary Literacy)

- ***COMAR 13A.19.01 Commensurate Funding for Charter Schools (Permission to Withdraw Before Publication)***

Request to withdraw the proposed regulation, COMAR 13A.19.01 *Commensurate Funding for Charter Schools* before publication for further review and evaluation.

During its October 22, 2019 meeting, the State Board voted to propose the regulation to distill the various State Board rulings into a regulatory formula for calculating commensurate funding. The proposed regulation was intended to create an easy to follow formula set out in regulation for local school systems and charter schools to refer to when they have questions about the commensurate funding requirement and

reflected specific State Board rulings in a charter school funding appeal or a Maryland court decision.

The regulation was sent to the Division of State Documents (DSD), the Department of Legislative Services (DLS), and the Joint Committee on Administrative, Executive, and Legislative Review (AELR) for review. The AELR Committee requested a hearing at the request of the Public School Superintendents' Association of Maryland (PSSAM) of the proposed regulation. The regulation has not been published in the Maryland Register for a 30-day public comment period.

ACTION: Upon motion by General Sumpter and seconded by Mr. Dashiell, the State Board approved the request to withdraw the proposed regulation. (In Favor: 14; Opposed: 0; Abstained: 0)

- **COMAR 13A.04.08 – Program in Social Studies (Adoption)**

Request to adopt amendments to the regulation. The amendments update the social studies standards by grouping the standards into broad statements, and remove the delineation of concepts within the wording. The amendments also broaden statements that guide the more specific wording of the indicators and objectives in the State Frameworks and local curricula.

ACTION: Upon motion by Mr. Wu and seconded by Ms. Morrow, the State Board adopted the regulation. (In Favor: 14; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Ms. Halle provided an update on the Digital Learning Committee and provided a brief overview of the committee's purpose/charge for the new members. She also noted some of the modifications the committee has made to its work and activities based on the current COVID-19 pandemic and noted some models from district efforts. A formal presentation will be made to the State Board at the August 25th meeting.
- Dr. Greene provided an update on the *Task Force on Achieving Academic Equity and Excellence for Black Boys (Task Force)*, highlighting the experience and expertise of the members comprising the Task Force, including educators, administrators, local board members, researchers, and other experts who have been engaged in efforts to support achievement and success among this population.
- Mr. Wu shared that the Maryland Association of Student Councils (MASC) will hold its annual *ADVANCE* retreat, which will be held virtually and include various leadership workshops. He also shared that the first MASC Executive Board meeting is next week. Mr. Wu will also attend the Montgomery County school resource officer's forum and town hall on racial justice.

- Ms. Morrow inquired about where things stand with the Kindergarten Readiness Assessment (KRA), to include the timeline and how attendance will be handled. She also requested that information be provided to the State Board at a future meeting.
- Mr. Crawford provided a search committee update and shared that proposals from interested search firms are due at the end of July.
- Ms. McCusker recommended the State Board form a workgroup to explore social and emotional learning (SEL) and that a future presentation be made to the State Board on the departments SEL initiatives.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen read the following Opinions and Orders:

- *Darryl Baccus v. Prince George’s County Board of Education* – employee termination – Opin. 20-27
- *Susan and S. C. v. Montgomery County Board Education* – grade change – Opin. 20-28
- *Keith H. v. Montgomery County Board of Education* – student grade – Opin. 20-29
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- *In the Matter of the Southwest Baltimore Charter School* – charter school waiver – Order No. OR20-18

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 4:10 p.m.

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

Date: July 28, 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, August 25, 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: July 28, 2020

Time: 10:05 AM

Location: Virtual

Motion to close meeting made by: Ms. Rachel McCusker

Seconded by: Mr. Charles Dashiell

Members in favor: 14

Opposed: 0

Abstaining: 0

Absent: 0

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)
§ 3-305(b)(7)

Topic

Reason for closed-session discussion to topic

Internal Board Management

4. This statement is made by BG Warner I. Sumpter, Ret., 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 28, 2020

Time: 11:20 AM

Location: Virtual

Motion to close meeting made by: General Warner Sumpter

Seconded by: Ms. Lori Morrow

Members in favor: 14

Opposed: 0

Abstaining: 0

Absent: 0

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

3 Appeals; 5 Draft Orders

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