

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, March 24, 2020
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met by teleconference in regular session on Tuesday, March 24, 2020, at 11:00 a.m. at the Nancy S. Grasmick State Education Building. The following members were in attendance: Brigadier General (BG) Warner Sumpter (Ret.); Ms. Jean Halle; Ms. Gail Bates; Mr. Clarence Crawford; Charles R. Dashiell, Jr., Esq.; Dr. Vermelle D. Greene; Dr. Justin M. Hartings; Dr. Rose M. Li; Dr. Joan Mele-McCarthy; Ms. Lori Morrow; Mr. Michael Phillips; Dr. David Steiner; Ms. Noureen Badwi, Student Representative; and State Superintendent Dr. Karen B. Salmon.

The following staff members were present: Ms. Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration; Dr. Sylvia Lawson, Deputy State Superintendent, Office of School Effectiveness; Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; Mr. Elliott L. Schoen, Assistant Attorney General; 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 welcomed new State Board member Lori Morrow.

President Sumpter explained the teleconference meeting procedures.

***ACTION:** Upon motion by Dr. Steiner, and seconded by Ms. Bates, the State Board adjourned to Executive Session. (Favor: 13; Opposed: 0; Abstain: 0).*

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of David Steiner, seconded by Gail Bates, and with unanimous approval, the Maryland State Board of Education met in closed session by telephone call on Tuesday, March 24, 2020. All board members were present. Also in attendance were Dr. Sylvia Lawson, Chief Performance Officer, Dr. Carol Williamson, Chief Academic Officer, Amalie Brandenburg, Chief Operating Officer, Dr. Miya Simpson, Executive Director, Office of the State Board and Assistant Attorneys General, Elliott Schoen, Jackie La Fiandra and Amanda White. The Executive Session commenced at 11:10 a.m.

The State Board discussed two appeals and two orders. It approved one Opinion and two Orders for publication.

- *S.K. v. Montgomery County Board of Education – retaliation/hostile environment – Op.*

No. 20-12

- *K.C. v. Prince George's County Board of Education* – grade change – OR 20-05
- *Vikki Rayman v. Harford County Board of Education* – teacher demotion – OR20-06

The State Board was given legal advice regarding waiver of regulatory time frames pursuant to the Governor's Executive Order and assigning duties to the Superintendent to address matters during the COVID-19 emergency. Counsel responded to questions from the Board.

Dr. Salmon discussed with the Board matters related to the COVID-19 emergency.

MSDE staff left the phone meeting. Board members, legal counsel, and the Executive Director continued with the meeting to discuss a personnel matter and a procurement matter.

The Executive Session ended at 1:57 p.m.

NEW BUSINESS

President Sumpter reconvened the open session meeting and repeated the virtual meeting procedures.

➤ ***Approval of Consent Agenda:***

President Sumpter called for a motion to approve the Consent Agenda, which included the following items:

- Approval of January 28, 2020 and February 25, 2020 Minutes
- Personnel Actions
- Closure of Public Schools – March 16-27, 2020

President Sumpter noted the addition of two (2) new consent agenda items for consideration:

- Approval of a resolution to assign duties to the State Superintendent of Schools, in consultation with and with instruction of the President of the State Board, to take actions to the extent allowed by law that are necessary to control and prevent the spread of COVID-19.
- Issued an order to allow initial petitions of local board decisions or requests for declaratory judgments to be received by email during the State of Emergency.

ACTION 1: Upon motion by Dr. Steiner, and seconded by Mr. Dashiell, the State Board approved the addition of the new items to the Consent Agenda. (In Favor: 13; Opposed: 0; Abstained: 0).

ACTION 2: Upon motion by Ms. Halle, and seconded by Ms. Bates, the State Board approved the Consent Agenda. (In Favor: 13; Opposed: 0; Abstained: 0).

REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION

➤ ***Waiver for Accountability and Assessment***

(Presenters: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support)

Request for permission to submit a waiver to the U.S. Department of Education for Flexibility for Maryland on the Elementary and Secondary Education Act (ESEA) Assessment and Accountability Requirements for the 2019-2020 school year. Through the waiver, Maryland would not need to administer its statewide assessments to all students, make annual accountability determinations, identify schools for support and improvement, or provide data on Maryland's and local report cards for assessment and accountability information. The waiver request would provide the necessary relief to local school systems, schools, students, educators, and parents.

***ACTION:** Upon motion by Ms. Badwi, and seconded by Ms. Bates, the State Board approved the submission of a waiver for Flexibility for Maryland on the Elementary and Secondary Education Act (ESEA) Assessment and Accountability Requirements for the 2019-2020 school year. (Favor: 13; Opposed: 0; Abstained: 0)*

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

(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support; Bruce Lesh, Director of Social Studies, Science and Disciplinary Literacy)

▪ ***COMAR 13A.04.08 Program in Social Studies (Permission to Publish)***

Request for permission to publish amendments to Code of Maryland Regulations (COMAR) 13A.04.08 Program in Social Studies. The amendments to the regulations 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 Dr. Steiner and seconded by Ms. Badwi, the State Board granted permission to publish the regulation. (In favor: 13; Opposed: 0; Abstained: 0.)*

STATE SUPERINTENDENT'S REPORT

➤ ***2020 Legislative Session Overview***

(Presenter: Tiffany Clark, Director, Legislative Affairs)

Ms. Clark provided a status update on PreK-12 education-related bills that are currently before the 2020 Maryland General Assembly. Ms. Clark explained that due to the current COVID-19 pandemic, the session ended on March 18th which is about 19 days earlier than expected; and that approximately 50 education-related bills were passed. The Governor has not taken action on any bills to date.

Ms. Clark highlighted a few of the education bills, with a detailed discussion of HB 1300 – Blueprint for Maryland’s Future – Implementation.

ACTION: None. For information and discussion only.

➤ ***Coronavirus Updates***

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

Dr. Salmon provided updates on recent state activity and actions in response to the COVID-19 pandemic related to school closure, childcare, meal distribution, waivers, cleaning protocols, mandatory telework requirements for state employees, limited staffing plans for the MSDE, and access and screening protocols for state offices/buildings.

Dr. Salmon also shared that she has been engaged in regular calls with local superintendents to discuss expectations and get updates on each district’s Continuity of Learning Plan. Continuity of Learning Plan’s will be shared with the State Board once final versions are available.

Dr. Salmon continues to work closely and attend daily meetings with the Governor and his team. She also serves as a member of the Coronavirus Advisory Group, which monitors the constantly evolving situation, and attends/participates in the Governor’s press conferences to keep the public informed. She also works closely with other state agencies in addressing COVID-19 related issues.

Dr. Salmon thanked the State Board for their concern and service throughout this time.

ACTION: None. For information and discussion.

STATE BOARD MEMBER REPORTS AND COMMENTS

➤ ***State Superintendent Search Update***

Mr. Crawford (Search Committee Chair) shared updates on the current State Superintendent search and proposed recommendations on behalf of the committee for the State Board’s consideration, in light of the current COVID-19 pandemic. He asked that the State Board accept the recommendations to: 1) have Dr. Salmon remain in her current role (on extended contract) until a successor is identified. This would ensure continuity and the availability of strong leadership moving forward during these uncertain times; and 2) continue the search and provide future updates to the State Board. Mr. Crawford thanked search committee members for their work.

ACTION: Upon motion by Mr. Crawford, and seconded by Ms. Badwi, the State Board approved the recommendations presented by the State Superintendent Search Committee. (Favor: 13; Opposed: 0; Abstain: 0).

- Dr. Hartings inquired about how Board members can present any additional questions/comments related to topics discussed. General Sumpter asked State Board members to submit any questions they have to Dr. Simpson and she will work with Dr. Salmon. Ms. Morrow suggested the questions and responses be made available to the public, as possible.

OPINIONS

The following Opinions and Orders were rendered:

- *S.K. v. Montgomery County Board of Education* — retaliation/hostile environment — Op. No. 20-13
- *K.C. v. Prince George’s County Board of Education* — grade change — Order No. OR20-05
- *Vikki Rayman v. Harford County Board of Education* — teacher demotion — Order No. OR20-06

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 3:52 p.m.

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

Date: April 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://marylandpublicschools.org/stateboard/Pages/meeting-agendas/2020/2020-03-24.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, April 28, 2020, at the Nancy S. Grasmick State Education Building, 200 West Baltimore Street, 7th Floor Board Room, Baltimore, Maryland 21201.

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 24, 2020

Time: 11:10 am

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Dr. David Steiner

Seconded by: Ms. Gail Bates

Members in favor: 13

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)(1)	Personnel matter	COVID-19 legal decisions
§ 3-305(b)(7)	Obtain legal advice.	Internal board management updates
§ 3-305(b)(14)	Procurement matter	Update regarding search firm contract

4. This statement is made by BG Warner I. Sumpter, Ret., Presiding Officer.