

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, October 27, 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, October 27, 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. Rose M. Li; 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.

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

- *Dr. Patricia Saelens (President Elect, PSSAM)*– Synchronous hours requirement in hybrid environments
- *Brandon Choen – Reopening Schools*
- *Margaret Flowers – Reopening Schools*
- *Natalie Van Sant – Reopening Schools*
- *Kristen Caminiti – Reopening Schools*
- *Cheryl Bost (MSEA) – Reopening Schools*
- *Catherine Carter – Struggles of parenting kids with special needs in virtual learning*
- *Sharon Saroff – Reopening Schools*
- *Thomas Werner*

➤ **Approval of Consent Agenda**

- Approval of September Meeting Minutes
- Personnel Actions
- Budget Adjustments, September 2020

- Selection of Candidates for 2020-2021 Incentive Program for Certification by the National Board for Professional Teaching Standards

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

STATE BOARD SCHOOL YEAR 2020-2021 PRIORITIES

➤ **Coronavirus Aid, Relief, and Economic Security (CARES) Act Update** (Presenter: Amalie Brandenburg, Deputy for Finance and Administration)

Ms. Brandenburg provided an update and overview of CARES funding. The presentation included a review of awarded funds and allocations to local school systems to include grants to support tutoring, technology, and connectivity.

State Board members inquired about how the funds are being used and requested a breakdown of the funds/awards.

ACTION: None. For information and discussion.

➤ **Review of the Every Student Succeeds Act, Accountability, Report Card, and Assessments** (Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use; Chandra Haislet, Director, Accountability and Data Systems)

Ms. Gable provided an overview of the Every Student Succeeds Act (ESSA) and Maryland's model for accountability, report cards, and assessments. The ESSA was signed into federal law in 2015. The Act reauthorizes the Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students, and replaced the No Child Left Behind Act. Ms. Gable shared the history/background on the development of the state's comprehensive ESSA plan, which included extensive stakeholder engagement and input in the process through committee participation and statewide listening tours led by department staff.

Dr. Shaw reviewed the accountability system and report card, as well as the Maryland Recovery Plan First Term Performance Metrics.

Ms. Haislet provided information regarding the report card for the 2019-2020 reporting year and reviewed the waiver of the report card provisions related to certain assessments and accountability. Ms. Haislett also shared that due to the COVID-19 pandemic, the report card results for the 2019-2020 school year will not be published and that the most recent data available is for the 2018-2019 school year.

State Board members commended staff on their efforts.

ACTION: None. For information and discussion only.

➤ **Waiver Request for Juniors in the 2020-2021 School Year**

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

Ms. Gable explained the graduation requirements for juniors in the 2020-2021 school year who need to take the Maryland Comprehensive Assessment in Algebra I and/or English 10 in the 2020-2021 school year. The department is requesting a waiver from COMAR 13A.03.02.06 *Maryland High School Assessments* and 13A.03.02.09 *Diplomas and Certificates* for the 2020-2021 school year juniors who need to take the Algebra I and/or English 10 assessment in the 2020-2021 school year from passing the assessments. The request includes a waiver for juniors in the 2020-2021 school year from completing the Bridge Plan for Algebra I and/or English 10. These students must pass the Algebra I and English 10 courses and take the Algebra I and English 10 Maryland Comprehensive Assessment Program assessments as a requirement for graduation.

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

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

(Presenter: Ms. Mary Gable, Assistant State Superintendent, Student Support, Academic Enrichment & Educational Policy; Ms. Tiara Booker-Dwyer, Assistant State Superintendent, Division of College and Career Readiness)

- **COMAR 13A.04.02 Secondary School Career and Technology Education and COMAR 13A.04.10 Program of Instruction in Career Development for College and Career Readiness**

Request for permission to publish amendments to the regulations.

ACTION: Upon motion by Ms. Bates, and seconded by Mr. Dashiell, the State Board granted permission to publish the amended regulations. (In Favor: 14; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- 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. 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 meetings.

- Ms. Halle provided an update on the work of the Digital/Virtual Learning Committee and shared that the committee is working to create a masterplan for digital learning in the state.
- Dr. Getty shared that she attended the National Association of State Boards of Education (NASBE) Annual Conference and New Member Institute.
- Ms. Morrow encouraged State Board members to consider participating on NASBE committees.
- Ms. McCusker commended the Board on being more transparent and inclusive in getting input from and being responsive to stakeholders.
- General Sumpter spoke to the benefits and use of the ESSA plan to local school systems.
- President Crawford provided an update on the State Superintendent search procurement process.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Dr. Greene seconded by Ms. McCusker, and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on October 27, 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 1:30 p.m.

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

- *Baltimore Education Trust for Young Men, Inc. v. Baltimore City Board of School Commissioners* – non-renewal of charter school – Op. No. 20-38 (12 affirmed the local board decision; 1 member dissented)
- *Adejumoke A. v. Howard County Board of Education* – student transfer – Op. No. 20-39 (Unanimously affirmed the local board decision)
- *Carolina K. v. Montgomery County Board of Education* – student transfer – Op. No. 20-40 (Unanimously affirmed the local board decision)
- *Lynn Nash, et al. v. Montgomery County Board of Education* – land transfer – Op. No. 20-41 (7 affirmed the local board decision; 4 dissented; 2 abstained)
- *Ecaterina V. v. Howard County Board of Education* – student transfer – Op. No. 20-42 (Unanimously voted to remand the matter to the local board)

Dr. Simpson gave information to the Board regarding technical issues for returning to in person meetings. She is investigating services for upgrades to the State Board Room at the MSDE building. She is also looking for alternative locations for the Board to meet in person.

President Crawford discussed with the Board using Roberts Rules of Order for meetings.

The Executive Session ended at 3:30 p.m.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen read the following Opinions:

- *Baltimore Education Trust for Young Men, Inc. v. Baltimore City Board of School Commissioners* – non-renewal of charter school – Opin. 20-38
- *A. A. v. Howard County Board of Education* – student transfer – Opin. 20-39
- *C.K. v. Montgomery County Board of Education* – student transfer – Opin. 20-40
- *Lynn Nash v. Montgomery County Board of Education* – land transfer – Opin. 20-41
- *E.V. v. Howard County Board of Education* – student transfer – Opin. 20-42

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 3:35 p.m.

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

Date: December 8, 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, December 8, 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: October 27, 2020

Time: 1:30 PM

Location: Virtual

Motion to close meeting made by: Dr. Greene

Seconded by: Ms. McCusker

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)	Quasi judicial matters	4 Appeals from local board decisions 1 Draft Opinion Resuming In-person State Board Meetings Internal Meeting Process
	Administrative functions	

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