

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, August 24, 2021
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person and via phone on Tuesday, August 24, 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); Mr. Shawn Bartley; Ms. Gail Bates; 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.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, School Effectiveness; Dr. Carol Williamson, Deputy State Superintendent, Teaching and Learning; Amalie Brandenburg, Deputy State Superintendent, Finance and Administration; 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 read the closing statement to adjourn to Executive Session.

PUBLIC COMMENT

- Cheryl Bost (MSEA) – School Reopening and Teacher Certification
- Senator Katie Fry Hester – How the Maryland Mental Health Response Program aligns with the Coordinated Community Support Partnership and the Consortium on Coordinated Community Supports
- Raven Bishop – Leaving Masking Policies up to Local Boards of Education
- Catherine Carter – Student Behavior Health Needs
- Verinika Carella – Use of ESSER Funds
- Kathy Hillock – Carroll County Public Schools No Mask Mandate

NEW BUSINESS

- **Approval of Consent Agenda**
 - Approval of July 27th and August 9th Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, July 2021

ACTION: The State Board granted approval by unanimous consent.

STATE BOARD PRIORITIES

- **Monitoring Virtual Programs for Maryland Students**
(Presenter: Dr. Carol Williamson, Deputy Superintendent, Office of Teaching and Learning)

Dr. Williamson shared information related to the monitoring of approved virtual learning programs in Maryland for 2021-2022. The presentation included an overview of the virtual program options provided by local school systems (LSS) and monitoring steps the MSDE will take to ensure student success through access to equitable and quality LSS virtual programs.

State Board members inquired about attendance monitoring, engagement, the timeline, measurement/assessment, if monitoring guidelines and goals were provided, and the availability of courses/options for advanced students; and encouraged the department to have conversations with teachers for their input and feedback.

ACTION: None. For information and discussion.

- **Expert Review Teams**
(Presenter: Tiara Booker-Dwyer, Assistant State Superintendent, Division of Career and College Readiness and Office of Leadership Development and School Improvement)

Ms. Booker-Dwyer reviewed the MSDE's plan to deploy expert review teams in schools as required by the Blueprint for Maryland's Future. The presentation included information regarding the requirements and purpose of the expert review team, along with the composition, selection, training, timeline for implementation, and funding considerations.

Discussion included the timeline for Fall diagnostics and the make-up of the review teams. State Board members asked for more detail/clarification regarding: who will be included on the teams and the selection process; examples of external reviewers; parent, teacher, and student involvement; and compensation for team members.

- **American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief Fund Review Plan**

(Presenter: Tiara Booker-Dwyer, Assistant State Superintendent, Division of Career and College Readiness and Office of Leadership Development and School Improvement)

Superintendent Choudhury provided opening remarks regarding the plan to support, coach, and monitor how districts are implementing their ARP plans. He also noted that this begins the work related to expert review teams and the similarities with the information presented on that item.

Ms. Booker-Dwyer shared the plan and resources that will be used to facilitate reviews of evidence-based interventions in schools and provided an overview of the process and activities involved in the three phases of the review process: Phase I – Readiness; Phase II – Implementation; and Phase III – Analysis and Recommendations.

State Board members discussed the need to ensure transparency, accountability, and safety of students and staff, including addressing concerns around masking requirements. Questions were also raised regarding the type and use of data collected, to include: readiness indicators; clarification of the data gathered from the ARP and what will be collected by the expert review teams; and if/how existing public data, such as the Youth Risk Behavior Survey, is being used to identify interventions.

ACTION: None. For information and discussion.

- **Spotlight on English Language Learners**

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

Ms. Haislet provided an update on English Language Learners in Maryland. The presentation included a description of Maryland’s English learner; a geographic snapshot of English language learners throughout the state; programs, supports, and services provided to English learners; how English learners are identified and exited; outcome data; and an update on the *Maryland’s Blueprint for the Future English Learner Workgroup*.

State Board members asked about the availability of disaggregated data, as well as data on the drop-out rate and effective programs and services.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **Maryland School Mental Health Response Program Update**
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Sharon Hoover, Ph.D., Professor, Child and Adolescent Psychiatry, Co-Director, National Center for School Mental Health, University of Maryland School of Medicine)

Ms. Gable and Dr. Hoover presented an update on the work in establishing the Regional School Mental Health Response Teams. The presentation included a review of the major program components, the make-up of the response teams, overview of the Memorandum of Understanding, and the strategic partnerships that have been formed.

State Board members discussed the need for clear guidelines for making referrals, the importance of implementing plans with fidelity, and being prepared to scale efforts in case demand for services is greater than expected. Members also encouraged emphasis on mental health services for minority and disadvantaged students and those with more severe needs, and suggested partnering with non-profit organizations that provide services to these populations.

ACTION: None. For information and discussion.

- **Comprehensive Mobile Response and Stabilization System (MRSS) in Maryland**
(Presenter: Michelle Zabel, Assistant Dean and Director, Institute for Innovation and Implementation, University of Maryland School of Social Work)

State Superintendent Choudhury introduced Ms. Zabel and provided opening remarks regarding the research that informs the mental health response program and implementation of regional crisis response and clinical support teams. Ms. Zabel provided an overview of the MRSS System, benefits of the MRSS model, and collaboration with the MSDE.

ACTION: None. For information and discussion.

- **Code of Maryland Regulations (COMAR)**
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Andrew Warner, Executive Director, Maryland Public Secondary Schools Athletic Association; Gabriel Rose, Director, Pupil Transportation and Emergency Services Office; Kelly Meadows, Assistant State Superintendent Division of Educator Certification and Program Approval)

- **COMAR 13A.06.07.01, .03, .07-.21 Student Transportation (Permission to Publish)**

Request for permission to publish proposed amendments and recommended modifications to the regulation, to include clarification of language.

ACTION 1: Upon motion by General Sumpter, and seconded by Ms. Bates, the State Board granted permission to publish the regulation. (In Favor: 14; Opposed: 0; Abstained: 0)

- **COMAR 13A.06.03 Interscholastic Athletics in the State (Permission to Publish)**

Request for permission to publish amendments to the regulation to address the number of all-star contests students are eligible to compete in and provide additional scheduling flexibility within the season limitations for wrestling.

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

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

Request for permission to publish amendments to the regulation to reflect changes made to Md. Code Education Article 6-113.2 during the 2021 Legislative Session, including revisions to definitions and general provisions outline in the regulation.

ACTION: Upon motion by General Sumpter, and seconded by Dr. Mele-McCarthy, the State Board granted permission to publish the regulation. (In Favor: 14; Opposed: 0; Abstained: 0.)

- **Request for Waivers Related to Interscholastic Athletics for the 2021-2022 School Year**

Request for approval of waiver recommendations related to requirements for interscholastic athletics as a result of circumstances created by the COVID-19 pandemic and to maximize opportunities for continuity of participation. The waiver recommendations apply to interscholastic athletics through June 30, 2022.

ACTION: Upon motion by Mr. Dashiell, and seconded by Dr. Getty, the State Board approved the requested waivers. (In Favor: 14; Opposed: 0; Abstained: 0)

- **Approval of 2022 State Board Meeting Dates**

Review and request for approval of the State Board Meeting calendar for 2022.

ACTION: Upon motion by Ms. Bates, and seconded by Mr. Dashiell, the State Board approved the 2022 meeting dates. (In Favor: 14; Opposed: 0; Abstained: 0)

- **State Board Governance and Operations Manual**

Review and approval of the updated Governance and Operations Manual.

ACTION: Upon motion by General Sumpter, and seconded by Ms. Morrow, the State Board approved the updated Governance and Operations Manual. (In Favor: 14; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Dr. Greene provided an update on the Achieving Academic Equity and Excellence for Black Boys (AAEEBB) Advisory Council and thanked Superintendent Choudhury and staff for their support and assistance as the work with pilot schools moves forward.
- Mr. Bokoum shared that he recently attended the Maryland Association of Student Councils event and thanked Superintendent Choudhury and communications staff for the video they prepared.
- Ms. McCusker expressed well-wishes to educators and students as schools reopen and the new school year begins.
- Ms. McCusker presented a motion for the State Board to schedule a special meeting to discuss statewide mask requirements in an effort to minimize disruption to the educational process. Several State Board members expressed their support for the meeting and for statewide mask requirements.

ACTION: Upon motion by Ms. McCusker, and seconded by Mr. Bokoum, the State Board agreed to hold a special meeting to discuss statewide mask requirements. (In Favor: 14; Opposed: 0; Abstained: 0)

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Mr. Dashiell seconded by Ms. Halle, and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, August 24, 2021 in Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present. Vermelle Greene and Joan Mele-McCarthy participated by phone. Also in attendance were Superintendent Choudhury, Dr. Miya Simpson, Executive Director, Office of the State Board, Deputy Superintendent Amalie Brandenburg and Assistant Attorneys General, Elliott Schoen, Jackie LaFiandra, and Lori Hopkins. The Executive Session commenced at 2:45 p.m.

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

- *Karl Phelps v. Anne Arundel County Board of Education* – one-day suspension of employee – Opin. No. 21-44
- *S.R. v. Montgomery County Board of Education (VII-IX)* – special education, record amendment and discrimination complaints – Opin. No. 21-45
- *Tonya Wingfield, et al. v. Prince George’s County Board of Education (I)* – board

reorganization – Opin. No. 21-46

The Board received legal advice regarding the process to remove members of local boards of education and wearing masks/face coverings in schools.

Deputy Superintendent Brandenburg provided confidential budget proposal information. The Board consented to move forward with the proposal.

The Executive Session ended at 4:35 pm.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen announced the following Opinions:

- *Karl Phelps v. Anne Arundel County Board of Education* – one-day suspension of employee – Opin. No. 21-44
- *S.R. v. Montgomery County Board of Education (VII-IX)* – special education, record amendment and discrimination complaints – Opin. No. 21-45
- *Tonya Wingfield, et al. v. Prince George’s County Board of Education (I)* – board reorganization – Opin. No. 21-46

With no further business before the Board, the meeting was adjourned at 5:03 p.m.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: September 28, 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, September 28, 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.

Minutes for August 24, 2021

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 24, 2021
 Time: 2:45 pm
 Location: 200 West Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Mr. Dashiell
 Seconded by: Ms. Halle
 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	Review and decide 3 Appeals Legal Advice regarding the State Board's authority
§3-305(b)(13)	Statutory Requirement	Receive confidential information of executive agency budget and legislative recommendations
	Administrative Functions	Review revisions to the State Board Governance Manual

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