

## **MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION**

Wednesday, December 1, 2021  
Maryland State Board of Education  
200 W. Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met via WebEx for a special meeting on Wednesday, December 1, 2021 at 1:00 p.m. The following members were present: 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; Dr. Vermelle D. Greene, Ms. Jean Halle; Dr. Joan Mele-McCarthy; Ms. Lori Morrow; Ms. Rachel McCusker; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Kevin Bokoum, Student Representative; and State Superintendent Mohammed Choudhury.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

President Crawford called the meeting to order.

Dr. Simpson called the roll and Mr. Schoen declared the presence of a quorum.

President Crawford provided opening remarks and thanked the panel speakers and members of the public who participated in the November 16<sup>th</sup> special meeting discussion regarding face coverings in school and those who provided written comments.

President Crawford read the statement to adjourn to Executive Session.

### **EXECUTIVE SESSION**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Mele-McCarthy, seconded by Ms. McCusker and with unanimous approval, the Maryland State Board of Education met in closed session on Wednesday, December 1, 2021 in Conference Room #6, 8th Floor, at the Nancy S. Grasmick State Education Building. All board members were present. Also in attendance were Superintendent Choudhury, Dr. Miya Simpson, Executive Director, Office of the State Board, and Assistant Attorney General, Elliott Schoen. The Executive Session commenced at 1:09 p.m.

AAG Schoen gave legal advice regarding regulations.

The Executive Session ended at 1:39 p.m.

## **RECONVENE FOR DISCUSSION OF MASK REGULATION AND NEXT STEPS**

President Crawford provided opening remarks regarding the State Board and MSDE's commitment to return to safe in-person instruction for students and staff, with minimal disruptions. He also noted the role and importance of local control and engagement of the public with their local boards.

Ms. Mary Gable (Assistant State Superintendent, Division of Student Support, Academic Enrichment and Education Policy) provided a brief overview and updates on transmission and positivity rates.

State Superintendent Choudhury provided brief remarks and reminded State Board members that without any further action, the current emergency regulation expires February 25, 2022, so guidance is needed regarding how the State Board would like the department to move forward.

President Crawford opened the floor for discussion of the state mask regulation and proposed next steps. State Board members shared their thoughts regarding the mandate, with many expressing their support for a regulation to require face coverings in order to support a safe learning environment, minimize disruptions to the school year, and limit the need to quarantine; but also wanting to ensure off-ramps for local school systems based on specific, data-based metrics. It was also suggested that any future regulation include exceptions for performances.

State Board members inquired about what other states are doing and the metrics used by those with mask mandates in place. State Superintendent Choudhury cited Massachusetts and Nevada as examples of states with off-ramps.

Following the discussion, the MSDE was charged to take into account the comments and ideas provided and draft a regulation to bring back before the State Board at its meeting on December 7, 2021.

***ACTION:** Upon motion by Ms. Morrow, and seconded by Ms. McCusker, the department was charged to move forward with developing a new emergency regulation for the State Board's review and consideration at the December 7<sup>th</sup> State Board meeting.*

President Crawford reiterated appreciation on behalf of the State Board to everyone who provided comments, input, and feedback during the November meeting and in written statements submitted to the State Board.

With no further business before the Board, the meeting was adjourned at 3:04 p.m.

Respectfully submitted,



Mohammed Choudhury  
Secretary/Treasurer

Date: January 25, 2022

*The information included here provides a brief 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, January 25, 2022.** 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: December 1, 2021  
 Time: 1:05 pm  
 Location: Virtual  
 Motion to close meeting made by: Dr. Mele-McCarthy  
 Seconded by: Ms. McCusker  
 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.

<b>Citation (insert # from above)</b>	<b>Topic</b>	<b>Reason for closed-session discussion to topic</b>
§3-305(b)(7)	Legal Advice	To consult with legal counsel regarding regulatory matter

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