

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, March 22, 2022
Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, March 22, 2022, at 9:00 a.m. at the Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland. The following members were present: Mr. Charles R. Dashiell, Jr., Esq. (Vice President); Mr. Shawn Bartley, Esq.; Ms. Gail Bates (Virtual); Ms. Chuen-Chin Chang; Dr. Susan Getty (Virtual); Dr. Vermelle D. Greene (Virtual), Ms. Jean Halle; Ms. Lori Morrow; Ms. Rachel McCusker; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Kevin Bokoum, Student Representative; and State Superintendent Mohammed Choudhury. Mr. Clarence Crawford and Dr. Joan Mele-McCarthy were absent.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy Superintendent, Organizational Effectiveness; Dr. Deann Collins, Deputy Superintendent, Teaching and Learning; Krishnanda Tallur, Deputy Superintendent of Operations; and Ary Amerikaner, Chief of Staff.

Vice President Dashiell called the meeting to order and led the pledge of allegiance.

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

Vice President Dashiell welcomed speakers and members of the public and provided opening remarks.

PUBLIC COMMENT

- Holly Brewer – (University of Maryland, Professor) - Effects of P.G. County Audit on student grades
- Sharon Saroff – Pandemic compensatory services for students with disabilities and virtual learning
- Daryl Williams – (Baltimore County Superintendent) - PSSAM Updates
- Shanetta Martin – (MD Education Coalition) Superintendent’s concept of poverty
- Keerthi Uppalapati – Homelessness in Schools
- Holly Kleudertein – (AACPS Counselor) – School counselor’s support of students’ mental health and exclusion from the NBCT salary enhancement.

NEW BUSINESS

- **Approval of Consent Agenda**
 - Approval of February 22, 2022 Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, February 2022

ACTION: The State Board granted approval by unanimous consent.

STATE BOARD PRIORITIES

- **Stakeholder Engagement Session:**

(Presenter: Ms. Cheryl Bost, President, Maryland State Education Association (MSEA), Teresa Mitchell Dudley, Vice President, and Joseph Coughlin, Treasurer)

Ms. Cheryl Bost gave a brief presentation on the Maryland State Education Association (MSEA). The Maryland State Education Association is a 76,000 member Maryland affiliate of the National Education Association, which represents 3 million education employees across the country. The members of MSEA include elementary and secondary teachers, education support professionals, certificated specialist, school administrators, retired educators, higher education faculty and students that are preparing to become members. MSEA also supports 39 local affiliated associations throughout Maryland. The mission of Maryland State Education Association is to “Empower members to make a positive difference in their professional lives to elevate the quality of public education for all students.

Ms. Bost stated that they needed to bring the educator voice to the table and was thrilled to have a teacher representative, Ms. Rachel McCusker on the State Board of Education. Ms. McCusker stated she is genuinely concerned about the teacher pipeline and teacher retention and asked Ms. Bost what she thinks the main reasons are for teachers leaving. Ms. Bost stated that teachers are faced with academic burn-out, increased class sizes, social/emotional issues, overall disrespect, employees pay, benefits and substitute teachers are just some of the situations that teachers face.

Ms. Bost and her staff replied to the questions that the Board members asked them. She explained to the Board members that there is a program for substitute teachers to become full-time, which is called the Residency program. The problem is we need to make sure that the teachers get paid during their internships and have time to do the coursework. The goal of MSEA is to support the teachers and students in the schools. Ms. Bost stated that a “happy teacher makes happy productive students.”

Vice President Dashiell thanked Ms. Bost, Ms. Dudley, and Mr. Coughlin for coming to the Board meeting and for their presentation.

- **Guest Presenter - Karin Chenoweth**

(Presenter: Ms. Karin Chenoweth, Author of Districts That Succeed: Breaking the Correlation Between Race, Poverty, and Achievement)

Ms. Karin Chenoweth is a writer-in-residence at The Education Trust. She leads the organization’s efforts to learn from and write about successful and improving schools with large populations of children of color and children living in poverty.

Ms. Chenoweth explained that in her first book, “Schools That Succeed: How Educators Marshal the Power of Systems for Improvement” she explored what it looks like when expert school leaders ensure that all a school’s are designed to support instruction. Schools that Succeed digs deeper to help educators see how they can move forward even in disturbing circumstances. In her new book, “Districts That Succeed: Breaking the Correlation Between Race, Poverty, and Achievement, she broaden the lens to not only look at school systems but also the school districts. Ms. Chenoweth stated that she used the data analysis of Sean Reardon, a professor of poverty and opportunity at Stanford University. She identified

five school districts that were high-performing or improving and that serve children of color and children from low-income backgrounds. Ms. Chenoweth visited the school districts and interviewed the superintendents, principals, teachers, students, parents, and school board members. She said that the districts that she profiled in the book provide clear arguments against the idea that public schools are incapable of improvement and excellence. The districts demonstrate that our future fellow citizens, children from all backgrounds are capable of getting smarter and that the efforts of educators, when assembled together can help them do so.

Ms. Chenoweth highlighted several key factors that were discovered during her research of the schools' districts.

- As poverty increases, basic academic achievement decreases,
- Academic achievement was more than a matter of what schools did.
- Educators need to feel comfortable to expose their barriers and trust.
- Principals consider it their job to establish collaboration, trust, and respect.
- Policy/practice problems – Nobody believes that all kids can learn.
- Teaching itself is a creative process.
- Need to have clear guidelines for every student.
- The role of leadership is particularly important.

Ms. Chenoweth explained that you cannot clap your hands and think everything is going to be all right. She explained that Schools that Succeed is really about the systems. You cannot do the work if you do not believe you can succeed. Inclusion, the districts demonstrate that our future fellow citizens, children from all backgrounds are capable of getting smarter and that the efforts of educators, when assembled together can help them do so.

Mr. Dashiell thanked Ms. Chenoweth for her presentation and her book. He asked the following questions. How important is leadership and what does it mean? How do we subscribe the skills? What can we do to be sure that we have everything to subscribe for leaders to have everything they need?

School Logistics and Transmission Rates Related to COVID-19 Update

(Presenter: Mr. Mohammed Choudhury, State Superintendent of Schools)

Mr. Choudhury stated that the purpose of the presentation was to provide updated information related to School Logistics and Transmission Rates Related to COVID-19. Mr. Choudhury explained that the presentation will provide an update data collected related to COVID-19 logistics from the 24 local education agencies through March 16, 2022. The data published by the Maryland Department of Health (MDH) and the centers for Control (CDC) on positivity rates, 7-day moving average new daily case rates by the population for each jurisdiction, vaccination rates, hospitalization rates, and death rates, along with the CDC's new COVID-19 community levels metric, MDH and federal guidance and testing programs. The presentation will outline the following:

- Vaccinations and COVID-19 Testing
- Quarantine and COVID-10 Data
- March 2022 – LEA Updated COVID Protocols: Mask Mandates & Testing Strategies
- Current Rates

- CDC COVID-19 Community Levels
- New Interim K-12 School and Child Care COVID-19 Guidance

Mr. Choudhury informed the Board members that the numbers continue to drop. The vaccination rate continues to go up along with the booster shot rate. The overall positivity and hospitalization rates have gone down. He stated that the CDC recommended the end to universal indoor mask wearing in K-12 schools and early education settings in areas with a low or medium COVID-19 community levels. The CDC also no longer requires the wearing of mask on buses or vans operated by public or private school systems, including early care and education/childcare programs. Mr. Choudhury informed that none of the schools are operating virtually and outside of that everything is looking good. The areas where we are seeing higher positivity rates are the areas that have low vaccinations.

Local Education Agency Virtual Programs Update

(Presenter: Dr. Deann Collins, Deputy Superintendent of Teaching and Learning, Ms. Erin Senior, Interim Director of Instructional Technology, School Library Media, and Mathematics and Mr. Matthew Duque, Senior Research and Data Specialist)

Dr. Collins stated that the purpose of the presentation was to provide updated information related to SY 2021—2022 approved virtual learning programs in Maryland’s local school systems. Dr. Collins explained that the presentation will provide an update on second quarter virtual program attendance and demographic data. The metric for the second quarter was presented and compared to the data collected at the end of the first quarter, along with a comparison of fail rates and attendance rates for virtual students compared to all students. Dr. Collins informed the Board members that MSDE will also highlight strategies used in two local school systems to decrease their failure rates and increase student success.

- Statewide Virtual Total School Enrollment 22,282 Students as of January 7, 2022
- Quarterly Metrics: Overview
 - Second quarter LEA level data was collected from January 18th to March 1st
 - The last day of second quarter varied by LEA, from January 13th to February 2nd
 - 21 systems are included in the results.
 - Represents 100% of students enrolled in virtual programs across the state
 - Carroll and Garrett do not have virtual programs
 - In Kent County students are virtual 4 days a week and attend classes in a school building 1 day week.

Dr. Collins replied to the questions that the Board members asked her. She informed them that there were several reasons as to why people chose virtual learning over in-person, such as fear or temporarily. Parent supervision is required for the younger children but not for the high school students, but someone should be in the house while the child engages in classroom time. She explained that the attendance rates look better in virtual school because they are done differently in the 24 districts and there should be standards for attendance. The Allegany County school numbers were low since the main courses were taught by the teachers and the other courses were taught by someone the school system brought in. Dr. Collins concluded the presentation with a report that showed that course failure rates were higher for virtual students compared to the in-person students and in some cases it was double. Dr. Collins informed the Board members, that the Learning Policy Institute reviewed research on distance learning and concluded that frequent, direct, and meaningful interaction is critical. The more intense the interaction is between students

and teachers, the deeper the learning.

MSDE Next Steps:

- Collect and analyze quarterly local school system metrics
- Examine third quarter school attendance and grades
- Share modifications local school systems made to their virtual programs between semester 1 and semester 2
- Research the characteristics of successful virtual students and include examples from local school systems

ACTION: None. For information and discussion.

COVID Learning Loss

- **Kindergarten Readiness Assessments and Early Fall Assessment Results (2021)**
(Presenter Chandra Haislet, Executive Director, Office of Performance Reporting and Accountability)

Ms. Haislet stated that the purpose of the presentation was to provide updated information related to Kindergarten Readiness 2021-2022 and Early Fall 2021 assessment results which includes information by student group and provides an analysis of learning loss for grade three students from 2019 to 2021. The presentation will include the following topics:

- Kindergarten Readiness Assessment (KRA)
- Maryland Comprehensive Assessment Program Results Grade 3-8 and High School.

Ms. Haislet informed the Board members that the Kindergarten Readiness Assessment is one component of Ready for Kindergarten (R4K): Maryland’s Early Childhood Comprehensive Assessment Systems. The test measures the knowledge, skills, and behaviors at kindergarten entry along with observations of children’s work and play, selected response items, and performance tasks. Ms. Haislet stated that specific kindergarten readiness skills are measured. The Kindergarten Readiness Assessment is typically administered within the first two months of school.

Ms. Haislet informed the Board members that the assessments for the 2020-2021 academic year were administered in early fall 2021. The students were given the assessment for the course and grade level they were enrolled in for the 2020-2021 school year.

ACTION: None. For information and discussion.

- **Adjusted Cohort Graduation Rate, Advanced Placement, SAT, and Postsecondary Enrollment**

Ms. Haislet stated that the purpose of the presentation was to provide updates on data including graduation rate, college readiness assessments (AP, SAT) and postsecondary enrollment. The data that will presented will include the following topics:

- Adjusted cohort four-year and five-year graduation rate
- Four-year dropout rate
- Advanced Placement (AP) participation and performance

- Postsecondary Enrollment

Ms. Haislet informed the Board members that a graduation cohort is a group of students who begin as first time ninth graders in a particular year and dropout cohorts are students who terminate formal education during high school. Maryland measures a four-year and a five-year cohort graduation rate and a four-year dropout rate. Ms. Haislet stated that Maryland’s adjusted four-year cohort graduation rate is 87.2% while the five-year cohort graduation rate had decreased from 88.9% to 88.3% from the prior year and the four-year dropout rate has decreased from the prior year.

Ms. Haislet stated that Maryland’s 2021 AP participation by graduating class is 43.6%. Fewer students are enrolling in postsecondary institutions. Ms. Haislet said that of the 2020 graduates, 60.5% enrolled within 12 months which is a 5.8% drop from 2019.

Ms. Haislet stated that according to the National Perspective, ninth grade success is considered a key predictor of whether a student will graduate on time. There are some educators that are worried about younger teens whose high school trajectories have been shaped by COVID.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **2022 Legislative Session**
(Presenter: Ary Amerikaner, Chief of Staff)

Ary Amerikaner provided an overview of the 2022 Legislative Session process and status updates on the bills before the 2022 Maryland General Assembly.

- House Bill 1450 – Blueprint for Maryland’s Future – Implementation Plans and Fund Alterations (MSDE Position: Support with Amendments: Status: Second Reading Passed with Amendments)
- Senate Bill 362 – Primary and Secondary Education – Virtual Schools – Revisions (MSDE Position: Support with Amendments: Status: Passed Senate) (State Board Position: Support with Amendments)
- House Bill 1163 – Primary and Secondary Education - Virtual Education – Requirements (MSDE Position: No Position: Status: Second Reading with Amendments)
- Senate Bill 379 – Caroline County, Charles County, and Prince George’s County Board of Education – Removal of Member (MSDE Position: No Position: Status: Passed Senate)

ACTION: None. For information and discussion.

CODE OF MARYLAND REGULATIONS (COMAR)

- **COMAR 13A.14** Child and Family Day Care
- **COMAR 13A.15** Family Child Care
- **COMAR 13A.16** Child Care Centers
- **COMAR 13A.17** Child Care – Letters of Compliance
- **COMAR 13A.18** Large Family Child Care Homes.

Permission to Adopt

(Presenter: Steven Hicks, Assistant State Superintendent, Division of Early Childhood)

Request for permission to adopt amendments to regulations. The proposed amendments are necessary to align with the criminal background check requirements of the Federal Child Care Development Grant (CCDBG).

The purpose of the proposed amendments is to align the regulations more closely with the requirements of the CCDBG Act, as amended (42 U.S.C. 9858 et seq.) The proposed amendments are consistent through all five subtitles of regulations.

***ACTION:** Upon motion by Ms. Halle, and seconded by Ms. Morrow, the State Board granted permission to adopt the amendments to the regulations. (In Favor:12; Opposed: 0; Abstained: 0)*

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

General Sumpter informed the State Board members that himself, Senator Bates, and Dr. McCarthy are involved with search for a new Executive Director. The posting went out on January 9 and closed on March 11. The posting was placed in Education Weekly and the Maryland Daily. There was a total of 78 applications and 25 of the applicants met the criteria. The first interviews will take place virtually in April or early May. For the short list, the interviews are done in person.

Mr. Bokoum, Ms. McCusker, and Ms. Morrow will be attending the National Association of State Boards of Education (“NASBE”) Legislative Conference in Washington, DC the following week.

Mr. Dashiell stated that the Strategic Planning Committee meets most weeks and there is wonderful participation from Board members, Superintendent, and staff. There has been a number of roundtables and listening sessions held. Mr. Dashiell thanked MSDE for helping to organize the sessions. He extended an invitation for people to reach out to the website and complete the survey.

Mr. Bartley stated that for the past three weeks, he has witnessed the talents of our students. The Sherman High School annual review show was outstanding and has been going on for 50 years. He stated that Maryland is a hot bed of high school basketball talent and many of our future talents get their start in sports/arts.

Ms. McCusker stated that she conducted the All-County Choirs on Friday night. Dr. Greene stated that next month for the Board meeting, four schools have been invited to present at the meeting. She thanked Mr. Choudhury for having the services of Dr. Lawson for support.

Executive Session

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Mr. Bokoum seconded by Gen. Sumpter and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, March 22, 2022 in Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Mr. Crawford, Delegate Bates, Dr. Getty, and Dr. Mele-McCarthy. Also, in attendance was Superintendent Choudhury, and Assistant Attorneys General, Elliott Schoen and Jackie La Fiandra. The Executive Session commenced at 3:36 p.m.

At that time, the State Board reviewed and approved two Opinions and remanded one appeal to the local board for further actions.

- *Wendy Novak v. Carroll County Board of Education* – school calendar – Opin. No. 22-07
- *Eric R. and Shannon A. v. Baltimore City Board of School Commissioners* – early admission to first grade – Opin. No. 22-08
- *Daniel Shifflett v. Caroline County Board of Education* – school property ban – Opin. No. 22-09

Mr. Schoen provided legal advice regarding the effect the change of the primary election date on Board appointments.

A Board received training on an electronic document management system.

The Executive Session ended at 4:45 p.m.

LEGAL OPINIONS AND ORDERS

Mr. Schoen announced the following Opinions:

- *Wendy Novak v. Carroll County Board of Education* – school calendar – Opin. No. 22-07
- *Eric R. and Shannon A. v. Baltimore City Board of School Commissioners* – early admission to first grade – Opin. No. 22-08
- *Daniel Shifflett v. Caroline County Board of Education* – school property ban – Opin. No. 22-09

With no further business before the Board, the meeting adjourned at 5:05 p.m.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: April 26, 2022

The information included here provides a summary of the agenda items presented. The video recordings of the meetings are the official record and can be located at:

<https://marylandpublicschools.org/stateboard/Pages/Meetings-2022.aspx>

Meeting materials, Opinions, and Orders can be found at:

<https://marylandpublicschools.org/stateboard/Pages/Meetings-2022.aspx>

The next Maryland State Board of Education meeting will be held on Tuesday, April 26, 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: March 22, 2022
 Time: 3:30 PM
 Location: 200 W. Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Kevin Bokoum
 Seconded by: Gen. Sumpter
 Members in favor: 11
 Opposed: 0
 Abstaining: 0
 Absent: 3

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	State Board Executive Director applicants
§3-305(b)(7)	Legal Advice	3 Appeals
Administrative Function		Board Member introduction to BoardDocs

4. This statement is made by Charles Dashiell, Presiding Officer.