

THE MARYLAND STATE BOARD OF EDUCATION
Minutes of the March 28, 2023 Meeting
200 West Baltimore Street, Baltimore, MD 21201

The Maryland State Board of Education met on March 28, 2023 at 9:00am in the State Board room located within the Maryland State Department of Education.

The following Board members were present in the Board room:

Mr. Clarence Crawford (Board President), Dr. Susan Getty (Board Vice President), Mr. Charles R. Dashiell, Jr., Esq., Ms. Chuen-Chin Bianca Chang, Ms. Rachel McCusker, Brigadier General (BG) Warner Sumpter, Ms. Lori Morrow, Ms. Gail Bates, Mr. Shawn Bartley, Esq., Ms. Jean Halle, Dr. Holly Wilcox and Ms. Merin Thomas.

Dr. Vermelle Greene and Ms. Chuen-Chin Bianca Chang participated virtually. Dr. Joan Mele-McCarthy was absent.

State Superintendent Mohammed Choudhury, Elliott L. Schoen (Assistant Attorney General), and State Board Executive Director Zachary Hands were also in attendance.

MEETING OPENING

President Crawford called the meeting to order at 9:01am and led the pledge of allegiance. Mr. Schoen called the roll and declared that a quorum was present.

President Crawford provided opening remarks and welcomed members of the public.

PUBLIC COMMENT

- 1. Buzzy Hettleman – Blueprint Implementation Plans**
- 2. Sharon Saroff – Home and Hospital Services for Students with Disabilities**
- 3. Liz Zogby – Blueprint Special Education Workgroup**
- 4. Cecilia Gonzalez – Community Engagement Surrounding School Closures**
- 5. Cheryl Bost – Legislation and Use of School Report Card**

NEW BUSINESS

- Approval of the Consent Agenda
 - Approval of the February 28, 2023 Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, February 2023

ACTION: The State Board granted approval by unanimous consent.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

COMAR 13A.03.05 Home and Hospital Administration - Adoption

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

Ms. Gable stated that the purpose of this item is to request permission to adopt amendments to regulations under COMAR 13A.03.05 Home and Hospital Administration. Three comments were received in the public comment period, all in support of the regulations as proposed.

ACTION: Upon motion by Mr. Dashiell, seconded by Ms. Halle, the State Board granted permission to adopt COMAR 13A.03.05 Home and Hospital Administration (In Favor: 13, Opposed: 0, Abstained: 0)

Local Education Agency Calendar Modification Request – St. Mary’s County

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

Ms. Gable stated that St. Mary’s County Public Schools is requesting a one-day waiver of the 180-day requirement due to their school year calendar ending on a Monday, and that the request is consistent with COMAR.

ACTION: Upon motion by Ms. McCusker, seconded by Ms. Morrow, the State Board granted permission to waive the 180-day requirement for St. Mary’s County Public Schools (In Favor: 13, Opposed: 0, Abstained: 0)

ORAL ARGUMENT

The State Board heard the case of Melissa Fowler et al., v. Baltimore City Board of School Commissioners. Mr. Schoen conducted the oral argument process.

STAKEHOLDER ENGAGEMENT SESSION: MARYLAND LEADS SPOTLIGHT

(Presenters: Justin Dayhoff, Assistant State Superintendent, Fiscal Planning, Operations, and Strategy, Dr. Deann Collins, Deputy State Superintendent for Teacher and Learning, Kim Kalbaugh, Chief Academic Officer – Allegany County Public Schools,

Jackie Enright, Early Childhood/Elementary Supervisor – Allegany County Public Schools, Dr. Judith White, Chief Academic Officer – Prince George’s County Public Schools, Dr. Kristi Murphy Baldwin, Chief of Human Resources – Prince George’s County Public Schools)

Mr. Dayhoff began by providing a description the Maryland Leads Grant Program and highlighting the number of local education agencies participating in the program, particularly with regards to Grow Your Own Staff and focusing on training for educators to provide instruction in the Science of Reading. Mr. Dayhoff continued by providing specifics on how Prince George’s County Public Schools are using Maryland Leads funding in the categories of Grow Your Own Staff (\$1.5 million), Science of Reading (\$1.2 million), Staff Support and Retention (\$2.1 million), and Transforming Neighborhoods through Excellent Community Schools (\$2.7 million).

Ms. Kalbaugh, ACPS Chief Academic Officer, presented Allegany County Public Schools’ work on establishing a Grow Your Own program, and highlighted partnerships with Allegany College of Maryland, Frostburg State University, and the local teachers association in this process. Ms. Kalbaugh explained the focus areas for ACPS to build a pipeline of teachers in the school system. Ms. Enright described the Science of Reading program, and its focus on enhancing the quality of materials provided for core programs and intensive professional development. The presenters thanked Mr. Dayhoff and the Department for their support in implementing the Maryland Leads grant program.

Dr. Baldwin presented on PGCPs’ Grow Your Own program and explored the school system’s partnership with Notre Dame University of Maryland and the various internal Grow Your Own programs currently in place in the county. Dr. White presented on the system’s implementation of the Science of Reading, professional development and training necessary to support students in the classroom, and moving away from the concept of Balanced Literacy.

Board members commended both school systems on their work alongside the Department on implementing the Maryland Leads grant programs in their systems.

LEGISLATIVE UPDATE

(Presenters: Mohammed Choudhury, State Superintendent of Schools, Justin Dayhoff, Assistant State Superintendent, Fiscal Planning, Operations, and Strategy, Dr. Sylvia Lawson, Deputy State Superintendent for Organizational Effectiveness)

Mr. Crawford offered comments regarding the pending update of the State Board's governance manual and how the Board submitted testimony in opposition to House Bill 119 for its Senate hearing. Mr. Crawford also explained that the Board will seek to have a legislative agenda in future legislative sessions and will be more proactive. Mr. Choudhury presented on bills pending in the 2023 legislative session, including a variety of legislation that the Department provided testimony on. These included supportive positions on House Bill 448 and House Bill 515 (with amendments to move training to another entity, which were accepted), as well as initially supportive positions on House Bill 119 and House Bill 1219 but that the Department had not taken a position on at the time of the Board meeting following significant amendments.

Legislation pertaining to virtual schools, the Division of Rehabilitation Services, low-performing schools, and outdoor education were briefly discussed.

PRIORITIES

- **Financial Planning, Operations, and Strategy – FY2024 Proposed Education Funding Budget: The FY2024 Budget Bill**
(Presenters: Justin Dayhoff, Assistant State Superintendent, Financial Planning, Operations, and Strategy)

Mr. Choudhury described the basis for the presentation, which was to include an overview of education funding in the FY 2024 State budget, funding related to the Blueprint for Maryland's Future, and to provide an in-depth review of the Blueprint's concentration of poverty funding for community schools. Mr. Choudhury also described that concerns regarding the Department's calculations of state aid for education included in the FY 2024 budget were not founded.

Mr. Dayhoff presented an overview of FY 2024 State Aid for Education. He reviewed the Blueprint's funding formulas, steps taken to address the long-term solvency of Blueprint funding during this year's legislative session, and discussed FY 2024 funding for special fiscal programs.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

COMAR 13A.08.04 - Student Behavior Interventions – Permission to Publish
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy)

Ms. Gable introduced guests from the stakeholder focus group (Ms. Cara Phillips and Ms. Susan Barnes-McLendon) and provided an explanation to the Board on the passage of House Bill 1255 of 2022 that precipitated promulgation of the regulations before the Board. Ms. Gable identified a number of the statutory changes required by the new law that are encompassed in the regulations. She also described the development of the focus group that were necessary to gather feedback on the regulations and collect input on the procedures that will be in place to track and collect necessary data as required by statute.

Ms. Phillips and Ms. Barnes-McLendon provided context for their experiences and roles with the stakeholder focus group.

Several Board members asked clarifying questions. Ms. McCusker expressed concern at the lack of engagement of classroom teachers in the development of the regulations.

ACTION: Upon motion by Ms. Morrow, seconded by Gen. Sumpter, the State Board granted permission to publish COMAR 13A.08.04 - Student Behavior Interventions (In Favor: 12, Opposed: 0, Abstained: 0)

PRIORITIES (CONTINUED)

● Office of Teaching and Learning: Blueprint Implementation Plan Update (Presenter: Mohammed Choudhury, State Superintendent of Schools,)

Mr. Choudhury presented an overview of the Department's role in providing technical assistance to local school systems as they developed their initial Blueprint Implementation Plans. He indicated that all local plans were submitted by the March 15th deadline, and that this year the review is focused on ensuring that local plans meet the elements that are required within each plan, with performance outlined as a focus in future reviews. He outlined the timeline for the Department's review of the plans, simultaneous with the reviews being conducted by the Accountability and Implementation Board (AIB) through May 2023. He shared that the Department and the AIB will score the local plans, with the Department's recommendations for final plan approval and the AIB's final decisions to occur in June 2023.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Bates seconded by Dr. Wilcox and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, March 28, 2023 in

Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Ms. Chang and Dr. Mele-McCarthy. Also in attendance were Superintendent Choudhury, Executive Director Zachary Hands, Assistant Attorneys General Elliott Schoen and Jackie LaFiandra. The Executive Session commenced at 3:35p.m.

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

- *K. C. and D.K. v. Baltimore County Board of Education* – enrollment in virtual learning - Opin. No. 23-06. The Board affirmed the local board’s decision.
- *A. G. and S.E. v. Howard County Board of Education* – student transfer – Opin. No. 23-07. The Board affirmed the local board’s decision.
- *Melissa Fowler, et al. v. Baltimore City Board of School Commissioners* – school closure – Opin. No. 23-08. The Board adopted the ALJ’s proposed decision and affirmed the local board’s decision.
- *Autoflex Fleet, Inc. v. Montgomery County Board of Education* – Order No. OR23-07. President Crawford dismissed the appeal because of lack of standing to appeal.
- *Kari and Karli Fisher v. Prince George’s County Board of Education* – Order No. OR23-08. President Crawford dismissed the appeal because there were no local board decisions and the issue was moot.

The Executive Session ended at 4:50pm.

STATE BOARD MEMBER COMMITTEE REPORTS AND UPDATES

Dr. Wilcox explained to the Board that she recently facilitated a higher education roundtable with the Department, and provided an update to the Board that Maryland was selected to participate in a mental health convening with the American Academy of Pediatrics and the National Association of School Boards of Education (NASBE) in Chicago in May. She will provide an update to the Board on how the convening went at the Board’s May meeting.

Ms. Morrow provided information to the Board on the attendance of several Board members at the NASBE legislative conference in Washington D.C. in mid-March. She directed Board members to a memo she drafted summarizing the event.

LEGAL OPINIONS AND ORDERS

Mr. Schoen announced the following opinions and orders:

- *K. C. and D.K. v. Baltimore County Board of Education* – enrollment in virtual learning – Opin. No. 23-06
- *A. G. and S.E. v. Howard County Board of Education* – student transfer – Opin. No. 23-07
- *Melissa Fowler, et al. v. Baltimore City Board of School Commissioners* – school closure – Opin. No. 23-08
- *Autoflex Fleet, Inc. v. Montgomery County Board of Education* – lack of standing to appeal – Order No. OR23-07
- *Kari and Karli Fisher v. Prince George’s County Board of Education* – moot – Order No. OR23-08

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

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: April 25, 2023

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://www.marylandpublicschools.org/stateboard/Pages/Meetings-2023.aspx>

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

<https://www.marylandpublicschools.org/stateboard/Pages/default.aspx>

The next Maryland State Board of Education meeting will be held on **Tuesday, April 25, 2023.**

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.