

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

Tuesday, December 8, 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, December 8, 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. Scott Smith – High School Graduation Task Force
- Dr. Kelly Griffith – MSDE Dashboard
- Tammy Fraley (President, Maryland Association of Boards of Education) – Introduction and discussion of MABE’s policy priorities
- Heather Beck – Educational Interpreters
- Cynthia Gonzales – Educational Licensure
- Cheryl Bost (Maryland State Education Association) – School Reopening
- Doug Prouty – Graduation Requirements
- Christopher Lloyd (Chair, Professional Standards for Teacher Education Board) – Licensure Programs for Professionally Licensed Staff
- Erin Hager – Additional ½ credit of health education for high school students
- Dayana Bergman – Concerns regarding grading and reporting policy and recovering from ransomware attacks

- **Approval of Consent Agenda**
  - Approval of October Meeting Minutes
  - Personnel Actions
  - Budget Adjustments, October 2020

*ACTION: The State Board approved the consent agenda by unanimous consent.*

## **REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION**

- **Code of Maryland Regulations (COMAR)**  
*(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)*

Request for permission to publish the following regulations. The proposed amendments reflect the federally submitted student count date for students with disabilities, which has been changed to October 1 annually.

- **COMAR 13A.02.06.06A State Financial Assistance under the Special Education Grant**
- **COMAR 13A.02.06.07A State Financial Assistance under the Disabled Student Transportation Grant**
- **COMAR 13A.06.07.15B Reporting Requirements**
- **COMAR 13A.06.07.18B Transportation Grant for Increased Ridership of Students with Disabilities**

*ACTION: Upon motion by Mr. Dashiell, and seconded by General Sumpter, the State Board granted permission to publish the regulations. (In Favor: 13; Opposed: 0; Abstained: 0. Dr. Greene was not present for the vote.)*

## **STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES**

- Ms. Halle provided an update on the work of the Digital/Virtual Learning Committee.
- President Crawford provided an update on the State Superintendent search procurement process.
- Mr. Wu shared information regarding the Maryland Association of Student Council recent fall leadership conference, which focused on mental health and developing young leaders. He also shared feedback from students regarding virtual learning.
- Ms. McCusker expressed concerns about the timeliness of receiving board meeting materials, agenda changes, and information provided to the State Board.

## **STATE BOARD SCHOOL YEAR 2020-2021 PRIORITIES**

- **COVID-19 Updates from the Maryland Department of Health**  
*(Presenter: Dr. Jinlene Chan, Deputy Secretary, Maryland Department of Health)*

Dr. Chan presented information and updates on the work of the Maryland Department of Health in response to the COVID-19 pandemic and collaborative efforts with the MSDE and local school systems.

State Board members discussed the need for further clarification of the guidance provided to assist schools/districts in how they should proceed and to assist families in decision making.

***ACTION:** None. For information and discussion.*

➤ **Review of Current Research on Spread of COVID-19 in Schools**

*(Presenter: Dr. Karen B. Salmon, State Superintendent; Fred Mason, III, Chief, School Facilities Branch; Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use )*

Dr. Salmon provided opening remarks and introduced Mr. Mason who updated the State Board on strategies for improving air quality in school facilities and the upcoming iteration of the “COVID-19 Guidance for Schools,” issued jointly by the Maryland Department of Health (MDH) and the Maryland State Department of Education (MSDE).

Dr. Salmon and Dr. Shaw reviewed research and data on the spread of COVID-19 in schools and also shared information about what is happening nationally related to schools reopening.

State Board members discussed considerations needed to ensure school systems have what they need to upgrade ventilation systems; providing information to the public regarding buildings that are in compliance; and the possibility of including a ventilation metric on the dashboard. State Board members also expressed concerns regarding learning loss and long-term impacts as a result of the pandemic and school closures and discussed allocation and use of tutoring funds, supports for non-English learners, and strategies for accelerating learning loss.

***ACTION:** None. For information and discussion only.*

**ORAL ARGUMENTS**

Mr. Schoen explained the procedures for presenting oral arguments and opened the floor for presentations and discussion of the following cases:

- 1) *Van Herksen v. Montgomery County Board of Education*
- 2) *Northwood Appold v. Baltimore City Board of School Commissioners*

**EXECUTIVE SESSION**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Dr. Mele-McCarthy seconded by Dr. Greene, and with unanimous approval, the

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Minutes for December 8, 2020

Maryland State Board of Education met in closed session via WebEx on December 8, 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, Jackie LaFiandra, and Amanda White. The Executive Session commenced at 2:10 p.m.

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

- *K.E. v. E.E. v. Montgomery County Board of Education* –student member – Op. No. 20-43. The Board remanded the case to the local board to consider new evidence.
- *In the Matter of COMAR13A.01.05.08B* – petition for declaratory ruling – Op. No. 20-44

**The Board determined that the cost of hearing transcripts of proceedings are apportioned equally among the parties.**

- *Melissa van Herksen, et al v. Montgomery County Board of Education*– redistricting – Op. No. 20-45  
The Board adopted the administrative law judge’s proposed decision upholding the local board’s decision.
- *In the Matter of Request for Removal of Local Board Member Penny Nicholson* – request for removal of local board member – Order No. OR20-21  
The Board denied the removal request.
- *Liberty Elevator Experts, LLC v. Prince George’s County Board of Education*– bid protest – Order No. OR20-22  
The Board dismissed the protest.

The Board deliberated one case. It will be published at a later date.

- *Northwood Appold Community Academy, Inc. v. Baltimore City Board of School Commissioners* – non-renewal of charter school

The State Superintendent shared confidential FY 22 budget development information with the Board which is privileged and subject to the Governor’s executive privilege.

The Executive Session ended at 4:10 p.m.

**LEGAL OPINIONS AND ORDERS:**

Mr. Schoen read the following Opinions:

- *K.E. v. E.E. v. Montgomery County Board of Education* –student member – Op. No. 20-43.

- *Melissa van Herksen, et al v. Montgomery County Board of Education*– redistricting – Op. No. 20-45
- *In the Matter of Request for Removal of Local Board Member Penny Nicholson* – request for removal of local board member – Order No. OR20-21
- *Liberty Elevator Experts, LLC v. Prince George’s County Board of Education*– bid protest – Order No. OR20-22
- *In the Matter of COMAR13A.01.05.08B* – petition for declaratory ruling – Op. No. 20-44

## **ADJOURNMENT**

With no further business before the Board, the meeting was adjourned at 4:19 p.m.

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

Date: January 26, 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, February 23, 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: December 8, 2020

Time: 1:00 PM

Location: Virtual

Motion to close meeting made by: Dr. Mele-McCarthy

Seconded by: Dr. Greene

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	2 Appeals 2 Draft Orders 2 Oral Arguments
3-§305(b)(13)		State Aid Funding for FY22, protected information under the Governor's Executive Privilege.

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