



Mohammed Choudhury
State Superintendent of Schools

March 8, 2023

Via Electronic Mail

RE: Project Baltimore Request (March 3, 2023)

Fox 45 Baltimore:

The Maryland State Department of Education (MSDE) is happy to – again – provide responses to the questions we received. For reference, MSDE has attached its previous answers to many of these same questions and includes much of that language here, once again.

Indeed, MSDE is always happy to encourage healthy public discourse related to education policy in Maryland. Healthy discourse occurs with a factually-based, clear understanding of how laws, regulations, and policies work in the first place – an understanding that is not present in many of the questions as framed. Given that the questions, as framed, are often inaccurate and misleading, MSDE will again respond to the questions as asked and will also correct the inaccuracies built into the questions.

Topic One

The MSDE received correspondence from Fox 45 Baltimore on December 9, 2022 asking about ‘ghost’ students and MSDE’s efforts related to a Spring 2022 Office of the Inspector General for Education (OIGE) report. The correspondence contained leading questions, mischaracterizations, and inaccuracies, but MSDE responded nonetheless – correcting factual inaccuracies and responding to the questions asked.

For example: the email asserts that MSDE misallocated State aid funds to local education agencies. MSDE did not. The difference between actual enrollment on September 30, the day used for State aid formula calculation, and enrollment in the next school year, when LEAs actually receive that funding, is a design of the law itself, not a misallocation of funds. The variance is likewise not reflective of a ‘ghost student,’ as that term has been used in Fox 45 Baltimore’s reporting. The use of the term ‘ghost student’ implies local education agency intent. Notwithstanding the report on August Fells Savage, MSDE has no reason to believe any local education agency in Maryland intentionally and systematically inflates attendance for the purposes of collecting State aid. Regardless, because the fixed date of the student count does not reflect the changing enrollment, there will always be a variance between the enrollment used for funding in a given fiscal year and the actual enrollment of students enrolled in that next fiscal year. This practice mirrors the way State aid works in all States across the country where the year prior drives the next fiscal year’s aid calculation; and the use of a point in time or points in time are meant to be the strongest proxy (not an actual count) for the next school year.

The email question for topic 1 then connects unrelated questions to this OIGE report. For example: “How much money in total has MSDE collected from Baltimore City Schools for inaccurate enrollment counts” implies that there is an amount to be collected and that enrollment counts were inaccurate.

MSDE has not collected any funds from LEAs as a result of the OIGE's report. MSDE does not agree that there were 2,973 instances of students who were not eligible for State aid, and that \$23.4 million was delivered to the local education agency when it should not have been. By law, MSDE must use the September 30 enrollment count from each school district to determine the total full-time-equivalent state aid enrollment for the next fiscal year. For example, September 30, 2021, enrollment is the enrollment data used for funding the 2022 - 2023 school year. The OIGE's report is based on a review of the LEAs subsequent student data reporting to MSDE that occurs in March and June, which is not used for State aid funding calculations, by law.

Additionally, MSDE conducts biennial audits of each local education agency's enrollment to protect against intended or unintended errors in LEA data for State aid funding. If any errors or discrepancies are found, the Department issues an invoice to the local education agency. The Department is not under statutory obligation to conduct this process but does so anyway. As a result of the biennial audits, MSDE has recovered funds totaling \$83,387 from nine LEAs (Calvert, Caroline, Carroll, Charles, Harford, Howard, Montgomery, St. Mary's, and Wicomico) for calendar year 2020 and funds totaling \$218,121 from nine LEAs (Anne Arundel, Baltimore City, Baltimore County, Cecil, Frederick, Queen Anne's, Somerset, Talbot, and Worcester) for calendar year 2021.

If the Maryland General Assembly changes how State aid funding works, MSDE will follow the law then, as it does now, accordingly. MSDE does not have sole discretion or authority to ignore the law or Statutory intent of the law at the request of Fox 45 Baltimore or the Office of the Inspector General for Education.

Topic Two

Maryland released the spring 2022 Maryland Comprehensive Assessment Program (MCAP) results earlier this year. As noted by Fox 45 Baltimore, the assessment data are an alarm bell - there are schools in Baltimore City (and elsewhere in the State) with zero students scoring proficient in math. To be clear: in no case are the results acceptable in schools where less than 5% of students are proficient in math. Even *that* threshold is too low. These performance outcomes are unacceptable and, unfortunately, underperformance on Maryland assessments has been happening for years – though the pandemic exacerbated that underperformance. Even more concerning, underperformance can often persist in the same schools.

The request to MSDE poses the question: “What is the State Superintendent and MSDE doing to help the families at these schools?” Here again, MSDE must clarify the question asked. The Maryland State Department of Education does not directly operate schools in Baltimore City (or anywhere in the State, for that matter). That said, MSDE takes its role seriously in driving and shaping local education agency policy, steering LEA decisions toward evidence-based, best-in-class work that drives student outcomes. That work is more urgent now, than ever.

Statewide, results from the MCAP indicate that there are a number of schools in which students are not proficient or have very low proficiency rates. Across the state in English Language Arts, nearly 35 schools across 7 LEAs have 5% or less of students proficient. The performance of students in mathematics reflects national trends with mathematics performing worse than ELA. Nearly 300 schools across 20 LEAs have 5% or less of students proficient on the recently reported MCAP regular assessment. As troubling as these results are, there is an even more problematic challenge – variation in performance by race, class, gender, ability, and home language: the achievement gap.

Notably – context matters. These data constitute one piece of a broader set of data we use to enable local education agencies to better monitor and support students and their specific needs – a student not proficient in mathematics on MCAP is not a failure. First, students are assessed across different content areas and narrowly focusing on one measure grossly fails to properly characterize student ability and overall proficiency; and, second, the unintended consequence of cut scores is that there will always be students just below a cutoff who risk being mischaracterized as failing. Even in low performing schools, students are learning and progressing. A student identified as a Developing learner (performance level 2) on the MCAP assessment is not a failure. A student just below proficiency (on the cusp of proficiency) has learned and demonstrated knowledge on the content standards. For example, students scoring below proficiency in grade 7 mathematics are able to answer questions for problems involving ratios, proportional relationships, the number system, equations, expressions, geometry, statistics, and probability, and may need some support in conceptualizing and applying mathematics to model, reason through, and solve problems efficiently, and in relating mathematics to the real world.

Within the Performance Level 2 on the spring 2022 MCAP, many students were very close to proficient and can be considered on the cusp of proficiency. Students who scored within ten points of the proficient score of 750 (just below the minimum scale score of 750), only needed to answer approximately one to three more questions correctly to reach proficiency – depending on the difficulty level of the assessment item. For example, statewide data indicates that while 24.6% of fifth grade students were proficient in math, 49.4% of fifth graders scored at performance level 2, Developing learners. Students who scored up to ten points below proficiency answered between 67 and 80% of questions correctly of the approximate number of correct answers required for proficiency. This approximately compares to a student earning a D or low C on a traditional grading scale; students are learning the content and have partially demonstrated their knowledge of the material. Our schools must be committed to ensuring these schools are continuously improving learning, but to blanketly deem these students, including those on the cusp of proficiency, as failing is false and serves neither the interests of the school nor the students and their families.

Even considering the whole picture of student data and progress, Maryland as a State acknowledged the importance of direct attention to persistent low performance and overall underperformance Statewide. Maryland responded to this persistent underperformance with the passage of the Blueprint for Maryland's Future, which began its decade-long phase-in after July, 2021. The Blueprint prioritizes College and Career Readiness (CCR), teacher quality and diversity, early education, and the provision of the resources necessary to receive an adequate education.

On this topic, you asked: “If 43 city schools have two or fewer total students test proficient in math, can you say what you’re doing is working?” The question suggests that the Blueprint law and its related resources, programs, and policy changes could somehow have an effect now – or otherwise not be working – presupposes 1) it is possible to know right now if the Blueprint for Maryland’s Future is working; and 2) even if it were, that the Blueprint was actually implemented in the first place. Neither are true. The Blueprint priorities are designed to drive student outcomes for all Maryland students. With respect to what the State is doing to improve student outcomes, the Blueprint work is in its infancy. For example: Local education agency plans to implement this work (LEA Blueprint Implementation Plans) are not due until March 15, 2023 and will have approval decisions rendered by the Accountability and Implementation Board in June 2023; the Blueprint-required study to determine the metrics and criteria for the State’s new College and Career Readiness Standard will not conclude until next fiscal year; and the second tier of Blueprint pre-kindergarten funding does not begin until fiscal year 2025.

Once implemented, the Blueprint for Maryland’s Future reflects the broad, comprehensive policy changes necessary to build a world-class education system for all Maryland students and to drive progress on student outcomes. Maryland does not get a pass on students struggling now while we implement the Blueprint for Maryland’s Future and work toward the expected outcomes. For that reason, local education agencies are leveraging COVID recovery resources on LEA interventions that can help now and can ensure students get immediate access to support and to evidence-based instruction that works

What MSDE is doing in regard to underperforming and persistently low-performing schools is a valid question and one MSDE is proactively working to solve now and in the future. As State Superintendent, I would welcome the opportunity to more directly implement turnaround school options – done right and done equitably – including a pathway for families to go to a different school if a school continues to underperform. For that reason, I helped to develop and actively support current Senate Bill 814 – Promise Schools.¹ The Promise Schools program will ensure Maryland can close opportunity and achievement gaps for all Maryland’s children using effective, research-based strategies for school improvement. Currently, Maryland does not have a process for formally (and urgently) turning around and transforming persistently low-performing schools and supporting the educators and support staff in those schools. Senate Bill 814 would require and allow MSDE to establish a nationally benchmarked, evidence-based process to formally designate and subsequently transform persistently low-performing schools to accelerate student outcomes and support educator success in partnership with the LEA. Additional provisions in Senate Bill 814 allow families with children enrolled in schools that continue to underperform after three years to choose and attend a non low-performing school anywhere in their current local education agency or in the State with transportation provided. The extensive body of turnaround research suggests that three years of rigorous implementation are required to demonstrate successful turnaround. The bill also strengthens the community school implementation plan requirements so that MSDE can ensure Blueprint community schools are most likely to be successful.

¹ See, for example, MSDE’s testimony on Senate Bill 814 – Promise Schools (written testimony is attached for reference):

https://mgaleg.maryland.gov/mgawebsite/Committees/Media/false?cmte=eee&ys=2023RS&clip=EHE_2_24_2023_meeting_1&url=https%3A%2F%2Fmgahouse.maryland.gov%2Fmga%2Fplay%2Fce0775fe562540a08efa92898415da601d%3Fcatalog%2F03e481c7-8a42-4438-a7da-93ff74bdaa4c%26play

In addition to Senate Bill 814, MSDE proposed model legislation heeding the call of the Blueprint to better identify and resource concentrated poverty. The model legislation included a proposed teacher designation system that creates a way to identify, recruit, and retain high-quality teachers using district-defined and collectively bargained performance metrics and incents those high-quality teachers to then teach in Maryland's schools with the most concentrated poverty in rural and urban areas.²

MSDE will do everything it can with our local education agencies to ensure student success. Equally important – we must support a broader understanding of and reckoning with the various dimensions of what different students need for success and how we use data to inform the implementation of evidence-based interventions to realize student success at scale, particularly for students living in segregated neighborhoods and concentrated poverty.

Topic Three

The third topic of questions - related to the Office of Legislative Audits - as with the first two, requires additional context and clarification. First, while the email request notes: “the report contained nine findings which concluded that MSDE is failing to properly do its job”. That statement is wholly inaccurate and not supported by the Office of Legislative Audits report.

Similarly, the question: “why is MSDE not ensuring that school systems are spending tax dollars in accordance with state law” implies MSDE is not ensuring school systems are spending tax dollars in accordance with State law (it is); and that local education agencies are systematically spending funds inappropriately or outside the law (they are not). Those assertions are false and a read of the actual audit report and recommendations plainly shows that the report actually requests MSDE to, for example:

“obtain adequate documentation from the LEAs to verify, at least on a test basis, the propriety of Blueprint related expenditures for fiscal years 2020 and 2021 and pursue recovery of any amounts that were not supported and consistent with the application”

Furthermore, MSDE appreciates the State's establishment of a new State agency, the Accountability and Implementation Board, that adds another layer of accountability for Blueprint fund use. That said, MSDE is committed to going beyond what is required in service of its important role in administering Blueprint programs. MSDE takes seriously its roles and responsibilities as fiduciary steward of State resources, particularly those associated with the Blueprint for Maryland's Future. Notably, the OLA report did not find that MSDE has a monitoring issue with Blueprint programs in the fiscal years from the report (2020 and 2021). MSDE presented examples of how the Department operated its monitoring of restricted programs, which included Department budget review and approval, and approval of expenses prior to providing reimbursement for Blueprint program expenses. The OLA simply asked MSDE to procure additional audit services and to sample the reported expenses from the LEAs on a test basis to ensure that reported expenses from LEAs for grant programs have sufficient supporting documentation. MSDE is in the process of releasing a Task Order Request for Proposal (TORFRP) for this purpose.

² Report on Neighborhood Indicators of Poverty: https://blueprint.marylandpublicschools.org/wp-content/uploads/sites/20/2023/01/2023-Indicators-of-Poverty_Formula-Addendum.pdf

MSDE works with and supports its LEAs regarding Blueprint resource deployment, use, and monitoring through near constant engagement. Successful, rigorous, and correct Blueprint resource allocation and expenditure at the LEA- and school-level is a monumental policy shift, but one MSDE is working diligently to support as LEAs enact the programmatic work of the Blueprint; and one to which our LEAs are equally committed.

MSDE is already moving forward in implementing strong monitoring protocol for Blueprint programs which, under the law, go to LEAs as an automatic bi-monthly payment and are not operated as restricted programs that require grant program budget and pre-approval. In alignment with Blueprint requirements in 5-234 and 5-406 of the Education Article, MSDE collected detailed expense reporting from each LEA associated with Blueprint spending in FY 2023 for all of the thirteen major categories of funding programs in the law. MSDE is doing so prior to the timeline for detailed Blueprint budgeting and spending requirements that take effect in FY 2025. MSDE is also implementing a new Statewide Finance and Data System (as laid out in the Blueprint for Maryland's Future) that will for the first time allow the Department to see transaction level detail of budgeted/allocated and expended Blueprint resources at the school-level for each Maryland LEA. MSDE will gain greater transparency into more detailed budget data, spending data, and student information data related to that required by the Blueprint for Maryland's Future.

With regard to questions about plans moving forward, the OLA report and MSDE's response are public documents and are included in the report to which this very question makes reference. Given that the source of the question contains the answer, MSDE points Fox 45 Baltimore back to its source, which lists out MSDE's corresponding resolution for any outstanding items.

MSDE Responsiveness

During public comment at the February 28, 2023 Maryland State Board meeting, Fox 45 Baltimore indicated MSDE had not responded to multiple requests for responses to many of these questions. The full set of email correspondence are attached as PDF to this open letter, for reference, and described below. Once again, MSDE wants to correct inaccuracies, this time made in representation to the State Board of Education.

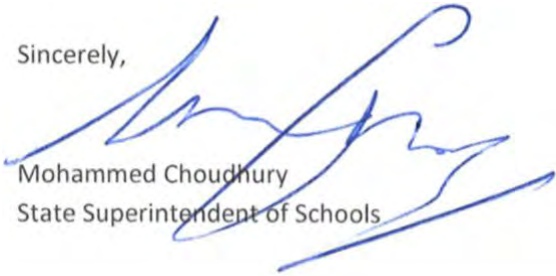
MSDE and the State Board of Education deeply value public comment and the public forum that opportunity creates. For that reason, MSDE takes equally seriously blatant inaccuracies communicated to the State Board of Education. The list below details and refutes the claim made the MSDE has never responded to Fox 45 Baltimore's requests. Instead, the Department spends taxpayer money (staff time) at the request of Fox 45 Baltimore to put together thorough, quality responses to ensure the public is equipped with comprehensive, accurate information.

- On November 15, 2022, MSDE received correspondence from Fox 45 Baltimore concerning high school graduation requirements for the 2021-2022 school year. A response was provided on November 21, 2022, through media.msde@maryland.gov in a detailed email with several attachments (See “11.21.2022_Grad Requirements Email”). The documents include a comprehensive list of waivers for 2019-2020 and 2020-2021 school years, minutes from the January 2021 Board meeting which discuss waivers for 2020, 2021, and 2022 grade requirements, minutes from the July 2022 Board meeting, and the request for a Waiver of Regulation .06(2) under COMAR 13A.03.02 (See “Fox 45 Requested Information_ 11.21.2023”).
 - Fox 45 Baltimore confirmed the receipt of the email on November 21, 2022 (See attachment “Fox 45 Exchange 1”). Fox 45 Baltimore confirmed in a second email on November 22, 2022, that the information received was “very helpful.” (See attachment “Fox 45 Exchange 2”).
- MSDE received correspondence from Fox 45 Baltimore on November 28, 2022 regarding a question about a separate spring 2022 report from OIGE (different from the one referenced in topic 1, above) which specifically addressed August Fells Savage, a school in Baltimore City. Fox 45 Baltimore referenced the funding of students who should not have been funded in the amount of about \$10 million over the last five years according to the OIGE. Fox 45 Baltimore also referenced a statement issued by MSDE shortly after the report came out, that MSDE is looking into whether Baltimore City Public Schools (BCPS) would have to refund that money. The specific question was: “...has City Schools refunded the state any money for students who should not have been funded in the last 18 months?”
 - MSDE responded to the inquiry on December 2, 2022, via the media.msde@maryland.gov account. The email addressed a statement on Augusta Fells Savage and how it is separate from the OIGE audit of BCPS enrollment. BCPS refunded the state \$331,217 as a result of MSDE’s investigation into their enrollment errors identified at Augusta Fells Savage. Additionally, MSDE is in the process of reviewing the student records of ineligible students identified in the OIGE report. The review must be concluded before determining whether funds will be recovered (See 12.02.2022_OIGE Augusta Fells Email Response).
 - Fox 45 Baltimore confirmed on December 2, 2022, the receipt of this information. (See attachment “Fox 45 Exchange 3”).
- On December 5, 2022, MSDE received a follow up correspondence from Fox 45 Baltimore to the questions answered on December 2, 2022. In the follow up, Fox 45 Baltimore requested additional details related to the \$331,217 refund, reasons for enrollment inaccuracies, and additional details about the review of the OIGE’s audit.
 - On December 9, 2022, MSDE sent an email through media.msde@maryland.gov, with answers to the additional follow up questions (See “12.09.2022_OIGE Follow Up Response”). On that same day, Fox 45 Baltimore responded for additional details related to the OIGE report. Answers to the additional questions were provided in the email sent by media.msde@maryland.gov in the word document attachment previously provided on December 9, 2022 (See “Response to Fox 45_12.09.2022”). Fox 45 Baltimore did not ask any additional questions that MSDE could respond to after that exchange.

The inquiries from the Fox 45 Baltimore with specific questions did not go unanswered by MSDE. In addition, Fox 45 Baltimore confirmed receipt of information provided by MSDE after each correspondence.

In conclusion, MSDE values the press, values transparency, and values facts and accuracy. However, when questions and subsequent reporting rely on knowingly false information, MSDE must do its due diligence to ensure the public and press have accurate data. MSDE must temper its reading of requests from Fox 45 Baltimore given the nature and history of requests, like those identified above. MSDE sincerely hopes that Fox 45 Baltimore can likewise see the value of factually based, context-dependent, and honest reporting so that MSDE can continue to engage with Fox 45 Baltimore as it does with all media. MSDE does not shy away from critical and important questions – public trust and understanding are essential – but MSDE will continue to engage in discourse that is ultimately based in and reflective of State and federal laws (and facts).

Sincerely,



Mohammed Choudhury
State Superintendent of Schools

Attachments

Email correspondence



BILL:	Senate Bill (SB) 814	DATE: February 24, 2023
SUBJECT:	Promise Schools - Establishment	COMMITTEE: Education, Energy, and the Environment
POSITION:	Support	
CONTACT:	Justin Dayhoff 410-767-0090 Justin.dayhoff@maryland.gov	

The Maryland State Department of Education (MSDE) supports **Senate Bill 814**, which establishes a new, Statewide program, the Promise Schools program, to address persistently low-performing schools head on. Currently, Maryland does not have a consequential process for formally turning around and transforming persistently low-performing schools and supporting the educators and support staff in those schools. Senate Bill 814 requires MSDE to establish a nationally benchmarked, evidence-based process to formally designate and subsequently transform persistently low-performing schools to accelerate student outcomes and support educator success.

Though the Promise Schools model would be new to Maryland – the approach itself is not new and evidence supports adoption. For example, the Education Policy Innovation Collaborative at Michigan State University just this fall found that students participating in Michigan’s version of a school improvement model during the pandemic:

“...made similar and, in some cases, greater gains on their benchmark assessments than did students in demographically and academically similar districts across the state. This suggests that while the COVID-19 pandemic generated immense challenges for student learning, the many services and supports Partnership schools and districts offered may have mitigated some of the negative effect.”¹

The evidence in Michigan follows data from other states, like Massachusetts. The Massachusetts Department of Elementary and Secondary Education in collaboration with the American Institutes for Research found in 2013 and again in 2016 that students in School Redesign Grant (SRG) schools (the Massachusetts iteration of this model):

“...performed better on the English language arts and mathematics sections of standardized state assessments than students in non-SRG schools.”²³

Data from Massachusetts are particularly instructive given the influence of many Massachusetts policy ideas codified in the Blueprint for Maryland’s Future. This bill creatively leverages existing formula mechanisms in the Blueprint to fund Promise School program efforts via the Concentration of Poverty grant phase-in provision of the bill. Moreover, the bill’s stable annual appropriation ensures that, once a school begins performing well, the State

¹ https://epicedpolicy.org/wp-content/uploads/2022/09/Yr4_PartnershipRpt_Full.pdf

² <https://www.doe.mass.edu/turnaround/howitworks/research-brief.pdf>

³ <https://www.air.org/sites/default/files/downloads/report/School-Redesign-Grants-Massachusetts-Implementation-Study-September-2016.pdf>

does not pull the rug out from under the school by sunseting the investments that are making the school successful.

Clear guardrails in the bill ensure that the law must be applied rigorously and require the Department to build, implement, and enforce a consistent process for administering the program – a task the Department takes seriously and one which MSDE stands ready to lead. This bill is anchored in and lays out all the necessary elements for a successful, research-based school transformation plan and framework to ensure Maryland is equipped to empower schools that need the most attention. See, for example, the Accelerating Campus Excellence framework, which:

*“...ensures that not only are a district’s more effective teachers working with the students with larger needs, but that the school is seen as a safe, warm, welcoming place, where children’s social-emotional needs are met”.*⁴⁵

In addition, the bill’s alignment with the Blueprint for Maryland’s Future and the strengthening of community school implementation plans are critical components of the bill and will stand only to bolster program success.

Equally important in this bill is the consequence of not seeing results. This bill, if enacted, will not force a school’s students to remain in a school that continues to underperform. Instead, in a school that does not meet improvement goals after three years, families are able to select a non-low-performing public school of their choice in their current local education agency (LEA) or another LEA in the State and be able to enroll (including transportation) in that school.

This program will ensure Maryland can close opportunity and achievement gaps for all Maryland’s children using effective, research-based strategies for school improvement. MSDE is eager for the opportunity to implement the provisions of this bill, if enacted, in partnership with local education agencies while not compromising on the expectation of student and educator success for those in persistently underperforming schools. The Maryland State Department of Education respectfully requests that you consider this information as you deliberate **Senate Bill 814** and MSDE urges a favorable report. Please contact Justin Dayhoff, at 410-767-0439, or justin.dayhoff@maryland.gov, for any additional information.

⁴ <https://commitpartnership.org/blog/equity-works-ace-results>

⁵ <https://www.dallasisd.org/cms/lib/TX01001475/Centricity/domain/98/evaluation/21-22/acadpe/EA22-601-2%20FULL%20Accelerating%20Campus%20Excellence%20ACE%20Program.pdf>

Hope you are well. I have a quick question for you. Concerning high school graduation, I know MSDE amended COMAR waiving the requirement for students to pass assessments in MCAP subjects during the 2020-2021 school year. Were the requirements also waived for the 2021-2022 school year? Will those requirements return?

[Quoted text hidden]

MSDE Media -MSDE- <msde.media@maryland.gov>
To: Christopher Papst <CJPapst@sbgvtv.com>

Mon, Nov 21, 2022 at 11:11 AM

Good morning Mr. Papst,

Thank you for your correspondence and your inquiry regarding the assessment waivers. You are correct that the Maryland State Board of education amended COMAR by waiving the graduation assessment requirement for students to pass MCAP assessments during the 2020-2021 school year due to the COVID pandemic.

The Maryland Comprehensive Assessment Program (MCAP) summative assessments are given to students annually at the end of grade 3 through grade 8, and at the end of the following high school courses: Algebra I, Algebra II, Geometry, English 10, Government, and Life Science Maryland Integrated Science Assessment. These are administered in compliance with federal and state accountability laws.

On January 26, 2021, the Maryland State Board of Education approved the recommendation by the High School Graduation Task Force to no longer require the high school assessments as an exit graduation assessment requirement with the requirement to earn a passing score. The Maryland State Board of Education approved transitioning to an End of Course (EOC) assessment where the assessments are to be included as 20 percent of the student's final grade for the respective course in algebra, English, science, and government. During the transitional school years of 2020-2021 and 2021-2022, students were required to participate, not pass, the assessments for these courses. The participation requirement fulfilled Maryland's accountability requirements and provided information on student progress towards mastery of standards to inform instruction and inform recovery plans from the COVID-19 pandemic's impact on instruction.

On June 28, 2022, the Maryland State Board of Education approved Superintendent Choudhury's recommendation for an additional waiver of COMAR 13A.03.02.06H(2) Graduation Requirements for Public High Schools in Maryland related to the Maryland Comprehensive Assessment for algebra, English, science, and government to account for 20 percent of the student's final grade in the respective high school level algebra, English, science, and government course. For the 2022-2023 school year, students are required to participate in the Maryland Comprehensive Assessments. Like school years 2020-2021 and 2021-2022, students do not need to pass the assessments and they will not count as a portion of the students' final grade.


Beginning with the 2023-2024 school year, assessments are to be included as 20 percent of the student's final grade for the respective course in algebra, English, science, and government.

Please see attached document for additional information.



Mohammed Choudhury
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Mohammed Choudhury, State Superintendent of Schools 

DATE: June 28, 2022

SUBJECT: Request for Waiver of Regulation .06H(2) under COMAR 13A.03.02 Graduation Requirements for High Schools in Maryland

PURPOSE:

The purpose of this item is to approve the State Superintendent’s recommendation for a waiver of requirements to COMAR 13A.03.02.06H(2) *Graduation Requirements for Public High Schools in Maryland* related to the requirement for the Maryland Comprehensive Assessment for algebra, English, science, and government to account for 20 percent of the student’s final grade in the respective high school level algebra, English, science, and government course.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Maryland High School Graduation Task Force was convened in January 2018 at the request of the State Board and the State Superintendent of Schools. The Task Force recommended to the State Board and the State Superintendent revised graduation requirements including that students must pass assessments in algebra, English, science, and government. The score received on the assessment would move from a stand-alone assessment requirement to an end-of-course assessment requirement, which would count for 20 percent of the student’s final grade in the respective course. This requirement would begin in the 2022-2023 school year.

The State Board approved MSDE’s request for permission to publish amendments to COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland at the February 2021 State Board meeting. The State Board adopted the amendments on May 25, 2021, and the final regulation was published in the Maryland Register on June 14, 2021, 48: 12 Md. R. 474.

EXECUTIVE SUMMARY:

COMAR 13A.03.02.06H(2) is scheduled to go into effect in the 2022-23 school year, however LEAs have indicated that additional time is needed to successfully implement the necessary systemic changes to transition the Maryland Comprehensive Assessment program to account for 20 percent of the student’s final grade in the respective high school level algebra, English, science, and government course.

In light of the request of local superintendents for additional time to implement this systemic change, and due to the challenges of emerging from the COVID-19 pandemic, the State Superintendent of Schools recommends the State Board grant the waiver of COMAR 13A.03.02.06H(2), collectively for all LEAs for good cause.

The State Board is authorized to grant the waiver pursuant to its authority under Education Article § 2-205 and COMAR 13A.01.01.02-1 *Waiver from Regulations*. During the period of waiver, COMAR 13A.03.02.06H(1) will be implemented as scheduled. The Maryland Comprehensive Assessments will be required but will not count as a portion of the end of course grade. All other graduation requirements of COMAR 13A.03.02 will continue to remain in effect and in force.

ACTION:

Approve the State Superintendent’s recommendation for a waiver of COMAR 13A.03.02.06H(2) *Maryland High School Assessments* –for all students in the 2022-2023 school year taking the Algebra I course, English 10 course, science course, and government course from having the aligned Maryland Comprehensive Assessment account for 20 percent of the student’s final grade in the respective high school level algebra, English, science and government course.

ATTACHMENTS: COMAR Title 13A.03.02.06 *Graduation Requirements for Public High Schools in Maryland*.

Title 13A STATE BOARD OF EDUCATION
Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 7-203, 7-205, 7-205.1, and 8-404, Annotated Code of Maryland

.06 Maryland Comprehensive Assessments:

A. A student shall take the requisite Maryland Comprehensive Assessment during its next regular administration if the student received credit for taking, by the methods identified in Regulations .03 and .04 of this chapter, any of the following courses aligned with the Maryland Comprehensive Assessment:

- (1) Algebra;
- (2) Science;
- (3) English; or
- (4) Government.

B. To be awarded the Maryland High School Diploma, all students, including elementary and middle school students who take high school level courses, shall take the Maryland Comprehensive Assessment for algebra, science, English, and government after the student completes the required course or courses.

C. Each local school system shall provide appropriate assistance to strengthen areas of weaknesses for students who have not achieved satisfactory scores on the Maryland Comprehensive Assessments.

D. Bridge Plan for Academic Validation.

(1) Eligibility Criteria. A student is eligible to satisfy the graduation assessment requirement through the Bridge Plan for Academic Validation if the student has:

- (a) Failed one or more Maryland Comprehensive Assessments;
- (b) Received credit in the course or courses related to the assessment or assessments;
- (c) Demonstrated overall satisfactory attendance in the most recent school year completed; and
- (d) Demonstrated satisfactory progress toward achieving the high school diploma requirements specified in COMAR 13A.03.02.09B(1) and (2); and
- (e) Participated successfully in appropriate assistance as defined in §C of this regulation after having failed one or more of the Maryland Comprehensive Assessments.

(2) A student may begin a Bridge Project after one failure of a Maryland Comprehensive Assessment.

(3) A student may use the score on the Bridge Project to meet the graduation requirement only after the student has taken the Maryland Comprehensive Assessment twice and failed twice.

(4) The Bridge Plan for Academic Validation shall consist of:

(a) Specific modules developed by the Department in each of the Maryland Comprehensive Assessments content areas;

(b) The assignment by the local school system of one or more modules for completion by each student meeting the eligibility criteria;

(c) Scoring by the local review panels of the completed modules according to State-developed, Statewide scoring protocols;

(d) A recommendation from the local review panels to the local superintendent as to the outcome of the scoring of each student's module or modules;

(e) Acceptance or rejection by the local superintendent of the local review panel's recommendations; and

(f) An opportunity for the student to appeal the local superintendent's decision to the State Superintendent of Schools.

E. Reporting Student Performance.

(1) A school system shall state on the student's performance record card only that the student has or has not met all assessment requirements and shall not describe the option used to meet the requirement.

(2) For the purpose of this section, except for students identified in §F of this regulation, "met all assessment requirements" means achieving a passing score on all Maryland Comprehensive Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge Project in those assessment areas that the student did not pass.

F. For the 2020—2021 and 2021—2022 school years, a student will have met the assessment requirement for Algebra I, English 10, science, and government if:

(1) The student has passed the Algebra I course, English 10 course, science course, and government course; and

(2) The student takes the Algebra I, English 10, science, and government Maryland Comprehensive Assessment aligned with the course.

G. Students graduating in school year 2020—2021 are exempt from taking the MCAP American Government Assessment.

H. Beginning with the 2022—2023 school year, at the latest:

(1) A student shall take the requisite Maryland Comprehensive Assessment during its regular administration if the student is taking, by the methods identified in Regulations .03 and .04 of this chapter, any of the following courses aligned with the Maryland Comprehensive Assessment:

(a) Algebra;

(b) English;

(c) Science; or

(d) Government; and

(2) The Maryland Comprehensive Assessment for algebra, English, science, and government shall account for 20 percent of the student's final grade in the respective high school level algebra, English, science, and government course.

I. Reporting Student Performance.

(1) A school system shall state on the student's performance record card only that the student has or has not taken the respective assessment in algebra, English, science, and government.

(2) Except for students identified in §F of this regulation, "met all assessment requirements" means having taken the assessments in algebra, English, science, and government as a part of the respective course.

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, June 28, 2022
Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, June 28, 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. Clarence Crawford (President); Mr. Charles R. Dashiell, Jr., Esq. (Vice President); Ms. Gail Bates; Mr. Kevin Bokoum; Ms. Chuen-Chin Chang (Virtual); Dr. Susan Getty (Virtual); Dr. Vermelle D. Greene (Virtual); Ms. Jean Halle; Dr. Joan Mele-McCarthy; Ms. Lori Morrow; Ms. Rachel McCusker; Brigadier General (BG) Warner Sumpter and State Superintendent Mohammed Choudhury. Mr. Shawn Bartley, Esq. and Dr. Holly Wilcox were absent.

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

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

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

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

PUBLIC COMMENT

- Elim Ephrame – Mental Health Laws
- Dr. Jeffrey Lawson (Superintendent – Cecil County) – Implementing LEADS in Cecil County Public Schools
- Sharon Saroff – Special Education
- MiaVashe James – Conditional Teaching Certificate
- Cheryl Bost – Maryland State Education Association – End of Year

NEW BUSINESS

- **Approval of Consent Agenda**
 - Approval of May 24, 2022, May 25, 2022, June 10, 2022, and June 17, 2022 Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, May 2022

ACTION: The State Board granted approval by unanimous consent.

MARYLAND CHAMBER OF COMMERCE (MDCC) NATIONAL CIVICS BEE

Mr. Crawford introduced Ms. Mary Kane, President & CEO of the Maryland Chamber of Commerce National Civic Bee. Ms. Kane thanked Mr. Crawford and the State Board for inviting them to the meeting.

Ms. Kane introduced Ms. Whitney Harmel, Vice President of MDCC. Ms. Harmel explained how she was approached by the U.S. Chamber of Commerce Foundation with the idea of conducting a Civics Bee. The competition provides students with an opportunity for students to talk about challenges in their community and write a 500-word essay about the selected issue. Ms. Harmel stated that the organization was only one of six chambers across the country and only one of two state chambers that participated in the competition. She stated that 101 middle school students submitted essays about issues in their communities. Ms. Harmel stated that ten students were selected from the 101 submissions from various areas of the state. Ms. Harmel informed the Board members that three of the students including the winner was present at the Board meeting and asked students to introduce themselves and talk about their essay.

Rayn Mohammed – School: Northwest Academy – Topic: Russia’s Invasion of Ukraine

Celeste Duncan – School: Key School (Annapolis) – Topic: Death of Properties

Michael Atika – School: Franklin Middle School – Topic: Sewage Overflowing in the Streets of Baltimore (Winner of the Civics Bee)

STATE BOARD PRIORITIES

Stakeholder Engagement Session

- **Maryland Association of Secondary School Principals (MASSP)**
 - Marc Cohen, Principal, Seneca Valley High School, Montgomery County Public Schools
 - Deborah Dennie, Principal, Leonardtown Middle School, St. Mary’s County Public Schools
 - Adrienne Kaufman, Executive Director

MASSP is a proud affiliate of the National Association of Secondary School Principals (NASSP), and serve the professional development and advocacy needs of members. MASSP and NASSP partner at the state and national levels to ensure that members are provided with resources and tools to meet the ever-changing demands of the principalship. Members stated that education reform is constant and membership in professional associations is one way for school administrators to keep pace with the shifting landscape.

MASSP advocates for Maryland's administrators in Annapolis through letter writing, testimony, and meetings so that emerging bills include the voice of principals, assistant principals, and other school-based leaders. The Executive Director and MASSP officers meet with state and national legislators before, during, and after their respective legislative sessions.

MASSP also keeps members connected with initiatives from the Maryland State Department of Education (MSDE) and collaborates closely with MSDE personnel to ensure that administrators are both included in and informed about state education policy. MASSP members continue to serve on committees at both the state and national levels.

Throughout the year, MASSP provides several high-quality professional development opportunities for members and non-members. At the heart of effective professional development for administrators is the opportunity to network with colleagues. The group stated that the voices of experts is important.

- **Maryland Association of Elementary School Principals (MAESP)**
 - Ryan Daniel, Principal, Fort Foote Elementary School, Prince George’s County Public Schools
 - Tracy Hillard, Principal, Urbana Elementary School, Frederick County Public Schools
 - Theresa Ball, Executive Director, MASEP

The Maryland Association of Elementary School Principals is a professional association that has been in existence since 1946. Over the last 74 years, MAESP has grown to include almost 600 members in all 24 local school systems in the state. The members include principals, assistant principals, aspiring leaders, and central office personnel who support school leaders.

Welcome to our website is the official website for the organization. Through the website, individuals can explore and learn more about the association and services, support, and advocacy for Maryland's principals through professional development, membership benefits, collaboration with other associations and state agencies, and networking opportunities for members.

- **Financing the Future: Covid Relief Funds, Maryland Leads, and Blueprint State Aid**
(Presenter: Justin Dayhoff, Assistant Superintendent for the Division of Financial Planning, Operations, and Strategy)

Mr. Dayhoff stated that the purpose of the agenda item is to provide updates on federal Covid relief revenue and related spending in Maryland Local Education Agencies (LEAs), including the Maryland Leads initiative, updates on FY23 Blueprint State Aid, and updates on Department transparency efforts related to Elementary and Secondary School Emergency Relief (ESSER) and Blueprint/State Aid fiscal data. The presentation presented:

- Overview of COVID Recovery Funding in P-12
- Trends in COVID Relief Spending
- ESSER Transparency
- Special Programs Spending: EANS and Early Childhood
- State Set Aside Funds
- Fiscal 2023 Blueprint State Aid
- ESSA Per Pupil Expenditures
- Q&A

Mr. Dayhoff informed the Board members that in February the Maryland State Department of Education announced an exciting new grant opportunity using more than \$160 million in COVID Relief State Set Aside funds to support LEAs in utilizing federal funds to overcome the learning loss resulting from the COVID-19 pandemic, accelerate student learning to narrow opportunity and achievement gaps, and provide more targeted support for historically undeserved students and their communities. He informed the Board members that the program generated national attention. Mr. Dayhoff stated that COVID funding and the Blueprint funds was used for the program. Understanding how the funds are being spent, by which LEAs, and in what ways provides important insight into how Maryland schools will recover from the Pandemic and progress forward as progress continues.

ACTION: None. For information and discussion.

- **Strategic Planning Update**
(Presenter: Mike Herschenfeld, Senior Executive Director of Strategic Planning and Continuous Improvement)

Mr. Herschenfeld stated that the purpose of the item is to provide an update on the strategic planning process and associated engagement. The presentation will explore:

- Overview and Objective
- Evolution of Process and Phases
- Engagement by the Numbers

The Maryland State Board of Education and the Maryland State Department of Education are in the process of developing a multi-year strategic plan for the future of Maryland’s education system. The work will be the basis for creating transformational change in Maryland’s education system. He noted that it is critical that we hear from many people as possible throughout the process.

Mr. Herschenfeld informed the Board members that the guiding objective is to build and create space for stakeholder input as we work to develop a strategic plan. The strategic plan will guide the department’s organizational direction in the implementation of the Blueprint for Maryland’s Future.

ACTION: None. For information and discussion.

- **School Logistics and Transmission Rates Related to COVID-19 Update**

(Presenter: Mr. Mohammed Choudhury, State Superintendent of Schools, Ms. Mary Gable, Assistant Superintendent of Student Support)

Mr. Choudhury stated that the purpose of the presentation was to provide an update on school logistics and transmission rates related to the COVID-19 pandemic. Mr. Choudhury informed the Board members that the MSDE is continuing to track how the jurisdictions are doing across the state, as well as the state overall rates. He stated that there was a rise in cases related to the new variant, but not to the point where there is an extreme rise in hospitalizations or deaths. He stated that there is a better recovery out of the variant, but still there was a rise and that is very important because people do get sick.

Mr. Choudhury informed the Board members that on June 9, 2022, the Governor announced the launch of COVIDReady Maryland. The State along with Maryland Department of Health leadership will tackle COVID longterm and deal with future variants. The plan includes five pillars.

- Expanded “Test to Treat” Provider Infrastructure
- Maximizing Utilization of Therapeutics
- Booster Shots for Eligible Populations
- Enhanced Awareness and Outreach
- State of Readiness for Variants and Waves

Mr. Choudhury stated that another important fact is that now there is a vaccine for young students and children. He stated that it is still very early, but MSDE will begin to track the vaccine rate of the younger students and children to see what it looks like overall.

ACTION: None. For information and discussion.

Reports to the State Board for Discussion/Action

- **Code of Maryland Regulations (COMAR)**
 - Request for Waiver of Regulation .06H(2) under COMAR 13A.03.02 Graduation Requirements

for High Schools in Maryland
(Presenter: Presenter: Mr. Mohammed Choudhury, State Superintendent of Schools)

Mr. Choudhury stated that the purpose of the item is to approve the State Superintendent's recommendation for a waiver of requirements to COMAR 13A.03.02.06H(2) Graduation Requirements for Public Schools in Maryland related to the requirement for the Maryland Comprehensive Assessment for algebra, English, science, and government to account for 20 percent of the student's final grade in the respective high school level algebra, English, science, and government course.

Mr. Choudhury informed the Board members that COMAR 13A.03.02.06H(2) is scheduled to go into effect in the 2022-2023 school year however, LEAs have indicated that they need additional time to successfully implement the necessary systemic changes to transition the Maryland Comprehensive Assessment program to account for 20 percent of the student's final grade in the respective high school level algebra, English, science, and government course.

Mr. Choudhury stated that upon examination and conversations with school systems throughout the year and along with public comment that was received on the regulation, he has decided to push the implementation of the regulation to the Fall of 2023 instead of the Fall of 2022, to allow parents and students more time to understand the implication of it.

Mr. Choudhury stated that he was requesting the waiver from the regulation requiring school systems to implement the 20% requirements for the End of Course requirement this school year.

Mr. Schoen stated that the State Board is authorized to grant the waiver pursuant to its authority under Education Article § 2-205 and COMAR 13A.01.01.02-1 Waiver from Regulations. During the waiver period, COMAR 13A.03.02.06H(2) will be implemented as scheduled.

ACTION: Upon motion by Mr. Dashiell, and seconded by Ms. McClusker, the State Board granted permission to adopt the request for waiver of COMAR 13A.03.02.06H(2). (In Favor: 12; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

Mr. Crawford recognized Mr. Bokoum as this would be his last meeting with the Board. He stated to Mr. Bokoum that the Board members have really appreciated his engagement, ideas, and suggestions. Mr. Bokoum really contributed over throughout the year and Mr. Choudhury wanted to thank him.

Mr. Crawford informed the Board members that there would be a roundtable on June 29 with the local Board leaders and that there is only one more roundtable scheduled in July. He stated that the Public School Superintendents' Association of Maryland (PSSAM) ask that MSDE host a roundtable for them.

Ms. Morrow did an update on the National Association of State Boards of Education (NASBE). She stated that for the Public Educator Positions, they are focusing on the section Educator Effectiveness. This year they have added another section, School District/Leadership which will be on the next NASBE document. Ms. Morrow informed the Board members that the Early Literacy workgroup has been started. The first meeting was held in June and the next meeting will be held in September. Ms. Morrow stated, that by the end of the summer that she will compile some information on the Science of Reading to share at the

September meeting and for the NASBE national conference.

Executive Session

Pursuant to § 3-305(b)(1) & (7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Gen. Sumpter seconded by Ms. Bates and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, June 28, 2022, in Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Dr. Greene, Dr. Wilcox, and Mr. Bokoum. Dr. Getty participated by video conference. Also in attendance were Superintendent Choudhury, Assistant Attorneys General, Elliott Schoen, and Jackie La Fiandra. The Executive Session commenced at 4:39 p.m.

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

- *P.C. v. Montgomery County Board of Education* – student transfer – Opin. No. 22-13. The Board affirmed the local board decision.
- *Exquisite Limousine Services, LLC v. Prince George’s County Board of Education* – contract dispute – Opin. No. 22-14. The Board dismissed the appeal.
- *Jason Guarino v. Harford County Board of Education* – teacher discipline – Opin. No. 22-15. The Board affirmed the local board decision.

Counsel gave an update on pending litigation.

The State Board discussed the Executive Director candidates.

President Crawford and Vice President Chip Dashiell discussed Board officer candidates for the July election.

The Board discussed internal governance matters and requested legal advice from counsel.

The Executive Session ended at 6:45 p.m.

LEGAL OPINIONS AND ORDERS

Mr. Schoen announced the following Opinions:

- *P.C. v. Montgomery County Board of Education* – student transfer – Opin. No. 22-13
- *Exquisite Limousine Services, LLC v. Prince George’s County Board of Education* – contract dispute – Opin. No. 22-14
- *Jason Guarino v. Harford County Board of Education* – teacher discipline – Opin. No. 22-15

With no further business before the Board, the meeting adjourned at 6:55 p.m.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: June 28, 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, July 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: June 28, 2022
 Time: 4:35 pm
 Location: 200 W. Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Gen. Sumpter
 Seconded by: Gail Bates
 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.

Citation (insert # from above)	Topic	Reason for closed-session discussion to topic
§3-305(b)(1)	Personnel Matters	MSDE Personnel/Management Update; Superintendent Evaluation Process; and update on State Board Executive Director Search
§3-305(b)(7)	Legal Advice	3 Appeals and update on pending litigation
	Administrative	Preview of July Board officer Elections

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

Graduation Waivers that have been approved by the State Board and/or the State Superintendent during the 2019-2020 and 2020-2021 School Years

2019-2020 School Year

State Board Meeting – April 14, 2020 for the 2019-2020 School Year only

- **COMAR 13A.03.02.06 Maryland High School Assessments** –Waiver for **seniors** from participating in and passing assessments in Algebra I, English 10, and American Government, and for participating in the Maryland Integrated Science Assessment (MISA). This request includes a waiver for **seniors** from completing the Bridge Plan for Algebra I, English 10, and/or American Government.
- **COMAR 13A.03.02.05 Student Service - Graduation Requirement**– Waiver of the Student Service requirement for seniors who have not met the requirements.
Note: All other middle and high school students who are enrolled in a course which has Service Learning embedded in the course would receive credit for the Service Learning for that course; all students who earned hours of Service Learning prior to March 13, 2020, would be awarded credit for Service Learning for the 2019-2020 school year.
- **COMAR 13A.04.19.02 Program for Cosmetology** – Waiver for seniors for 500 hours of theory and 1000 hours for demonstration and practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete the Requirements to practice cosmetology and for Cosmetology Operator licensure as required by the Board of Cosmetology, beyond the school year.
- **COMAR 13A.04.09.03 Curriculum for Nail Technician** – Waiver for **seniors** of the 250 clock hour of theory demonstration and practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete requirements for licensure beyond the school year.
- **COMAR 13A.04.20 Program for Barbers** - – Waiver for **seniors** for 1200 hours for practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete the practical application for a barber to practice barbering as required by the Board of Cosmetology, beyond the school year.



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- **Education Article Section 7-205.2** – Waiver of CPR and AED required instruction for students who were in a health or physical education class in the 2019-2020 school year but were unable to complete the instruction.
 - **COMAR 13A.04.02.03(G) Secondary School Career and Technology Education** – Waiver for **seniors** of the requirements for supervised work-based learning experiences and industry-mentored projects for seniors. Seniors would graduate as a CTE completer with at least four CTE credits and could complete work-based learning experiences beyond the school year.

State Board Meeting – May 27, 2020
for the 2019-2020 School Year only

- **COMAR 13A.03.02.06 Maryland High School Assessments** – Waiver for **all students who passed Algebra I, English 10, American Government, and the high school assessed science course in the 2019-2020 school year** from participating in and passing assessments in Algebra I, English 10, and/or American Government, and for participating in the Maryland Integrated Science Assessment (MISA). This request includes a waiver from completing the Bridge Plan for Algebra I, English 10, and/or American Government for any student who was to be reassessed or complete the Bridge Plan in the 2019-2020 school year.
- **COMAR 13A.08.01.02-3 Kindergarten Readiness Assessment** – Waiver of the October 1 (to be extended to November 15) timeline requirement to administer a full census assessment using the Kindergarten Readiness Assessment.

2020-2021 School Year

Memo to Local Superintendents
October 2, 2020
for Seniors in the 2020-2021 School Year only

- Given that the 2020-2021 school year is the first year of administration of the Maryland Comprehensive Assessment Program (MCAP), **students who are graduating in the 2020-2021 school year, taking the Algebra I and/or English 10 MCAP will meet the graduation assessment requirement for Algebra I and English 10.** Students must pass the Algebra I and English 10 courses. These students are also exempt from completing a Bridge Project for Algebra I and/or English 10.

[State Board Meeting – October 27, 2020
for Juniors in the 2020-2021 School Year only](#)

- The Maryland State Department of Education requested a waiver from **COMAR 13A.03.02.06 Maryland High School Assessments and 13A.03.02.09 Diplomas and Certificates for the 2020-2021 school year juniors who need to take the Algebra I and/or English 10 assessment in the 2020-2021 school year from passing the assessments.** The request includes a waiver for juniors in the 2020-2021 school year from completing the Bridge Plan for Algebra I and/or English 10. These students must still pass the Algebra I and English 10 courses and take the Algebra I and English 10 MCAP assessments as a requirement for graduation.

[State Board Meeting – December 7, 2020
for Seniors in the 2020-2021 School Year only](#)

- Waiver of graduation requirements for 2020-2021 **seniors** who need to take the high school assessment in **American Government in the 2020-2021 school year.** Earning one credit in the American Government course remains a graduation requirement for seniors.

[State Board Meeting – March 23, 2021
For Identified Students in the 2020-2021 School Year](#)

- **COMAR 13A.03.02.06 Maryland High School Assessments** - Waiver for seniors in the 2020-2021 school year from participating in assessments in Algebra I, English 10, and the Maryland Integrated Science Assessment. This request includes a waiver for seniors from completing the Bridge Plan for Algebra I and English 10. Seniors must still pass the respective course(s).
- **COMAR 13A.03.02.06 Maryland High School Assessments** - Waiver for all students in the 2020-2021 school year (including fall 2021 per waiver from USED) from passing Algebra I, English 10, and Maryland Integrated Science assessments. Taking the assessment will meet the graduation requirement. Students must pass the respective courses.
- **COMAR 13A.03.02.06 Maryland High School Assessments** - Waiver for all students from taking and passing the American Government assessment in the 2020-2021 school year. Students must pass the respective course.
- **COMAR 13A.03.02.05 Student Service Graduation Requirement**– Waiver of the Student Service requirement for seniors who have not met the requirements.



- **COMAR 13A.04.19.02 Program for Cosmetology** - Waiver for seniors for 500 hours of theory and 1000 hours for demonstration and practical application. Seniors would graduate as a Career and Technical Education (CTE) completer with at least four CTE credits and would need to complete the requirements to practice cosmetology and for Cosmetology Operator licensure as required by the Board of Cosmetology, beyond the school year.
- **COMAR 13A.04.09.03 Curriculum for Nail Technician** - Waiver for seniors of the 250 clock hour of theory demonstration and practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete requirements for licensure beyond the school year.
- **COMAR 13A.04.20 Program for Barbers** - Waiver for seniors for 1200 hours for practical application. Seniors would graduate as a CTE completer with at least four CTE credits and would need to complete the practical application for a barber to practice barbering as required by the Board of Cosmetology, beyond the school year.
- **COMAR 13A.04.02.03(G) Secondary School Career and Technology Education** - Waiver for seniors of the requirements for supervised workbased learning experiences and industry-mentored projects for seniors. Seniors would graduate as a CTE completer with at least four CTE credits and could complete work-based learning experiences beyond the school year.

**U. S. Department of Education (USED)
approved waivers during the
2019-2020 and 2020-2021 School Years**

2019-2020 School Year

- Maryland request for waiver of assessment, accountability, and certain reporting requirements due to widespread COVID-19 school closures (March 27, 2020)

<https://oese.ed.gov/files/2020/04/MD-Covid19-WaiverResponse.pdf>

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- Maryland request for certain fiscal and other waivers due to widespread COVID-19 school closures (April 21, 2020)

<https://oese.ed.gov/files/2020/04/MD-Fiscal-Waiver-Response.pdf>

- Maryland waiver for 2020-2021 to permit a 21st Century Community Learning Center (CCLC) subgrantee to operate during the school day when in-person instruction is not occurring (December 10, 2020)

<https://oese.ed.gov/files/2020/12/md-4201waiver-for-posting.pdf>

2020-2021 School Year

- Request for waiver of the one percent cap on participation in the alternate assessment for 2020-2021 (March 26, 2021)

<https://oese.ed.gov/files/2021/03/Md-one-percent-cap-decision-letter-and-waiver-3.26.2021-1.pdf>

- Request to provide additional flexibilities for sub grantees to address critical needs that have emerged to the Coronavirus disease 2019 for Title IV, Part A related to educational agencies needs assessments for the 2020-2021 school year, content-area spending requirements for the FY 2020 Title IV, Part A funds, and with respect to the fifteen percent spending limitation for technology infrastructure for FY 2020, Title IV, Part A funds (Submitted January 14, 2021; *Approval received May 4, 2021)
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- Request for waiver of accountability, school identification, and related reporting requirements for the 2020-2021 school year (Submitted May 3, 2021; *Approval received May 17, 2021)
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**Department of Student Support, Academic Enrichment, and Educational Policy
June 2021**

*Letters are not yet posted on the U.S. Department of Education website.

For questions: Contact Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy, by email at mary.gable@maryland.gov or by phone at 410-767-0472.

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, January 26 2021
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met via WebEx videoconference on Tuesday, January 26, 2021 at 9:00 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

- *Christopher Lloyd (Chair, PSTEB) – Proposed regulations for licensure and teacher preparation*
- *Ojeda Hall – Health Education*
- *Rachel Koziol – Reopening Schools*
- *Dr. Jack Smith (Superintendent, Montgomery County Public Schools) – High School Task Force Recommendations*
- *Dr. Patty Saelens (Superintendent, Caroline County Public Schools) – Assessments*
- *Michael Bunitsky – Testing and Assessments*
- *Colleen Bernard – Testing and Assessments*
- *Cheryl Bost (MSEA) – Reopening Schools*
- *Lisa Lake - Compliance with the recent call by Governor Hogan and Dr. Salmon to re-open schools by March 1st.*

➤ **Approval of Consent Agenda**

- Approval of December Meeting Minutes
- Personnel Actions
- Budget Adjustments, December 2020
- 2020-2021 Identification of “Comprehensive Needs” Schools for the Purpose of Awarding the Quality Teacher Stipends to Certain Teachers and Non-Administrative School-Based Employees

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

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

➤ **2021 Legislative Session Update**

(Presenter: Zachary Hands, Director, Office of Education Policy and Government Relations, Special Assistant to the State Superintendent)

Mr. Hands provided an overview of the 2021 Legislative Session process and status updates on relevant PreK-12 education related bills currently before the 2021 Maryland General Assembly.

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

➤ **End of Course Assessments for High School**

(Presenters: Dr. Carol Williamson, Deputy State Superintendent for Teaching and Learning; Dr. Jennifer Judkins, Assistant State Superintendent, Assessment, Accountability, and Information Technology)

Dr. Williamson and Dr. Judkins reviewed end of course assessments for high school under the Maryland Comprehensive Assessment Program (MCAP) and requested approval of the recommendation by the High School Graduation Task Force to delink the high school assessments as an exit graduation requirement and move to including the EOC Assessments to account for 20 percent of the student’s final grade for the respective course in algebra, English, science, and government. The specific courses are Algebra I, English 10, Life Science, and Government. The implementation of the EOC assessments will occur in the 2022- 2023 school years. During the transitional school years of 2020-2021 and 2021-2022, students will be required to take, yet not pass, the current assessments for these courses. This recommendation fulfills Maryland’s accountability requirements and provides information on student understanding that can be used to inform instruction. Removing the passing requirement also acknowledges the unconventional instructional time that has occurred due to the unforeseen COVID-19 pandemic.

***ACTION:** Upon motion by Ms. Bates, and seconded by Mr. Dashiell, the State Board granted permission to delink the high school assessments as an exit graduation requirement and move to including the EOC Assessments to account for 20 percent of the student’s final grade*

for the respective course in algebra, English, science, and government, with an amendment to modify the timeline and latest date of adoption (In Favor: 14; Opposed: 0; Abstained: 0.)

➤ **Montgomery County Public Schools Calendar Modification Request**

Request to waive four days of student attendance for the Montgomery County Public Schools for the 2020-2021 school year.

ACTION: Upon motion by Ms. Bates, and seconded by Dr. Getty, the State Board denied the requested waiver. (In Favor: 12; Opposed: 0; Abstained: 1. Dr. Greene was not present.)

➤ **Code of Maryland Regulations (COMAR)**

(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Sarah Spross, Assistant State Superintendent, Division of Educator Effectiveness; Teresa Dantzler, Ombudsman)

- **COMAR 13A.12.01-.07 Educator Licensure (Repeal and Replace – Permission to Publish)**

Request for permission to publish the repeal and replacement of the regulation. The proposed regulatory language is aligned to the MSDE’s comprehensive plan to increase the accountability of educator certification in Maryland and to the recommendations of the Commission on Innovation and Educational Excellence.

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

- **COMAR 13A.07.06 Programs for Professionally Licensed Personnel (Repeal and Replace – Permission to Publish)**

Request for permission to publish and repeal the existing regulation. The proposed regulatory language is aligned to the MSDE’s comprehensive plan to increase rigor and accountability of educator preparation programs in Maryland and to the recommendations of the Commission on Innovation and Educational Excellence.

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

- **COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland; COMAR 13A.04.01 Requirements for Computer Science, Engineering, or Technology Education Instructional Programs; 13A.04.09 Program in Science (Permission to Publish)**

Request for permission to publish amendments to the regulations. The amendments enhance the graduation requirements, adopt increased rigor, and move from stand-alone assessments to end-of- course assessments.

ACTION: Upon motion by Mr. Wu, 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.)

- **COMAR 13A.02.06.07A State Financial Assistance Under the Disabled Student Transportation Grant; 13A.06.07.15B Reporting Requirements; 14A.06.07.18B Transportation Grant for Increased Ridership of Students with Disabilities (Withdrawal of Permission to Publish)**

Request to withdraw permission to publish amended regulations related to special education counts for transportation. At the December 8, 2020, State Board Meeting, the State Board granted permission to publish amendments to COMAR 13A.02.06.06A State Financial Assistance under the Special Education Grant and the three regulations noted above. Upon further consideration and with additional information, the Maryland State Department of Education (MSDE) has determined that it is necessary to move forward only with COMAR 13A.02.06.06A State Financial Assistance under the Special Education Grant. This regulation relies upon the special education child count data required to be submitted by October 1 annually; therefore, this timeline must be updated.

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

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

Dr. Salmon provided an oral review (in the absence being able to share the actual video due to technical difficulties) of a recent video filmed by the MSDE demonstrating safety protocols put in place by schools within the state that have resumed in-person instruction.

ACTION: None. For information and discussion only.

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Ms. Halle provided an update on the work of the Digital/Virtual Learning Committee.
- Dr. Li, Ms. Morrow, and Mr. Bartley shared comments regarding school reopening.

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 Ms. Halle, and with unanimous approval of the quorum, the Maryland State Board of Education met in closed session via WebEx on Tuesday, January 26, 2021. All board members were present except Vermelle Greene and Jason Wu. 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 and Jackie LaFiandra.

The Executive Session commenced at 2:00 p.m.

At that time, the State Board reviewed and approved four Opinions and one Order.

- *Northwood Appold Community Academy, Inc. v. Baltimore City Board of School Commissioners* – non-renewal of charter – Op. No. 21-01
- *George K. v. Montgomery County Board of Education* – student transfer – Op. No. 21-02
- *C.M. and D.M. v. Montgomery County Board of Education* – student transfer – Op. No. 21-03
- *Claire Zarrilli v. Anne Arundel County Board of Education* – non-renewal of non-tenured teacher contract
- *India Ochs, et al. v. Anne Arundel County Board of Education* – school reopening plan – Order No. OR21-01

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

- *The DaVinci Collaborative, Inc. v. Baltimore City Board of School Commissioners* – denial of charter school application

Dale Cornelius, MSDE's Director of Information technology gave the State Board an update of MSDE IT security and future security initiatives and answered Board members questions.

The Executive Session ended at 3:45 p.m.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen read the following Opinions:

The following Opinions and Orders were rendered:

- *Northwood Appold Community Academy, Inc. v. Baltimore City Board of School Commissioners* – student transfer – Opin. 21-01
- *George K. v. Montgomery County Board of Education* – student transfer – Opin. 21-02

- *C.M. and D.M. v. Montgomery County Board of Education* – student transfer – Opin. 21-03
- *Claire Zarrilli v. Anne Arundel County Board of Education* – nonrenewal of teaching contract – Opin. 21-04
- *India Ochs, et al. v. Anne Arundel County Board of Education* – hybrid school reopening – Order No. OR21-01

ADJOURNMENT

With no further business before the Board, the meeting was adjourned at 3:50 p.m.

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

Date: February 23, 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/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: January 26, 2021

Time: 1:45 PM

Location: Virtual

Motion to close meeting made by: Gail Bates

Seconded by: Shawn Bartley, Esq.

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 and legal advice regarding appeals.	3 Appeals 1 Draft Orders 1 Draft Order
§3-305(b)(13)	MSDE's information technology (IT) security under Gen. Prov. Art. 4-338.	1 Continuation discussion of Draft Opinion

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

4 attachments

-  **January262021Minutes Waiver for 2020 2021 2022 from grade reqs.pdf**
129K
-  **Comprehensive List of Waivers, 2019-2020 and 2020-2021 School Years, Updated June 2021.docx.pdf**
644K
-  **June2822MeetingMinutes.pdf**
368K
-  **RequestForWaiverOfRegulation.06H(2)UnderCOMAR13A.03.02 (1).pdf**
933K

Christopher Papst <CJPapst@sbgvtv.com>
To: MSDE Media -MSDE- <msde.media@maryland.gov>

Mon, Nov 21, 2022 at 11:20 AM

Received. Thank you.

CHRIS PAPST

Investigative Reporter

Fox45/Project Baltimore

Cell: 717-782-1727

Twitter: @chrispapst

Christopher Papst <CJPapst@sbgvtv.com>
To: MSDE Media -MSDE- <msde.media@maryland.gov>

Tue, Nov 22, 2022 at 9:18 AM

This is very helpful. Thank you.

CHRIS PAPST

Investigative Reporter

Fox45/Project Baltimore

Cell: 717-782-1727

Twitter: @chrispapst



Media -MSDE- <media.msde@maryland.gov>

Response: Fox45 Question

6 messages

MSDE Media -MSDE- <msde.media@maryland.gov>

Fri, Dec 2, 2022 at 5:20 PM

To: Christopher Papst <CJPapst@sbgvtv.com>

[REDACTED]

Good afternoon Mr. Papst,

Thank you for contacting the Maryland State Department of Education (MSDE).

The question conflates two separate and distinct items. We will respond, in turn:

1. Your statement references Augusta Fells, which is separate from the OIGE audit of Baltimore City Public Schools enrollment:
 - a. Baltimore City Public Schools has refunded the state \$331,217 as a result of the MSDE's investigation into the enrollment errors identified by Baltimore City Public Schools at the Augusta Fells Savage Institute of Visual Arts.
2. Has City Schools refunded the State any money for students who should not have been funded, in the last 18 months?
 - a. MSDE is reviewing the student records of ineligible students identified in the Office of the Inspector General of Education (OIGE) report. Once the review is concluded, MSDE will determine if funds should be recovered from Baltimore City Public Schools and, if so, MSDE will proceed to do so. Thus, specific to the OIGE investigation and dollar figure quoted in the OIGE report, at this time MSDE has not sought recovery of State funds from Baltimore City Public Schools based on the findings in the OIGE report.

Christopher Papst <CJPapst@sbgvtv.com>

To: MSDE Media -MSDE- <msde.media@maryland.gov>

Fri, Dec 2, 2022 at 5:36 PM

Thank you. Have a nice weekend.

[Get Outlook for iOS](#)

MSDE Media -MSDE- <msde.media@maryland.gov>

Fri, Dec 9, 2022 at 3:07 PM

To: Christopher Papst <CJPapst@sbgvtv.com>

Bcc: Shalae Mathis -MSDE- <shalae.mathis@maryland.gov>

Good afternoon Mr. Papst,

Thank you for contacting the Maryland State Department of Education (MSDE). To answer your request below please see attached document with MSDE's response.

Additional Questions From Chris Papst

Concerning the reimbursement for the enrollment inaccuracies at Augusta Fells Savage, could you please clarify how many students and which school years are covered in the \$331,217?

MSDE is reviewing 596 Baltimore City students identified in OIGE's 22-0001-A report. The 596 students are across 86 schools from 2017-2021. MSDE anticipates the review will be complete by the end of January 2023.

Where does the refunded \$331,217 go?

When MSDE recovers funds from a local education agency (LEA), MSDE invoices an LEA and, when funds are received, deposits the funds. MSDE records the funds against the given award amount for the LEA and, when open balances are cancelled, the funds revert back to the State.

Does the reimbursement include state and city funding?

MSDE does not distribute local aid funding so MSDE only recaptures State aid.

Baltimore City funds about 20% of City Schools budget. Does City Schools have to refund the City for students who were incorrectly funded?

Local jurisdictions (in this case, Baltimore City) are in charge of any recapture with regard to local aid and the policies that govern whether or not funding is recaptured.

In reviewing enrollment at Augusta Fells, did MSDE determine a reason for the enrollment inaccuracies? For example, was this an accounting error or intentional misrepresentation of the number of student enrolled?

The two main reasons for the enrollment inaccuracies is that students were not withdrawn timely due to having 10 or more unexcused consecutive absences or a student did not have any attendance for the enrollment year.

Concerning the OIGE’s audit, how many schools and which years are you reviewing? When do you anticipate that review will be completed?

ALTIMORE CITY PUBLIC SCHOOLS AUGUSTA FELLS SAVAGE INSTITUTE OF VISUAL ARTS DISALLOWED STUDENTS			
School Year	Number of Students Disallowed	Per Pupil Amount	Funding Recovery by School Year
2015-2016	10	\$5,095.28	\$50,952.80
2016-2017	30	\$4,744.12	\$142,323.60
2017-2018	13	\$4,722.04	\$61,386.52
2018-2019	16	\$4,784.81	\$76,556.96
2019-2020	4	\$4,822.55	\$19,290.20
Total Funding Recovery	73		\$350,510.08

When do you anticipate that review will be complete?

MSDE anticipates the review will be complete by the end of January 2023.