

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, April 27, 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, April 27, 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 Mr. Schoen to conduct the roll call. Mr. Schoen declared the presence of a quorum.

President Crawford explained the virtual meeting procedures and provided opening remarks.

PUBLIC COMMENT

- **Mark Sherman** – Task Force on Achieving Equity and Excellence for Black Boys Final Report
- **William Draves** – Equity and Inclusion
- **Tom Mortenson** – Boys in Education
- **Dr. Kelly Griffith (President, PSSAM)** – Virtual Learning
- **Laurie A. Couture** – Educating Boys
- **Robert Samery** – Equity in Education for Children of Color
- **Cheryl Bost (MSEA)** – Funds, Summer School, Stakeholder Engagement, ion
- **Dr. Jennifer Ressman** – In-person Instruction
- **Cindy Sexton** – Baltimore County Evaluation System Waiver Request
- **Sharon R. Saroff** – Virtual Learning

➤ **Approval of Consent Agenda**

- Approval of March Meeting Minutes
- Personnel Actions

- Budget Adjustments, March 2021

ACTION: The State Board granted approval by unanimous consent.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **Task Force on Achieving Academic Equity and Excellence for Black Boys Final Report**
(Presenter: Dr. Vermelle Greene, Chair and State Board Member; Task Force Work Group Facilitators: Ms. Diane Roberts, Principal, Westlake High School; Dr. Ramon Goings, Assistant Professor, University of Maryland, Baltimore County; Dr. Daryl Howard, Equity Instructional Specialist, Montgomery County Public Schools.)

Dr. Greene provided an overview of the background and purpose of the Task Force and presented the 16 recommendations developed around three key areas: 1) Social, Emotional, and Behavioral Supports, 2) Recruiting and Training Skilled, Competent Teachers and Administrators, and 3) Curricula and Instruction. In addition, proposed strategies, potential roadblocks, and suggested solutions for successful implementation are also included for each recommendation.

Dr. Greene thanked Task Force members, work group facilitators and staff for their commitment and contributions to the work. Dr. Green introduced the work group facilitators, who presented recommendations for their respective work groups: Ms. Diane Roberts, Facilitator for Work Group 1: Social, Emotional and Behavioral Supports); Dr. Ramon Goings, Facilitator for Work Group 2: Recruiting and Training Skilled, Competent Teachers and Administrators; Dr. Daryl Howard, Facilitator for Work Group 3: Curricula and Instruction.)

State Board members commended Dr. Greene on her leadership and the work accomplished by the Task Force. State Board members inquired about the make-up of the Advisory Council and selection of members and examples of *Rites of Passage* programs.

ACTION: Upon motion by Mr. Dashiell, and seconded by Mr. Wu, the State Board adopted the recommendations. (In favor: 14; Opposed: 0; Abstained: 0).

- **Discussion of In-Person Instruction for 2021-2022 School Year**
(Presenter: Dr. Karen B. Salmon, State Superintendent)

Dr. Salmon provided an update on the status of in-person instruction throughout the state and discussed the academic, social, emotional, and mental health impacts on students. Dr. Salmon requested the State Board's support and approval of a resolution in support of in-person instruction beginning with the opening of schools for the 2021-2022 school year and requiring local boards of education to permit all students to attend school for at least 180 actual school days and a minimum of 1,080 school hours during a 10-month period for in-person, in-school instruction, with the teacher in the classroom. Any deviation from this will need State Board approval.

Overall, State Board members expressed support of the resolution. However, concerns were also expressed around transparency and the opportunity(ies) and timeliness of providing information to the public, as well as the need for having an increased focus on social and emotional support for students through in-person support systems. Ms. Morrow offered several amendments to the proposed resolution for the State Board's consideration. The final resolution, as approved, is available at:

<http://www.marylandpublicschools.org/stateboard/Documents/2021/0427/ResolutionInPersonInstructionSY21%2022.pdf>

- **Elementary and Secondary School Emergency Relief Fund (ESSER) State Set Aside**
(Presenter: Amalie Brandenburg, Deputy for Finance and Administration; Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)

Ms. Brandenburg reviewed the Coronavirus Aid, Relief, and Economic Security Act (CARES), the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), and the American Rescue Plan Act (ARP) as related to the MSDE and local school systems, with specificity for set asides.

Dr. Salmon and Ms. Gable also presented an overview of the departments mental health plan to address students' social-emotional needs, to include the establishment of 6 regional mental health centers to provide support and technical assistance to districts/schools.

State Board members discussed response teams and shared that they would also like to see more targeted upstream and preventive measures, emphasizing the importance of quality of implementation and training of teams as essential to success.

Dr. Salmon thanked State Board members for their feedback and invited additional ideas/input moving forward.

ACTION: None. For information and discussion.

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

- **COMAR 13A.06.02 Prekindergarten Programs and COMAR 13A.08.01 General Regulations (Permission to Publish)**

Ms. Gable reviewed the regulatory changes and updates. Board members discussed the definition of lawful absences, alignment of the regulation to the Blueprint (where/as appropriate), and equity language.

ACTION: Upon motion by Ms. Bates, and seconded by Ms. McCusker, the State Board approved the requested waivers. (In Favor: 12; Opposed: 0; Abstained: 0. Dr. Mele-McCarthy and Dr. Wilcox not present for vote.)

- **COMAR 13A.02.06.06 State Financial Assistance Transmittal (*Permission to Adopt*)**

Ms. Gable provided background on the proposed regulations and requested permission to adopt amendments, which change the date of the annual federally submitted student count for students with disabilities from the current last Friday in October to October 1st annually to more closely align with MSDEs annual September 30th enrollment collection.

ACTION: Upon motion by General Sumpter, and seconded by Ms. Bates, the State Board approved the requested waivers. (In Favor: 12; Opposed: 0; Abstained: 0. Dr. Wilcox and Mr. Wu not present for vote.)

- **2021 Legislative Session in Review and Overview of the Blueprint for Maryland's Future**

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

Mr. Hands reviewed the status of relevant legislation from the 2021 Legislative Session and provided a comprehensive overview of the *Blueprint for Maryland's Future*, focusing on policy and implementation.

State Board members inquired about the Career and Technology Education (CTE) Board to be appointed; staffing and reporting requirements of the Accountability and Implementation Board (AIB); and when a comprehensive plan and timeline for implementation of requirements outlined in the Blueprint will be presented to the State Board.

ACTION: For information and discussion.

- **Waiver and Flexibility Request for Accountability, School Identification, and Reporting Requirements for School Year 2020-2021**

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

Ms. Gable provided an overview and explanation of the process, changes made, and justification for the waiver request.

ACTION: Upon motion by Mr. Wu, and seconded by Ms. Bates, the State Board approved the requested waivers. (In Favor: 12; Opposed: 1 – Ms. McCusker; Abstained: 0. Dr. Wilcox was not present for the vote.)

➤ **Baltimore County Evaluation System Waiver Request**

(Presenter: Tiara Booker-Dwyer, Assistant State Superintendent, Division of Career and College Readiness)

Ms. Booker-Dwyer presented the request received from Baltimore County to waive teacher and principal evaluation requirements, as defined by COMAR 13A.07.09, for the 2020-2021 school year. The department recommended that the request be denied and that Baltimore County Public Schools collaborate with the Maryland State Department of Education for strategies to adhere to COMAR requirements.

***ACTION:** Upon motion by Ms. Bates, and seconded by Dr. Greene, the State Board denied the waiver request. (In Favor: 11; Opposed: 1 - Ms. McCusker; Abstained: 1 –Mr. Wu. Dr. Wilcox was not present for the vote.)*

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Ms. Halle provided an update on the work of the Digital/Virtual Learning Committee. A formal report and update on the work of the Advisory Committee will be presented to the State Board in May.
- Ms. Morrow provided an update on the National Association of State Boards (NASBE) of Education committees and federal funding waivers and guidance.
- Dr. Greene shared that she has been invited to submit an article to the NASBE journal, *Standard*, regarding the Task Force on Achieving Academic Equity and Excellence in Education.
- Mr. Wu provided updates on the recent annual convention held (virtually) by the Maryland Association of Student Councils (MASC). Topics included leadership and advocacy. Attendees also had an opportunity to meet with legislators.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of General Sumpter, seconded by Mr. Dashiell, and with unanimous approval the State Board adjourned to Executive Session. All board members were present for the vote to close the session. Vermelle Green was absent for part of the closed session. Holly C. Wilcox was absent for the closed session. 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 3:20 p.m.

At that time, the State Board reviewed and approved twenty-one Opinions and one order.

- *S.G. and A.G. v. Howard County Board of Education* – bullying by teacher – Opin. No. 21-12

- *Keith H. v. Montgomery County Board of Education (II)* – school incident – Opin. No. 21-13
- *Jeffrey Shulevitz v. Baltimore City Board of School Commissioners* – non-renewal of probationary teacher contract – Opin. No. 21-14
- *Avanish Dewani v. Howard County Board of Education* – redistricting – Opin. No. 21-15
- *David MacCormack and Jill Tayter v. Howard County Board of Education* – redistricting – Opin. No. 21-16
- *Laverne Largie Tucker v. Howard County Board of Education* – redistricting – Opin. No. 21-17
- *Qian Li Xue, et al v. Howard County Board of Education* – redistricting – Opin. No. 21-18
- *Tremayne Pritchett and Florence Montgomery Pritchett, Shalini Gupta and Rajiv Mahajan, Thong Nguyen, Susan Hull, Carol C. Cannon, Jessica and Patrick Heavin* – redistricting – Opin. No. 21-19
- *Marina and Stan Vornovitsky, Madhav and Monica Rao, and Russell Pentz* – redistricting – Opin. No. 21-20
- *Marta Alacron v. Howard County Board of Education* – redistricting/inaccurate data/non-English notice – Opin. No. 21-21
- *Sharad Bhargava, et al. v. Howard County Board of Education* – redistricting/inaccurate data/non-English notice – Opin. No. 21-22
- *Martin Vassilev Dimitrov v. Howard County Board of Education* – redistricting/inaccurate data/non-English notice – Opin. No. 21-23
- *Michelle Ferrante, et al. v. Howard County Board of Education* – redistricting/IEP and 504 plans – Opin. No. 21-24
- *Michele Hagen v. Howard County Board of Education* – redistricting/community participation/integrity of facts – Opin. No. 21-25
- *Mei Han, et al v. Howard County Board of Education* – redistricting/inaccurate data/community participation – Opin. No. 21-26
- *Timothy and Stephanie Mummert v. Howard County Board of Education* – redistricting/Open Meetings Act violation – Opin. No. 21-27
- *James and Archana Neidermyer v. Howard County Board of Education* – redistricting/Open Meeting Act violation – Opin. No. 21-28
- *Sara Lynn Scheanwald and Long Chen v. Howard County Board of Education* – redistricting/inaccurate data/Open Meetings Act violation/community participation – Opin. No. 21-29
- *Victoriya and Mikhail Shpigelman v. Howard County Board of Education* – redistricting/bus transportation – Opin. No. 21-30
- *Murugavelu Subramanian and Manjukiran Viswanath v. Howard County Board of Education* – redistricting/inaccurate data – Opin. No. 21-31
- *Sarah Walton v. Howard County Board of Education* – redistricting/day care arrangements – Opin. No. 21-32
- *South Arundel Citizens for Responsible Development, (“SACReD”), et al. v. Anne Arundel County Board of Education* – forest conservation easement – Order No. OR21-03

The Executive Session ended at 5:00 p.m.

LEGAL OPINIONS AND ORDERS:

Mr. Schoen announced the following Opinions and Orders:

- *S.G. and A.G. v. Howard County Board of Education* – bullying by teacher – Opin. No. 21-12
- *Keith H. v. Montgomery County Board of Education (II)* – school incident – Opin. No. 21-13
- *Jeffrey Shulevitz v. Baltimore City Board of School Commissioners* – non-renewal of probationary teacher contract – Opin. No. 21-14
- *Avanish Dewani v. Howard County Board of Education* – redistricting – Opin. No. 21-15
- *David MacCormack and Jill Tayter v. Howard County Board of Education* – redistricting – Opin. No. 21-16
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- *Marina and Stan Vornovitsky, Madhav and Monica Rao, and Russell Pentz* – redistricting – Opin. No. 21-20
- *Marta Alacron v. Howard County Board of Education* – redistricting/inaccurate data/non-English notice – Opin. No. 21-21
- *Sharad Bhargava, et al. v. Howard County Board of Education* – redistricting/inaccurate data/non-English notice – Opin. No. 21-22
- *Martin Vassilev Dimitrov v. Howard County Board of Education* – redistricting/inaccurate data/non-English notice – Opin. No. 21-23
- *Michelle Ferrante, et al. v. Howard County Board of Education* – redistricting/IEP and 504 plans – Opin. No. 21-24
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- *Timothy and Stephanie Mummert v. Howard County Board of Education* – redistricting/Open Meetings Act violation – Opin. No. 21-27
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- *Sarah Walton v. Howard County Board of Education* – redistricting/day care arrangements –

Opin. No. 21-32

- *South Arundel Citizens for Responsible Development, (“SACReD”), et al. v. Anne Arundel County Board of Education* – forest conservation easement – Order No. OR21-03

ADJOURNMENT

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

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

Date: May 25, 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/Meetings-2021.aspx>

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

<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2021.aspx>

The next Maryland State Board of Education meeting will be held on Tuesday, May 25, 2021. 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: April 27, 2021

Time: 3:20 pm

Location: Virtual

Motion to close meeting made by: Gen. Sumpter

Seconded by: Mr. Dashiell

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)(7)	Legal advice regarding Appeals, 1 draft order, and 1 oral argument	Consult with legal counsel and obtain legal advice
§ 3-305(b)(1)	State Superintendent Search and employment terms	

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