

## MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, February 23, 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, February 23, 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) – Update from the Professional Standards and Teacher Education Board (PSTEB)*
- *Tim Guy – Assessments*
- *Dr. Kelly Griffith (President, PSSAM) – Assessments*
- *Dr. Jack Smith (Superintendent, Montgomery County Public Schools) – High School Task Force Recommendations*
- *Cheryl Bost (MSEA) – School Reopening and Testing Waivers*
- *Leigh Mann – Testing Requirements*
- *Stacey Shack – Assessments*
- *Bill DeVary – Establishment of a National Child Abuse Registry*
- *Molly MacLaren – State Testing during 2020-2021 School Year*
- *Mohammed Fares – Virtual Education*

➤ **Approval of Consent Agenda**

- Approval of January Meeting Minutes
- Personnel Actions
- Budget Adjustments, January 2021

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

**PROCLAMATIONS/RECOGNITIONS**

Dr. Salmon presented proclamations from Governor Larry Hogan in recognition of Black History Month, Gifted and Talented Education, and Career and Technology Education.

**STATE SUPERINTENDENTS REMARKS/UPDATES**

Dr. Salmon provided updates on school reopening plans and information regarding local school systems resuming in-person learning in March. Dr. Salmon also shared information about school meal programs.

**STATE BOARD 2020-2021 PRIORITIES**

➤ **State Assessments for Spring 2021**

*(Presenter: Dr. Jennifer Judkins, Assistant State Superintendent, Division of Assessment, Accountability, and Information Technology)*

Dr. Judkins provide updated information on the administration of State assessments for Spring 2021 and discussed how the data is necessary to evaluate the effectiveness of instruction, monitor student progress, identify learning gaps, and make data-informed decisions. She also discussed temporarily delinking assessment and accountability and finding creative solutions to challenges related to administering assessments during the pandemic. Dr. Judkins presented the department’s request for approval of a revised schedule to include the administration *only* of the mathematics and English language arts assessments for grades 3-8 and high school.

State Board members discussed the use of individualized diagnostics, reducing testing time, providing accommodations for issues that may occur, and computer vs. paper tests. Dr. Li proposed an amendment to the department’s original request, to include language that the department will “*make a concerted effort to find options for reducing testing times.*”

*ACTION 1: Upon motion by Dr. Li, and seconded by Ms. Halle, the State Board granted permission to amend the language in the department’s request. (In Favor: 10; Opposed: 4 – Mr. Bartley, Ms. Bates, Mr. Dashiell, Dr. Greene; Abstained: 0.)*

***ACTION 2:** Upon motion by General Sumpter, and seconded by Mr. Dashiell, the State Board approved the requested revised schedule to include the administration only of the mathematics and English language arts assessments for grades 3-8 and high school, with the proposed amended language. (In Favor: 12; Opposed: 1 – Ms. McCusker; Abstained: 1 – Ms. Morrow.)*

- **2020 Data: Adjusted Cohort Graduation, Dropout Rate, and Postsecondary Enrollment**  
(Presenter: Chandra Haislet, Director of Accountability and Data Systems)

Ms. Haislet presented an update on the Maryland Report Card graduation, dropout, and postsecondary enrollment data and the website. State Board members commended the department on the website and accountability data provided.

***ACTION:** For information and discussion.*

## **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:** 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.04.13 Program in Physical Education (Permission to Publish)**

Request for permission to publish amendments to COMAR 13A.04.13 *Program in Physical Education*. The amendments emphasize the mandate to include all students in a standards-based physical education program and include a section that explains the responsibility of local school systems to ensure that students with disabilities have an equal opportunity to participate in physical education as mandated in State statute. The amendments also define standards-based instructional assessments for all students aligned to outcomes in the State Framework and the role of health-related fitness tests.

*ACTION: Upon motion by Mr. Dashiell, and seconded by Ms. Bates, the State Board granted permission to publish the regulation. (In Favor: 12; Opposed: 0; Abstained: 1 – Mr. Wu. President Crawford was not present.)*

- **COMAR 13A.03.08 *Students At Risk for Reading Difficulties (Permission to Publish)***

Request for permission to publish COMAR 13A.03.08 *Students at Risk for Reading Difficulties*. The proposed regulations supports the *Ready to Read Act of 2019*, which requires local schools systems to screen students in kindergarten for reading difficulties and to screen students in first grade who have not been screened or who are at risk for reading difficulties. The regulation extends the requirements of the law in order to ensure that all students are on grade level for literacy by the end of grade three.

*ACTION: Upon motion by Ms. McCusker, and seconded by Ms. Bates, the State Board granted permission to publish the regulation. (In Favor: 11; Opposed: 2 – Dr. Greene, Dr. Mele-McCarthy; Abstained: 0. President Crawford was not present.)*

- **COMAR 13A.04.02 *Secondary School Career and Technology Education (Permission to Adopt)***

Request for permission to adopt amendments to COMAR 13A.04.02 *Secondary School Career and Technology Education*. The amendments reflect the revised direction for CTE and align with the Maryland CTE Four-Year and Methods of Administration State Plans.

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

- **COMAR 13A.04.10 *Program of Instruction in Career Development for College and Career Readiness (Permission to Adopt)***

Request for permission to adopt amendments to COMAR 13A.04.10 *Program of Instruction in Career Development for College and Career Readiness*. The amendments remove outdated content and aligns to the revised direction for career development.

*ACTION: Upon motion by Ms. McCusker and seconded by Ms. Bates, the State Board granted permission to withdraw the regulations from publication. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Crawford was not present.)*

## **ORAL ARGUMENT**

Mr. Schoen presented the case to be heard and explained the oral argument procedures.

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

- Dr. Greene provided an update on the work of the Task Force on Achieving Academic Equity and Excellence for Black Boys.
- Ms. Halle provided an update on the work of the Digital/Virtual Learning Committee.
- Mr. Wu shared information regarding the recent conference hosted by the Maryland Association of Student Councils (MASC) and the selection of two finalists being considered to serve as the next State Board Student Member.

## **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 Dr. Greene, and with unanimous approval of the quorum, the Maryland State Board of Education met in closed session via WebEx on Tuesday, February 23, 2021. All board members were present except Clarence C. Crawford. 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 five Opinions and one Order.

- *The DaVinci Collaborative, Inc. v. Baltimore City Board of School Commissioners* – denial of charter school application – Opin. No. 21-05
- *Lynn Nash, et al. v. Montgomery County Board of Education* – request for reconsideration – Op. No. 21-06
- *South Arundel Citizens for Responsible Development “SACReD”, et al. v. Anne Arundel County Board of Education* – installation of cell phone tower/approval of forest conservation easement – Op. No. 21-07
- *Turning Point Foundation, Inc. v. Prince George’s County Board of Education (II)* – non-renewal of charter school – Op. No. 21-08
- *Turning Point Foundation, Inc. v. Prince George’s County Board of Education (III)* – transportation fees
- *ReeSource Pest, Inc. v. Howard County Board of Education* – bid protest – Order No. OR21-02

Legal counsel gave legal advice regarding charter schools and performance audits.

The Executive Session ended at 4:00 p.m.

## **LEGAL OPINIONS AND ORDERS:**

Mr. Schoen read the following Opinions and Orders:

- *The DaVinci Collaborative, Inc. v. Baltimore City Board of School Commissioners* – denial of charter school application – Opin. No. 21-05
- *Lynn Nash, et al. v. Montgomery County Board of Education* – request for reconsideration – Op. No. 21-06
- *South Arundel Citizens for Responsible Development “SACReD”, et al. v. Anne Arundel County Board of Education* – installation of cell phone tower/approval of forest conservation easement – Op. No. 21-07
- *Turning Point Foundation, Inc. v. Prince George’s County Board of Education (II)* – non-renewal of charter school – Op. No. 21-08
- *Turning Point Foundation, Inc. v. Prince George’s County Board of Education (III)* – transportation fees – Op. No. 21-09
- *ReeSource Pest, Inc. v. Howard County Board of Education* – bid protest – Order No. OR21-02

## **ADJOURNMENT**

With no further business before the Board, the meeting was adjourned at 4:06 p.m.

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

Date: March 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 Maryland State Board of Education meetings will be held on Tuesday, March 23, 2021**

**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: February 23, 2021

Time: 2:30 pm

Location: Virtual

Motion to close meeting made by: General Sumpter

Seconded by: Dr. Vermelle Greene

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)

Quasi judicial matters and legal advice regarding appeals.

4 Appeals  
1 Draft Order  
1 Draft Opinion

Charter school laws  
Performance audits

Consult with legal counsel and obtain legal advice.

4. This statement is made by Jean Halle, Presiding Officer.