

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.