

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, September 28, 2021
Maryland State Board of Education
200 W. Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, September 28, 2021 at 9:00 a.m. at the Maryland State Department of Education, 200 W. Baltimore Street, 7th Floor State Board Room, Baltimore, Maryland. The following members were present: Mr. Clarence Crawford (President); Mr. Charles R. Dashiell, Jr., Esq. (Vice President); Mr. Shawn Bartley; Ms. Gail Bates; Ms. Chuen-Chin Chang; Dr. Susan Getty; Ms. Jean Halle; Ms. Lori Morrow; Ms. Rachel McCusker; Dr. Joan Mele-McCarthy; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Kevin Bokoum, Student Representative; and State Superintendent Mohammed Choudhury. Dr. Vermelle D. Greene was absent.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, School Effectiveness; Dr. Carol Williamson, Deputy State Superintendent, Teaching and Learning; Ary Amerikaner, Chief of Staff; and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

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

Mr. Schoen declared the presence of a quorum.

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

PUBLIC COMMENT

- Cheryl Bost (MSEA) – COVID Issues in Schools
- Benjamin Heiser – Mask Mandate in Harford County and Harford County Board of Education Virtual Meetings
- Gabriela Ines (Strong Schools Maryland) – Youth Homelessness and the Blueprint for Maryland’s Future
- Shamoyia Gardiner(Strong Schools Maryland) – Student Poverty and the Blueprint for Maryland’s Future

NEW BUSINESS

- **Approval of Consent Agenda**
 - Approval of August 24th and 26th Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, August 2021

Minutes for September 28, 2021

***ACTION:** The State Board granted approval by unanimous consent.*

- **Recognition of Staff**

State Superintendent Choudhury recognized Dr. Carol Williamson, Deputy Superintendent, Office of Teaching and Learning, who will retire at the end of the month. State Superintendent Choudhury and State Board members thanked her for her commitment and service to the State and students of Maryland.

State Superintendent Choudhury introduced and welcomed Ms. Ary Amerikaner as his new Chief of Staff.

STATE BOARD PRIORITIES

- **Professional Standards and Teacher Education Board Overview**

(Presenter: Ms. Kelly Meadows, Assistant State Superintendent, Office of Teaching and Learning)

Ms. Meadows provided an overview of PSTEB's statutory authority, regulatory requirements, composition, and purview, and explained amendments to House Bill 1300/Blueprint for Maryland's Future expanding the role of the PSTEB and giving the PSTEB and the State Board equal approval authority when promulgating regulations that fall within PSTEB's purview (i.e., educator preparation and certification). Ms. Meadows also introduced PSTEB Chair Maleeta Kitchen and Vice Chair Darren Hornbeck to provide brief remarks.

State Board members inquired about the make-up of the PSTEB, current vacancies, and representation for independent and non-publics that serve public school students. Ms. Kitchen and Mr. Hornbeck were also asked to share their thoughts on the teacher shortages and ways regulations could help address this issue.

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

- **Local School System (LSS) Virtual Program Update**

(Presenter: Dr. Carol Williamson, Deputy Superintendent, Office of Teaching and Learning; Val Emrich, Director of Instructional Technology, School Library, Media, and Mathematics; Erin Senior, Education Program Specialist II- Digital Learning)

Dr. Williamson and her team shared information related to 2021-2022 approved virtual learning programs in Maryland's local school systems, to include an update on enrollment of students, class sizes, number of virtual teachers and attendance policies, along with factors related to the monitoring timeline.

State Board members requested clarification regarding combination and blended programs and data on the pros and cons of each mode. Concerns were also raised about teachers being able to manage increased workloads in situations where enrollment numbers are high. Department staff were encouraged to review research on best practices. Ms. Halle asked that future reports include demand vs. enrollment by LSS.

ACTION: None. For information and discussion.

- **Reopening Logistics and Transmission Rates in Schools**

(Presenter: Dr. Carol Williamson, Deputy Superintendent, Office of Teaching and Learning; Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)

Ms. Haislet provided an overview of how local school systems addressed reopening logistics including, vaccinations, ventilation, physical distancing, screening, testing, contact tracing, guidance, and messaging. Data on cases and numbers of students and staff who have needed to be quarantined since the opening of school was also shared.

State Board members discussed staff quarantining, the frequency of reporting across the state, and how many asymptomatic teachers are able to teach virtually, and expressed concern regarding the effect of teacher shortages and increased workloads.

- **Spotlight on Economically Disadvantaged Students**

(Presenter: Chandra Haislet, Director, Accountability and Data)

Superintendent Choudhury provided opening remarks and introduced Ms. Haislet who provided an update on the Economically Disadvantaged student group. The presentation included statewide outcome data for FARMS students, the Community Eligibility Provision, and State initiatives to support economically disadvantaged students.

State Board members discussed including data on technical schools, disaggregating data by county, the influence of chronic absenteeism, and opportunities to partner with Medicaid on innovative programs that intersect with education.

ACTION: None. For information and discussion.

- **Blueprint Deep Dive: Neighborhood Indicators of Poverty**

(Presenter: Chandra Haislet, Director, Accountability and Data)

Ms. Haislet provided information on the progress towards developing a neighborhood indicator of poverty in the Blueprint for Maryland's Future (Blueprint). The Blueprint requires the MSDE to conduct a study on neighborhood indicators of poverty with an interim report due November 1, 2021 to the Maryland General Assembly and the Accountability

Implementation Board (AIB), and a final report due October 1, 2022 to the AIB. The presentation highlighted efforts underway to collect more comprehensive and meaningful data and included a case study of the use and impact of neighborhood indicators of poverty in Texas.

State Board members expressed excitement about options and potential outcomes and also recommended adding a technical component and strong stakeholder outreach and engagement to the plan.

ACTION: None. For information and discussion.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

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

(Presenter: Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy; Steven Hicks, Assistant State Superintendent, Division of Early Childhood)

- **COMAR 13A.14 Child and Family Day Care; COMAR 13A.15 Family Child Care; COMAR 13A.16 Child Care Centers; COMAR 13A.17 Child Care – Letters of Compliance; COMAR 13A.18 Large Family Child Care Homes (Permission to Publish)**

Request for permission to publish proposed amendments and recommended modifications to the regulations. The proposed amendments align the regulations more closely with the requirements of the Federal Child Care Development Block Grant (CCDBG) Act, as amended (42 U.S.C. 9858 et seq.) and are consistent throughout all five subtitles of regulations.

ACTION: Upon motion by Mr. Dashiell, and seconded by Ms. Bates, the State Board granted permission to publish the regulation. (In Favor: 12; Opposed: 1 – Mr. Bartley; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

- Discussion of [2021-2022 priorities](#) established for the State Superintendent and an overview of strategic planning efforts underway. State Superintendent Choudhury provided brief comment on the distinction between the Blueprint and the Strategic Plan to be developed, noting that the Blueprint serves as a policy guide and the strategic plan lays out the plan for implementing and achieving established goals and priorities.
- President Crawford shared a positive health update.

- Mr. Bokoum provided information regarding the Maryland Association of Student Councils Fall Leadership Conference and shared that he will be the keynote speaker for Carroll County's student conference.
- Ms. Halle highlighted the recent article published in the National Association of State Boards of Education (NASBE) *Standard* discussing the work and report of the Task Force on Achieving Academic Equity and Excellence for Black Boys.

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 Ms. Halle and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, September 28, 2021 in Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Vermelle Greene. Also in attendance were Superintendent Choudhury, Dr. Miya Simpson, Executive Director, Office of the State Board, Deputy Superintendent Sylvia Lawson, and Assistant Attorneys General, Elliott Schoen and Amanda White. The Executive Session commenced at 2:39 p.m.

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

- *In the Matter of Barry Lebowitz* – petition for declaratory ruling – Opin. No. 21-47
- *Darren L. v. Wicomico County Board of Education (II)* – objection to surveys– Opin. No. 21-48 (Dissent by Bartley and Abstention by Dashiell)
- *E.P. and S.P. v. Calvert County Board of Education* – early kindergarten entry – Opin. No. 21-49
- *Tom and M.W. v. Carroll County Board of Education* – non-resident enrollment – Opin. No. 21-50 (Dissent by Bartley)
- *In the Matter of Baltimore County Parent and Student Coalition, Inc.* – motion for reconsideration – Order No. OR21-09
- *Jeff Wester v. Charles County Board of Education (II)* – ADA Accommodation – Order No. OR21-10

The Superintendent presented confidential budget information for FY 2023 and the board discussed the same.

President Crawford presented, and the Board discussed, plans for Board communication, committee and subcommittees.

The Board discussed a personnel matter.

The Executive Session ended at 4:55 pm.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **Fiscal Year 2023 Budget Estimates and Requests**

(Presenter: Jessica Smith, Chief of Budget)

Request for the State Board to approve submission of the FY2023 base budget estimates, FY2023 request for State-Aided Educational Institutions, and FY2023 budget reduction options to the Department of Budget and Management:

***ACTION:** Upon motion by Ms. Morrow, and seconded by Ms. McCusker, the State Board approved submission of the FY2023 base budget estimates, FY2023 request for State-Aided Educational Institutions, and FY2023 budget reduction options to the Department of Budget and Management: . (In Favor: 13; Opposed: 0; Abstained: 0)*

LEGAL OPINIONS AND ORDERS:

Mr. Schoen announced the following Opinions and Orders:

- *In the Matter of Barry Lebowitz* – petition for declaratory ruling – Opin. No. 21-47
- *Darren L. v. Wicomico County Board of Education (II)* – objection to surveys– Opin. No. 21-48 (Dissent by Bartley and Abstention by Dashiell)
- *E.P. and S.P. v. Calvert County Board of Education* – early kindergarten entry – Opin. No. 21-49
- *Tom and M.W. v. Carroll County Board of Education* – non-resident enrollment – Opin. No. 21-50 (Dissent by Bartley)
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- *Jeff Wester v. Charles County Board of Education (II)* – ADA Accommodation – Order No. OR21-10

With no further business before the Board, the meeting was adjourned at 5:01 p.m.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: October 26, 2021

The information included here provides a brief 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, October 26, 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: September 28, 2021
 Time: 2:30 pm
 Location: 200 W. Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Gen. Sumpter
 Seconded by: Ms. Halle
 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	Personnel evaluation
§3-305(b)(7)	Legal Advice	Review and decide 4 appeals and 2 draft orders
§3-305(b)(13)	FY 2023 Budget	Review FY 2023 Budget Estimates and Requests
	Administrative Functions	Discuss updates to the State Board Governance and Communication Approaches

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