

## MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, July 26, 2022  
Maryland State Board of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, July 26, 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); Mr. Shawn Bartley, Esq.; Ms. Gail Bates; Ms. Merin Thomas; Ms. Chuen-Chin Chang (Virtual); Dr. Susan Getty; Dr. Vermelle D. Greene; Ms. Jean Halle; Dr. Joan Mele-McCarthy; Ms. Lori Morrow (Virtual); Ms. Rachel McCusker; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox and State Superintendent Mohammed Choudhury.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Deann Collins, Deputy Superintendent, Teaching and Learning; 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

- Dr. Monica Goldson (CEO, Prince George's County) – Teacher Certification
- Bill Hudson (Family Child Care Alliance of MD) – Messaging around the term “teacher” – home based childcare providers v. Prek-12 teachers
- Lisa Wilson – Parent Request for Retention of child with IEP
- Sharon Saroff – Impact of cutting curriculum and teacher methods
- Shamoyia Gardiner (Executive Director, Strong Schools MD) – Teacher Diversity
- David Bromwell (Superintendent, Dorchester County) – Teacher Recruitment Issues
- Cheryl Bost – (Maryland State Education Association) – Retention
- Arnetta Rogers – Staffing Public Schools
- Grace Jennings (Student, Winston Church High School – Montgomery County) – Athletics Regulations
- Dana Johnson (Athletic Director, Dunbar High School – Baltimore City) – Athletics Regulations

### NEW BUSINESS

- **Approval of Consent Agenda**
  - Approval of June 28, 2022 and July 14, 2022 Meeting Minutes
  - Personnel Actions
  - Budget Adjustments, June 2022
  - 2023 State Board Meeting Schedule

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

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## **MARYLAND CHAMBER OF COMMERCE (MDCC) NATIONAL CIVICS BEE**

*(Presenters: Maja Durkovic, President (Virtual); Angelina Xu, 1<sup>st</sup> Vice President, David Arowolo, 2<sup>nd</sup> Vice President; Sjruti Vadlakonda, Treasurer; Nicete Moodie, Executive Director; Karen Crawford, Assistant Executive Director)*

The Maryland Association of Student Councils (MASC) is an organization of public and private secondary school student councils in the state of Maryland. Students are not only the leaders of the future but the leaders of today and defend as well as promote the interests, rights, and well-being of all students in the state of Maryland.

### **As an organization we strive to accomplish three things:**

- Leadership Development
- Student Advocacy
- Promote Communication

The mission of MASC is to foster a statewide environment for all secondary school students to express and exchange opinions and ideas, develop leadership skills, and promote student representation and involvement in all groups and organizations impacting the lives of students.

### **Goals and Objectives:**

- Communication
- Leadership Development
- Representation and Involvement

## **Executive Session I**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Dr. Mele-McCarthy seconded by Ms. Bates and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, July 26, 2022, in Conference Room #6, 8<sup>th</sup> Floor, at the Nancy S. Grasmick Building. All board members were present. Also in attendance was Elliott Schoen. The Executive Session commenced at 10:10 a.m. Mr. Schoen gave legal advice regarding Board governance and the Board conducted elections for President and Vice President. The closed session adjourned at 11:30 a.m.

### **Election and Introduction of Officers**

Dr. Joan Mele-McCarthy informed the Board members, that she would be taking a vote on this coming year's President and Vice President for the State Board of Education. She thanked the Board for careful deliberation and thanked the people for respecting and understanding the importance of the positions.

Dr. Mele-McCarthy nominated Mr. Clarence Crawford for the office of President and Dr. Susan Getty for the office of Vice President for the State Board of Education. The votes were unanimous.

- President – Mr. Clarence Crawford
- Vice President – Dr. Susan Getty

Mr. Crawford recognized Mr. Dashiell as Vice President for his consistent focus on what he could do to

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help schools. He stated that Mr. Dashiell has been a great partner and for his support over the last year.

## **STATE BOARD PRIORITIES**

- **Local Education Agency Virtual Programs Update**

*(Presenter: Dr. Deann Collins, Deputy Superintendent for the Division of Curriculum, Instructional Improvement and Professional Learning)*

Dr. Collins stated that the purpose of the agenda item is to share information and quarter three data related to SY 2021-2022 approved virtual learning programs in Maryland's local school systems. This report will provide an update on third quarter virtual program enrollment data, review the quarterly metrics submitted for marking period three, and highlight lessons learned within local virtual programs. The presentation presented:

- Virtual Program Enrollment
- Third Quarter Metrics
- Virtual Program Attendance
- Virtual Program Grades
- Analysis of Virtual Programs
- School System Practices
- Lessons Learned

Dr. Collins informed the Board members that the third quarter LEA level data was collected from April 8 to May 6<sup>th</sup>. She informed the Board that the last day of the quarter varied by LEA, from March 25 to April 8. There are 21 school systems included in the results and represent 100% of the students enrolled in virtual programs across Maryland. Dr. Collins stated that Carroll County and Garrett County do not have virtual programs and the students in Kent County are virtual four days a week and must attend class in school one day a week. Dr. Collins stated that in the 2<sup>nd</sup> quarter, there was a total of 22,282 virtual students statewide and for the 3<sup>rd</sup> quarter there is a total of 12,472 virtual students statewide. A total of twelve school systems have decreased, and seven school systems have increased with the largest being Prince George's at a total of 10,500 virtual students.

- **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. The presentation will outline the following:

- Vaccinations and COVID-19 Testing
- Quarantine and COVID-19 Data
- Current Rates
- LEA COVID Protocols: Mask Mandates & Testing Strategies
- CDC COVID-19 Community Levels
- Updated PreK-12 School and Child Care COVID-19 Guidance
- COVID-19: New Variants
- COVIDReady Maryland

Mr. Choudhury informed the Board members that Prince George’s County has gone to optional masking effective July 1, 2022. Now all of the 24 LEAs in Maryland have optional masking. He stated that the VA5 is the dominate variant and people are getting COVID at a higher rate. Mr. Choudhury informed the Board members that getting vaccinated and boosted is the right thing to do, but it does not keep you from not getting the variant. He stated that it does help you to mitigate health challenges. You are seeing people masking again.

Mr. Choudhury stated that the numbers in term of our hospitals are completely oversubscribed, that’s not happening or having massive quarantining. These things are still holding steady. Vaccines are widely available.

*ACTION: None. For information and discussion.*

- **Blueprint and Data Deep Dive**
  - **Maryland’s Teacher Workforce: Supply, Demand, and Diversity**  
(Presenter: Mohammed Choudhury, State Superintendent of Schools)

Mr. Crawford asked Mr. Choudhury if he would summarize the meeting that was held the prior week with the AIB and the leadership of the Maryland University Systems. Mr. Choudhury stated that the meeting was about what we can do on this topic as it has become commonly known as the teacher shortage challenge. Also, to think about what the short-term and long-term solutions and how we can work better together. Mr. Choudhury informed the Board members that there is no quick fix to the situation, but there are things that can be done in the short and long term. We have an amazing piece of legislation in the Blueprint to do these things.

Mr. Choudhury stated that the purpose of the agenda item is to provide a briefing to the State Board of Education on the supply and demand of teachers in Maryland, as well as the national landscape of the diversity of the teacher pipeline.

Mr. Choudhury stated, “Why is this Topic Important?” He stated, simply put if students do not have a high-quality teacher in front of them every day, their ability to learn will suffer. We also know even just having substitute teachers through multiple points of time throughout the year and when you consistently have to fill vacancies, student’s learning can suffer.

Mr. Choudhury explained that we often do international comparisons, and the Blueprint was built around international comparisons. He stated that there are things that we do socially policy wise, that we don’t do here that elevate the profession. The Blueprint is seeking to do that and that is a great start. He informed the Board members that turnover makes it difficult to build a representation in the profession, if seen as a revolving door. We know that new teachers are less effective and the more they get better at their craft, the more they are able to accelerate student achievement. We know that in terms of what attrition looks like, it ranges from 8 to 18% of people leaving the profession. Mr. Choudhury stated that one of the things that we are going to make sure that we have more nuance in the conversation. He stated that yes there is a shortage, but it is not equally, and we need to look at the state historically.

The presentation will include a discussion on teacher supply, district demand, barriers to certification and opportunities to diversity the teacher workforce through five sections:

- Teacher Workforce Demand
- Teacher Workforce Supply
- Diversity of the Teacher Workforce and Pipeline
- National Initiatives to Removing Barriers
- Maryland Initiatives and Opportunities

Mr. Choudhury stated to the Board members that they can take action today. This is a short-term fix and not a long-term fix. He explained that today, they had brought before the Board two waivers for COMAR regulations. The first regulation is to essentially allow Conditional Teachers more time to pass the test. The second regulation is related to the requirements associated with the basic skills assessment for Resident Teacher certification. Mr. Choudhury asked if they could pass the two waivers today.

*ACTION: None. For information and discussion.*

**Reports to the State Board for Discussion/Action**

- Code of Maryland regulations (COMAR)
  - **Request for Waiver of COMAR 13A.12.01.11C – Conditional Teacher Certificate**

*(Presenter: Presenter: Mr. Mohammed Choudhury, State Superintendent of Schools, Ms. Kelly Meadows, Assistant State Superintendent of the Division of Certification and Program Approval)*

Mr. Choudhury stated that the purpose of the item is to approve the State Superintendent’s recommendation for a waiver of Code of Maryland Regulation (COMAR) 13A.12.01.11C Conditional Teacher Certificate related to the requirements associated with the renewal of the Conditional Teacher Certificate.

Mr. Choudhury informed the Board members that COMAR 13A.12.01.11C is a conditional teacher certificate that is good for only two years and may be renewed on one occasion. The Conditional Certificate limits the number of Conditional Teacher Certificates to one person, and it requires the certificate holder to submit coursework and test requirements to renew the certificate.

Mr. Choudhury stated that the waiver of COMAR 13A.12.01.11C(1) allows an applicant to hold only one Conditional Teacher Certificate that may be renewed in accordance with this regulation. He informed the Board members that effective July 26, 2022, teachers with a Conditional Teacher Certificate that expired between July 1, 2020, and July 1, 2023, may renew their certificate if they have been hired to serve as a teacher of record in the subject area on that person’s Conditional Teacher Certificate.

*ACTION: Upon motion by Ms. Morrow, and seconded by General Sumpter, the State Board granted permission to adopt the request for waiver of COMAR 13A.12.01.11C – Conditional Teacher Certificate. (In Favor: 12; Opposed: 0; Abstained: 0)*

- **Request for Waiver of COMAR 13A.12.01.07C(2) – Resident Teacher Certificate**

*(Presenter: Mr. Mohammed Choudhury, State Superintendent of Schools, Ms. Kelly Meadows, Assistant State Superintendent of the Division of Certification and Program Approval)*

Mr. Choudhury stated that the purpose of the item is to approve the State Superintendent's recommendation for a waiver of Code of Maryland Regulation (COMAR) 13A.12.01.07C(2) Resident Teacher Certificate related to the requirements associated with the basic skills assessment.

Mr. Choudhury informed the Board members that COMAR 13A.12.01.07C(2) is a resident teacher certificate that is a two-year certificate issued to an alternative program candidate in the residency phase of preparation. The requirement that pertains to the waiver is the requirement that the applicant must obtain a qualifying score on a department-approved test in basic skills or a comparable state approved test in basic skills.

Mr. Choudhury stated that the waiver of COMAR 13A.09.10 allows a Resident Teacher to be issued a certificate if the applicant meets the requirements established under COMAR 13A.12.01.07, to include a minimum overall GPA of 3.0 on their most recently earned degree or a qualifying score on a department approved basic skills assessment test.

*ACTION: Upon motion by Mr. Dashiell, and seconded by Ms. Halle, the State Board granted permission to adopt the request for waiver of COMAR 13A.12.01.07C – Resident Teacher Certificate. (In Favor: 12; Opposed: 0; Abstained: 0)*

- **Request for adoption of COMAR 13A.06.03 – Interscholastic Athletics in the State**  
(Mr. Andy Warner, MPSSAA Executive Director/MSDE Coordinator of Athletics)

Mr. Warner stated that the purpose of this item is to request adoption of Code of Maryland Regulation (COMAR) 13A.06.03 Interscholastic Athletics in the State.

Mr. Warner stated that this regulation governs interscholastic athletics provides for equity of competition and participation opportunities throughout the State. He informed the Board members that the proposed changes are to expand local school systems practice and participation in sanctioned events outside the defined sport season, expand opportunities of student athletes in approved local school systems voluntary camps, and to administer equitable participation for the benefit of student enrichment. COMAR 13A.06.03 Interscholastic Athletics was reviewed at the February 22, 2022, State Board meeting and was granted permission to publish. Mr. Warner stated that he is now requesting adoption of COMAR 13A.06.03 Interscholastic Athletics in the State.

*ACTION: Upon motion by Ms. McCusker and seconded by Dr. Greene the State Board granted the request to adopt COMAR 13A.06.03 – Interscholastic Athletics in the State. (In Favor: 12; Opposed: 0; Abstained: 0)*

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

Dr. Greene informed the Board members that the AAEEBB 2<sup>nd</sup> annual summit will be held on August 2, 2022, from 8:30 a.m. to 4:30 p.m., at the Reservoir High School in Howard County. Mr. Choudhury will be doing the greeting for the visitors. As of today, there is a total of 180 registrants. She stated that there will be several workshops including a student panel, all dealing with improving the academic excellence of black boys. Dr. Greene invited the Board members to attend the AAEEBB Summit.

Dr. Wilcox informed the Board members that July 16, 2022, was the launched date of the lifeline for 988,

which is a number of families and students can access for crisis services. She stated that at the start of the school year, we can maybe do some work to get the information out about the 988 number.

Ms. McCusker informed the Board members that the Public Educator Positions Committee is working on drafting some statements on Educator Workforce positions coming out of NASB. Ms. McCusker stated that she joined that subcommittee and that they are getting close to a final draft on that. She stated that we should see some national information coming out about Educator Workforce.

Mr. Dashiell informed the Board members that the Strategic Plan is moving along, and we have made significant progress.

## **Executive Session II**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Halle seconded by Dr. Mele-McCarthy and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, July 26, 2022, in Conference Room #6, 8<sup>th</sup> Floor, at the Nancy S. Grasmick Building. All board members except General Warner I. Sumpter were present for the beginning of the meeting. Mr. Bartley was present and participated in the discussion on voting of Op. No. 22-18, and then left the meeting. Also in attendance were Superintendent Choudhury, and Assistant Attorneys General, Elliott Schoen, Jackie La Fiandra, and Lori Hopkins. Ms. La Fiandra and Ms. Hopkins left the meeting after the discussion of Opinions and Orders. The Executive Session commenced at 5:30 p.m.

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

- *Kristin H. v. Howard County Board of Education* – student residency– Opin. No. 22-16. The Board affirmed the local board decision.
- *In the Matter of Howard County Maintenance of Effort Nonrecurring Cost Appeal* – request for exclusion of costs – Opin. No. 22-17. The Board affirmed MSDE’s decision.
- *Andrea Barr v. Baltimore County Board of Education* – stay of appeal pending Circuit Court Decision – Order No. OR22-09. The Board approved the stay of appeal.
- *In the Matter of Request for Removal of Local Board Members Kathleen Causey, Julie Henn (Board Chair), Russell Kuehn, Lisa Mack and Lily Rowe* – removal request – Order No. OR22-10. The Board dismissed the removal request.
- *John and Tammy W. v. Charles County Board of Education* – request for reconsideration – Order No. OR22-11. The Board dismissed the request for reconsideration.

Mr. Schoen gave legal advice regarding the health education regulation and supplemental MSDE framework.

The Executive Session ended at 5:30 p.m.

## **LEGAL OPINIONS AND ORDERS**

Mr. Schoen announced the following Opinions and Orders:

- *Kristin H. v. Howard County Board of Education* – student residency – Opin. No. 22-16

- *In the Matter of Howard County Maintenance of Effort Nonrecurring Cost Appeal* – request for exclusion of costs – Opin. No. 22-17
- *Andrea Barr v. Baltimore County Board of Education* – stay of appeal pending Circuit Court Decision – Order No. OR22-09
- *In the Matter of Request for Removal of Local Board Members Kathleen Causey, Julie Henn (Board Chair), Russell Kuehn, Lisa Mack and Lily Rowe* – removal request – Order No. OR22-10
- *John and Tammy W. v. Charles County Board of Education* – request for reconsideration – Order No. OR22-11

With no further business before the Board, the meeting adjourned at 5:45 p.m.

Respectfully submitted,



Mohammed Choudhury  
Secretary/Treasurer

Date: July 26, 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, August 23, 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: July 26, 2022  
 Time: 10:30 am  
 Location: 200 W. Baltimore Street, Baltimore, MD 21201  
 Motion to close meeting made by: Dr. Mele-McCarthy  
 Seconded by: Ms. Bates  
 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.

<b>Citation (insert # from above)</b>	<b>Topic</b>	<b>Reason for closed-session discussion to topic</b>
§3-305(b)(7)	Consult with counsel	Board Governance
Administrative Function	Board Officer elections	Conduct statutory requirement for Board Officer elections

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

**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: July 26, 2022  
 Time: 4:00 pm  
 Location: 200 W. Baltimore Street, Baltimore, MD 21201  
 Motion to close meeting made by: Ms. Halle  
 Seconded by: Dr. Mele-McCarthy  
 Members in favor: 12  
 Opposed: 0  
 Abstaining: 0  
 Absent: 2
  
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.

<b>Citation (insert # from above)</b>	<b>Topic</b>	<b>Reason for closed-session discussion to topic</b>
§3-305(b)(7)	Legal Advice	2 Appeals; 3 Draft Orders; and review legal memorandum
	Administrative Function	Review of Board Operations Manual

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