

MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, September 27, 2022
Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, September 27, 2022, at 9:00 a.m. at the Maryland State Department of Education, 200 West Baltimore Street, Baltimore, 21201. Mr. Clarence Crawford (President), Dr. Susan Getty (Vice President), Mr. Charles R. Dashiell, Jr., Esq., Mr. Shawn Bartley, Esq., Ms. Gail Bates (Virtual), Ms. Merin Thomas, Ms. Chuen-Chin Chang, Ms. Jean Halle, Dr. Joan Mele-McCarthy, Ms. Rachel McCusker, Brigadier General (BG) Warner Sumpter, Dr. Holly Wilcox, Ms. Lori Morrow, and State Superintendent Mohammed Choudhury participated in the meeting. Board member Dr. Vermelle D. Greene was absent.

The following staff members also participated: Elliott L. Schoen (Assistant Attorney General), Dr. Sylvia Lawson (Deputy Superintendent, Organizational Effectiveness), Dr. Deann Collins (Deputy Superintendent, Teaching and Learning), and Mr. Krishnanda Tallur (Deputy Superintendent of Operations).

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 provided opening remarks and welcomed members of the public and speakers.

PUBLIC COMMENT

- Buzzy Hettleman – MSDE’s Lack of Transparency and the Unresponsiveness of the Office of Communications
- Brenda Brooks – School Lunches
- Delvin Champagne – MSDE’s Denial of an Application for Before/After School Program in Prince George’s County
- Susie Scott – Maryland’s State Assessment Scores
- Richa Tripathi – Shortening the 4-year High School Math Credit
- Sarah Winfield – Dora Kennedy French Immersion School Infrastructure
- J. Keith Scroggins – Health Education
- Danielle Nickens – Special Education
- Kit Hart – Curriculum
- Liz Zogby, Co-Chair, Maryland Down Syndrome Advocacy Coalition – Inclusion of Students with Intellectual Disabilities and Students That Take the Alternate Assessment
- Chery Bost, MSEA – Special Education

NEW BUSINESS

- **Approval of the Consent Agenda**
 - Approval of August 23, 2022 and September 16, 2022 Meeting Minutes
 - Personnel Actions
 - Budget Adjustments, August 2022

ACTION: The State Board granted approval by unanimous consent.

PRIORITIES

- **Stakeholder Engagement Session: Nonpublic Schools**

- Ms. Dorie Flynn, Executive Director, Maryland Association of Non-public Special Education Facilities (MANSEF)
- Ms. Susan Barnes-McClendon, Associate Vice President, Arrow Child and Family Ministries, MANSEF Board of Directors
- Mr. Garrett O'Day, Deputy Director, Maryland Catholic Conference and Vice President, Maryland Council for American Private Education (CAPE)
- Ms. Crystal Alston, Board Trustee, Association of Independent MD, and DC Schools (AIMS)

- **Blueprint Deep Dive: Maryland Consortium on Coordinated Community Supports**

(Presenter: Mohammed Choudhury, State Superintendent of Schools, Ms. Mary Gable, Assistant Superintendent of Student Support, Academic Enrichment, and Educational Policy)

Mr. Choudhury stated that the purpose of the presentation is to provide a briefing to the State Board of Education about Concentration of Poverty Grants, Maryland Consortium on Coordinated Community Supports, collective impact, and other related programs created or expanded through the Blueprint for Maryland's Future. Mr. Choudhury informed the Board that the presentation included a discussion on coordinated community supports through the following sections:

- Maryland Consortium on Coordinated Community Supports
- Student Mental Health
- Community Schools in Maryland: Overview and Case Studies
- School-Based Health Centers
- Mental Health Response Program
- Maryland Leads
- Leveraging Medicaid Funding to Support Students
- Collective Impact

Mr. Choudhury further explained that the Maryland Consortium on Coordinated Community Supports is a 24-member group that was created by the Blueprint for Maryland's Future. The Maryland Consortium is housed in the Maryland Community Health Resources Commission. The purpose of the consortium is to:

- Support the development of coordinated community support partnerships
- Provide expertise for the development of best practices
- Provide technical assistance to local school systems

Mr. Choudhury also explained that the Maryland Community Health Commission administers the funds for the Community Supports Partnership to provide grants and reimbursements to providers delivering services and supports which were mandated through the Blueprint.

ACTION: None. For information and discussion.

- **School Logistics and Transmission Rates Related to COVID-19 Update**

(Presenter: Mohammed Choudhury, State Superintendent of Schools, Ms. Mary Gable, Assistant Superintendent of Student Support, Academic Enrichment, and Educational Policy)

Mr. Crawford informed the Board members that going forward the monthly report on School Logistics

and Transmission Rates will be done on a quarterly basis, unless there are changes in the data.

ACTION: None. For information and discussion.

- **Blueprint Deep Dive: Students with Disabilities**

(Presenters: Dr. Deann Collins, Deputy Superintendent of Teaching and Learning, Marcella Franczkowski, Assistant State Superintendent, Division of Early Intervention and Special Education and Special Education Services, Chandra Haislet, Assistant State Superintendent, Division of Assessment, Accountability, and Performance Reporting, Justin Dayhoff, Assistant State Superintendent, Division of Financial Planning, Operations, and Strategy.)

Dr. Collins informed the Board that the purpose of the presentation is to provide a deep dive into data related to Maryland's children with disabilities and the strategic response and programming of the Division of Early Childhood Intervention and Special Education Services. The presentation provided information and data on the following:

- Individuals with Disabilities Education Act (IDEA)
- Division of Early Intervention and Special Education Services
- What makes Maryland Unique?
- COVID-19 and Compensatory Education/Recovery Services
- Dispute Resolution: Rights of Families
- Students with Disabilities Demographic and Outcome Data
- Significant Disproportionality
- Maryland Initiatives

Ms. Franczkowski shared details about the services that the Division of Early Intervention and Special Education Services offer to the children and students with disabilities between the ages of birth to 21 years old and their families. Ms. Franczkowski spoke about the various features of the IEP system and how the system captures information for each student.

Mr. Dayhoff informed the Board members about special education funding in the State, which is a product of a per-pupil amount and the number of students enrolled in a public school in the prior fiscal year who required special education services as defined in the federal Individuals with Disabilities Education Act. Mr. Dayhoff informed the members that in FY 23, the calculated per-pupil amount for special education students is \$7,147.00, which is 86% of the target per pupil amount. The target per-pupil foundation changes/increases every year. Mr. Dayhoff informed the Board members that the Maryland Blueprint law does not restrict special education fund usage but does require local education agencies (LEAs) to ensure that at least 75% of special education funds are allocated to the schools to directly support and serve eligible students.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

Code of Maryland Regulations (COMAR)

- **13A.08.01 Attendance (Permission to Publish)**

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

Ms. Gable stated that the purpose of this item is to request permission to publish amendments to

COMAR 13A.08.01.01 Attendance.

ACTION: Upon motion by Ms. Halle and seconded by Ms. Morrow, the State Board granted permission to publish amendments to COMAR 13A.08.01.01 – Attendance. (In Favor: 13; Opposed: 0; Abstained: 0)

- **13A.03.05 Administration of Home and Hospital Teaching for Students (Permission to Publish)**
(Presenter: Mary Gable, Assistant State Superintendent of the Division of Student Support, Academic Enrichment, and Educational Policy)

Ms. Gable stated that the purpose of this item is to request permission to publish amendments to COMAR 13A.03.05 Administration of Home and Hospital Teaching for Students.

ACTION: Upon motion by Mr. Dashiell and seconded by Ms. Mele-McCarthy, the State Board granted permission to publish amendments to COMAR 13A.08.01.01 – Attendance. (In Favor: 13; Opposed: 0; Abstained: 0)

- **13A.06.10 Purple Star Schools Program (Permission to Publish)**
(Presenter: Mary Gable, Assistant State Superintendent of the Division of Student Support, Academic Enrichment, and Educational Policy)

Ms. Gable stated that the purpose of this item is to request permission to publish COMAR 13A.06.10 Purple Star Schools Program.

ACTION: Upon motion by Mr. Dashiell and seconded by Ms. Morrow, the State Board granted permission to publish new regulations under new chapter COMAR 13A.06.10 – Purple Star Schools Program. (In Favor: 13; Opposed: 0; Abstained: 0)

- **13A.16.06.09 Child Care Center, 13A.16.06.10 School Age Centers, and 13A.18.06.06 Large Family Child Care (Permission to Publish)**
(Presenter: Dr. Deann Collins, Deputy Superintendent for Teaching and Learning, and Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy)

Dr. Collins stated that the purpose of this item is to request permission to publish amendments to COMAR 13A.16.06.09-1 Probationary Child Care Teachers in Preschool Centers, COMAR 13A.16.06.10-1 Probationary Child Care Teachers in School Age Centers, and COMAR 13A.18.06.06-1 Probationary Family Child Care Teachers. These regulations are required by House Bill 597/Senate Bill 436 from the 2021 legislative sessions.

ACTION: Upon motion by Ms. McCusker and seconded by Ms. Morrow, the State Board granted permission to adopt the request to publish amended regulations for COMAR 13A.16.06.09-1 – Child Care Center, COMAR 13A.16.06.10-1 – School Age Centers, and COMAR 13A.18.06.06-1 – Family Child Care. (In Favor: 13; Opposed: 0; Abstained: 0)

STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES

The Strategic Planning Committee: Mr. Crawford, Mr. Dashiell, Ms. McCusker, Dr. Getty, and Ms. Halle met last week to review feedback that was received from the Board regarding the vision, mission, values, priorities, and enabler statements of the Strategic Plan. The revisions were made based on the comments

received and the subcommittee approved the final language for each of the statements in the Strategic Plan. Mr. Dashiell stated that the Superintendent's team is putting together the narrative that will further explain the implementation of these statements. The Committee plans to look at the narrative at their next meeting on October 3, 2022. He stated that the Committee is looking forward to rolling out the first phase of the Strategic Plan in Washington County on October 26, 2022.

Ms. Morrow informed the Board that she continues to visit the local school boards around the State. In the last month, she stated that she has visited Montgomery, Dorchester, Caroline, and Calvert Counties. She further stated that she will be taking off the month of October, because she will be attending the Maryland Association of Boards of Education and the National Association of Boards of Education conferences and will resume her visits to the districts in the fall.

Ms. Morrow shared that National Association of State Boards of Education (NASBE) had their quarterly meeting for the Early Literacy Workgroup and Maryland is one of the nine States represented on the committee. She informed the Board that the Committee is working on a report on Early Literacy and the report should come out in the late winter or early spring.

The Governance Committee: General Sumpter, Dr. Mele-McCarthy, and Senator Bates stated that the Committee was asked to look at the recommendations that stem from the virtual meetings with the local boards of education. General Sumpter informed the Board members that there was a lot of good comments, but they kept circling back to just a few items. The first thing was the partnership and dialogue which was very strong. The districts like the fact that the State Board is communicating with them, so that needs to continue. General Sumpter recommended that the Board establish a quarterly regional meeting between the local boards and the State Board instead of just once a year at MABE.

The second thing was timely information. He stated that there are many unknowns about the State Board with the implementation of the Blueprint. There is a lot of concern that as information comes out, it is shared in a timely fashion with the local boards. The final thing was the teacher shortage, which is a priority for the State Board, as well as the local boards. General Sumpter stated that the Board needs to work with the local boards and continue to address the issue. Moving forward, General Sumpter stated that there were two things to look at. The first was the way data from MSDE was presented. The local boards would like to have a way to use the data themselves or manipulate it to look at comparisons that are regional and demographic in nature. The last thing is the critical measurement that is needed for the learning years of K-2 before we do the third-grade assessment, especially focusing on the reading.

Mr. Crawford informed the Board members that the October 26 State Board meeting will be held in Washington County. Mr. Crawford stated that MSDE is going to be working with Washington County to test their hybrid situation, so that any Board member that is not able to travel to Washington County can connect virtually. He stated that information will be sent out to determine which Board members can come to the meeting. The official visit will start on that Monday, October 25, with a visit to a local school and then the Board will have an opportunity to talk to the three Western county local boards. On Tuesday, October 26, will be the State Board's full day meeting. Mr. Crawford stated that they would do Part II of the Apprenticeship presentation and as Mr. Dashiell had shared, roll out the first phase of the Strategic Plan.

EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) & (13) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Morrow, seconded by Dr. Wilcox and with unanimous approval, the Maryland State

Board of Education met in closed session on Tuesday, September 27, 2022, in Conference Room #6, 8th Floor, at the Nancy S. Grasmick Building. All board members were present except Gail Bates and Vermelle Greene. Also in attendance were Superintendent Choudhury, Assistant State Superintendent Justin Dayhoff, and Assistant Attorneys Generals, Elliott Schoen, and Alan Dunklow. The Executive Session commenced at 4:30 p.m.

Mr. Schoen gave the Board an update regarding ongoing legal matters. Mr. Dayhoff reviewed with the Board the FY 2024 proposed confidential MSDE budget submission. President Crawford briefly shared information regarding the Superintendent's 2022 evaluation.

At that time, the State Board reviewed and approved six Opinions.

- *Mamie Benjamin v. Baltimore City Board of School Commissioners* – teacher termination– Opin. No. 22-18. The Board reversed the local board's decision and remanded the matter to the local board for a hearing on the termination.
- *L.C. and K.C. v. Montgomery County Board of Education* – IB program denial – Opin. No. 22-19. The Board affirmed the local board's decision.
- *Craig Dunkleberger v. Carroll County Board of Education* – no trespass order – Opin. No. 22-20. The Board affirmed the local board's decision.
- *C.I. v. Montgomery County Board of Education* – magnet program lottery pool denial – Opin. No. 22-21. The Board affirmed the local board's decision.
- *Mary Proctor v. Prince George's County Board of Education* – letter of reprimand – Opin. No. 22-22. The Board affirmed the local board's decision.
- *N.S. and B.J. v. Montgomery County Board of Education* – magnet program denial – Opin. No. 22-23. The Board affirmed the local board's decision.

The Executive Session ended at 6:15 p.m.

REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION

- **Fiscal Year 2024 Budget Estimates and Requests**
(Presenter: Justin Dayhoff, Assistant State Superintendent, Division of Financial Planning Operations, and Strategy)

The State Board is requested to approve for submission to Department of Budget and Management the Fiscal Year 2024 base budget estimates; Fiscal Year 2024 request for State Aided Educational Institutions, which is included in the Funding for Educational Organizations budget; and the Fiscal Year 2024 over-the-target request.

ACTION: Upon motion by Gen. Sumpter and seconded by Ms. McCusker, the State Board approved submission to DBM the following items: Fiscal Year 2024 base budget estimates; Fiscal Year 2024 request for State Aided Educational Institutions, which is included in the Funding for Educational Organizations budget; and Fiscal Year 2024 over-the-target request. (In Favor: 12; Opposed: 0; Abstained: 0)

LEGAL OPINIONS AND ORDERS

Mr. Schoen announced the following Opinions:

- *Mamie Benjamin v. Baltimore City Board of School Commissioners* – teacher termination– Opin. No. 22-18
- *L.C. and K.C. v. Montgomery County Board of Education* – IB program denial – Opin. No. 22-19
- *Craig Dunkleberger v. Carroll County Board of Education* – no trespass order – Opin. No. 22-20
- *C.I. v. Montgomery County Board of Education* – magnet program lottery pool denial – Opin. No. 22-21
- *Mary Proctor v. Prince George’s County Board of Education* – letter of reprimand – Opin. No. 22-22
- *N.S. and B.J. v. Montgomery County Board of Education* – magnet program denial – Opin. No. 22-23

With no further business before the Board, the meeting adjourned at 6:30 pm.

Respectfully submitted,



Mohammed Choudhury
Secretary/Treasurer

Date: October 25, 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, October 25, 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: September 27, 2022
 Time: 4:20 pm
 Location: 200 West Baltimore Street, Baltimore, MD 21201
 Motion to close meeting made by: Ms. Morrow
 Seconded by: Dr. Wilcox
 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.

Citation (insert # from above)	Topic	Reason for closed-session discussion to topic
§3-305(b)(7)	Legal Advice	5 appeals and one draft opinion
§3-305(b)(13)	FY 2024 Budget	Review FY 2024 Budget Estimates and Requests

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