

June 23, 2020

## [Agenda](#)

### **Opening of Meeting**

Board President Warner Sumpter convened the teleconference meeting and was joined by members, including Vice President Jean Halle, Justin Hartings, David Steiner, Michael Phillips, Rose Li, Gail Bates, Vermelle Greene, Clarence Crawford, Charles Dashiell, Jr., Lori Morrow, Rachael McCusker, and student board member Noureen Badwi.

The Board convened at 11:00 a.m. to approve the agenda and enter into closed session until 12:40.

### **Per Pupil School-Based Expenditure Report Released**

State Superintendent Karen Salmon introduced Assistant Superintendent Amelie Brandenburg, MSDE's CFO, who provided a report on the school level per-pupil expenditure data as required by the federal Every Student Succeeds Act (ESSA). She explained that ESSA requires states to report the per-pupil expenditures of federal, state, and local funds, including actual personnel expenditures and actual non-personnel expenditures. This report is disaggregated by source of funds for each local education agency and each school in the state for the preceding fiscal year. The fiscal year 2019 school-level per-pupil expenditure data for every school and every district in Maryland is being released today on the [reportcard.msde.maryland.gov](http://reportcard.msde.maryland.gov). This data reflects the 2018-2019 school year.

Ms. Brandenburg emphasized that MSDE convened a workgroup to develop the methodology for reporting per-pupil expenditure data, noting that school-level per-pupil data can vary across school systems and within school systems due to many factors.

Board members requested follow-up on the possibility of linking this expenditure data with the school-based student performance data provided on MSDE's Report Card site. They also asked that expenditure data show the break out of state and local funding amounts, which are combined as one amount in the current reports. Another concern was the confusing display of central office expenditures and school-based expenditures. Ms. Brandenburg responded that she would pursue responses to these requests.

## [Handout](#)

### **Maryland Education Recovery Plan Update**

Dr. Salmon provided the State Board with a comprehensive overview of the current version of the state's education recovery plan. She highlighted that this version reflects the Governor's order that Maryland is entering Phase 2 of the state's recovery plan, and also reflects the input of the stakeholder committee that MSDE convened. The next stakeholder meeting will be on June 30 and

will review this revised version and discuss the need for further revisions. Dr. Salmon reviewed the plan elements, noting the addition of the section on educational equity to reflect the work of the department and state Board over the past year on this initiative. She also reviewed elements of the State plan that she refers to as "non-negotiables" because these are mandated policy areas that must be included in each local recovery plan.

1. Local school systems must have their Recovery Plans completed and posted to their websites by August 14, 2020. The MSDE will review all local Recovery Plans to ensure that the Plans include and address all Requirements for Opening Schools.
2. The local school system's equity plan must be reflected throughout the local Recovery Plan.
3. Local school systems must establish a Recovery Plan stakeholder group that is representative of their schools and community.
4. Early in the school year, schools must determine where their students are instructionally, identify the gaps in learning, and prepare a path for instructional success and recovery.
5. All local school systems must ensure that MD College and Career Ready Standards PreK-12 are taught in all content areas, and the State Frameworks are followed for each content.
6. Local school systems must follow the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act (Section 504), and Title II of the Americans with Disabilities Act (ADA).
7. Local school systems must follow procedures that are developed by the MSDE in collaboration with the MD Department of Health and guidance from the CDC for an individual who tests positive for COVID-19.
8. Local school systems must follow safety protocols for the collection of materials, cleaning of schools and other facilities, daily cleaning, and nutrition as established by MSDE in collaboration with the MD Department of Health.
9. Local school systems must follow protocols for the safe transportation of students to and from schools.
10. Local school systems must develop a system for tracking attendance when students are engaged in distance learning.
11. Each local school system must develop its own plan for communication.
12. The COVID-19 Checklist must be utilized in the development of the Recovery Plan.
13. The Maryland Public Secondary School Athletic Association (MPSSAA) roadmap forward for interscholastic athletics and activities embodies guiding principles while aligning with the MSDE and the LSS educational and health and safety decisions for education-based athletics and activities to resume during Phase one and Phase two of the Governor's Maryland Strong: Roadmap to Recovery.

Board member discussion following the presentation focused on student assessments, social-emotional needs of students and staff, standards for PPE, and interest in the Board's ability to monitor local implementation of recovery plans.

Board member David Steiner voiced his concerns with Superintendent's decision not to administer statewide diagnostic assessments in reading and math this fall. Dr. Salmon responded that the decision reflected outreach with teachers' unions and legislators as well as taking into consideration the trauma on students occurring throughout this pandemic and shut-down and the need for schools to be responsive to those needs as a priority as students and staff reconvene in the coming school year. She stressed that teachers would be administering diagnostic assessments to identify learning loss and the needs of individual students but that the state's recovery plan would not include uniform statewide tests this fall. Dr. Steiner reiterated his objection to the Board not being involved in this decision.

Board vice president Jean Halle emphasized her interest in the Board's ability to gain insight into how plans are progressing once finalized and submitted local school systems in mid-August. Dr. Salmon agreed and described a shift to the local Superintendent's reports to the State Board on the implementation of their plans. Board members emphasized their interest in statewide reports rather than highlights from a few selected school systems.

Board member Rachael McCusker focused on her concern with the lack of state and local resources to adequately support and enable schools to provide instruction and to meet the social-emotional needs of students, including responding to what she described as "glaring inequities that have been laid bare." Board President Warner Sumpter agreed, and Dr. Salmon answered that she and staff would coordinate a briefing for the Board at its July meeting.

### [The memo, Presentation, and Recovery Plan](#)

## **PreK-Grade 2 Suspensions and Student Arrest Data**

Dr. Salmon introduced Assistant Superintendent Dr. Dara Shaw, MSDE's director of research, and provided brief remarks on the clarity of the law on the suspension or expulsion of our youngest students. However, at the same time schools are challenged by students with severe behaviors that must be addressed to deliver instruction. She stated that this highlights the need to provide the right resources to schools to serve students rather than suspensions and expulsions.

Dr. Shaw presented an overview of the legislation prohibiting the suspension and expulsion of Prekindergarten through Grade 2 students, with limited exceptions for federal gun crimes and findings that the student poses an immediate threat of serious harm to self or others.

She reviewed a series of slides showing that while suspensions and expulsions of prekindergarten through Grade 2 students had not been eliminated, the rates had dropped overall from slightly over 1% to slightly over half a percent of students in each of the two school years 2017-2018 and 2018-2019. She highlighted the reduction in the percentage of African American students suspended at least once from slightly more than 2 percent in 2017 to 1 percent in 2018.

The Board focused on the slide depicting the progress of each local school system. The outliers with the most dramatic reductions in their student discipline rates, and one system not showing

progress: Dorchester County has reduced its rate of suspensions and expulsions from over 6% to less than 1%, Wicomico County moving from over 3% to well below 1%, and Somerset County remaining at nearly 4%. The Board's discussion focused on their desire to learn more about why numbers have gone down and the role in interventions and supports.

[The memo](#), [Presentation](#), [Report/Data](#)

## **Student Arrests Report**

Separately from the PreK-2 student discipline report described above, the State Board also received a briefing on the annual report of statewide student arrest data. The report features detailed reports in the following areas: Number of Arrests by School System; Local School System Arrest Reports; State Race and Gender Report; and Local School System Race and Gender Reports. Reports show numbers of arrests for each school system from 2016 through 2019.

Walter Sallee, MSDE's Director Student Services and Strategic Planning, presented the report and described the department's coordinated student services approach of involving all of the relevant personnel, including school psychologists, counselors, student services directors, administrators, and school safety staff. He described the department's longstanding focus and support for the benefits of aligning and integrating multiple restorative approaches with the Positive Behavior Interventions and Supports (PBIS) approach. Hard work of school systems to address trauma

Mr. Sallee identified that racial disproportionality apparent throughout the reports, but also spoke to the dedicated work in every school system to address their practices and to continue to make improvements. He described the teams in place in each system. That detailed plans are in place in each of the 14 systems with schools identified as having disproportionate student discipline, with MSDE monitoring the implementation of these plans. Dr. Salmon noted her role as chair of the state's subcommittee on school safety and that Maryland's mandatory training curriculum for school resource officers (SROs) reflects a concerted effort to better prepare SROs in the areas of implicit bias, mental health, bullying prevention, and reporting, and other areas.

Board members engaged in a lengthy discussion on their concerns with the racial inequities and disparities evidenced in the reports. They requested more information on the plans in place in the 14 school systems. Board members voiced their alarm at the disproportionality of the student suspension/expulsions and arrests of African American students. Dr. Salmon responded that the disproportionality is horrendous and has not improved significantly other than in a few jurisdictions.

[Presentation on Student Arrests](#) and [Data on Student Arrests](#)

## **School System Reports on Continuity of Learning and Education Recovery Plans**

Dr. George Arlotto, Anne Arundel County Superintendent, and Dr. Andrea Kane, Queen Anne's County Superintendent, presented on their school system's immediate responses to school closures. This included the provision of meals and continuity of learning through distance learning strategies, as well as their ongoing work to develop long-term education recovery plans for the coming school year.

[Handout](#)

## **Interscholastic Athletics Waivers in Response to COVID-19**

Andy Warner, Executive Director of the Maryland Public Secondary Schools Athletic Association (MPSSAA), reviewed waiver requests related to requirements for interscholastic athletics as a result of the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures. The waiver recommendations would apply to interscholastic athletics from July 1, 2020, through June 30, 2021.

Mr. Warner explained that through the MPSSAA local superintendents have collectively requested the waivers from requirements in the following sections of state regulations for a good cause, as necessary and justifiable, arising from the state of emergency:

- COMAR 13A.01.01.02-1 - Waivers from Regulations
- COMAR 13A.06.03.03 A - Sports Season
- COMAR 13A.06.03.03 B(1) - Maximum Number of Contests During a Sports Season
- COMAR 13A.06.03.04C(9) - Limits of Participation
- COMAR 13A.06.03.04E - Out-of-Season Practice
- COMAR 13A.06.03.08(1)(b) - Sanctioning for Interstate Competition
- COMAR 13A.06.03.08(2)(c) - Sanctioning for Intrastate Competition

Mr. Warner also reviewed MPSSAA's guiding principles and roadmap forward, including:

- Re-engagement of students in a safe and controlled environment is paramount to the social-emotional and physical well-being of the student.
- Modified and gradual resumption and administration of athletic and activities based on the relative risks associated with different types of activities.
- Interscholastic athletic decisions must mirror local school system decisions on instructional, logistical, and health decisions. The same policies for student transportation, size of group gatherings, in-person instruction, health care screenings, and other items should extend to extracurricular participation decisions.

Following the report, the State Board approved the waiver requests, which are described in more detail in the presentation.

[Presentation](#)

## **Federal Waiver Authority for Special Education Funds**

The Board approved the department's request to seek a waiver from the U.S. Department of education to extend the period of eligibility for the use of funds provided under the Individuals with Disabilities Education Act (IDEA) Part B for the federal fiscal year 2018. The Board was informed that this would be the fourth waiver requested, with the three previously requested waivers having been promptly granted.

[Handout](#)

## **State Board Task Force on Achieving Academic Equity and Excellence for Black Boys**

State Board member Vermelle Greene proposed a resolution to create a State Board Task Force on Achieving Academic Equity and Excellence for Black Boys. She reiterated her career-long interest in responding to the educational needs of black boys and that recent national events and unrest have served to make the need to correct inequities more apparent. She described the resolution and requested the Board's approval, which was unanimous.

## **Board Member Recognition**

At the conclusion of the meeting, Board President Warner Sumpter and all members recognized their appreciation for the service of three departing board members. Justin Hartings and Michael Phillips are completing their 4-year terms, and Noreen Badwi is finishing her one year term as the student member of the Board.

## **State Board Decisions**

The State Board issued decisions and orders in the following cases:

- Aaron and Nicole Jackson v. Frederick County Board of Education, affirming the local Board's redistricting decision.
- M.E.C.C.A Business Learning Institute (MBLI) v. Montgomery County Board of Education, denying the charter school applicant's waiver requests.
- Peter Stephan v. Prince George's County Board of Education, affirming the local Board's teacher evaluation decision.