

August 25, 2020

Special meeting of the State Board held on Monday, August 24, 2020

The State Board met on the morning of Monday, August 24 to receive reports on the status of the department's review of the education recovery and reopening plans received from local school systems by the August 14 deadline. The board discussed their interests and concerns regarding the local plans including requests for disaggregated data, based on race, gender, and income wherever possible. The Board also questioned whether the plans were detailed enough regarding class schedules with schedules of synchronous instruction for all students as well as small groups of students and for tutoring. Dr. Salmon emphasized that these plans must be comprehensive and clear to parents and other members of the public regarding each of the required plan elements, including class schedules. The board also discussed their interest in requiring a minimum of 3.5 hours of daily synchronous instruction, noting that several local plans did not appear to do so. Board President Crawford indicated that this issue would be taken up at the next day's regular meeting of the board.

[Agenda](#) (8/24/2020)

State Board Meeting (August 25, 2020) [Agenda](#)

Opening of Meeting

Board President Clarence Crawford convened the teleconference meeting and was joined by all members, including: Vice President Jean Halle, Warner Sumpter, Joan Mele-McCarthy, Gail Bates, Vermelle Greene, Charles Dashiell, Jr., Rachael McCusker, Lori Morrow, Shawn Bartley, Susan Getty, Holly Wilcox, and student board member Jason Wu.

Notice of Special Meeting on Sept. 1

Board president Crawford began Tuesday's meeting by informing the board of the decision to defer further discussion and any decisions concerning the local recovery and reopening plans, including the issue of minimum hours of synchronous instruction, until a special meeting to be held on Tuesday, September 1.

Public Comments

The board heard public comments provided by Cheryl Bost, President of the Maryland State Education Association, who raised concerns and objections concerning the modification of the recovery plans to include the 3.5 hours of synchronous instruction and the pending teacher licensure and preparation regulations; and Theresa Mitchell Dudley, President of the Prince George's County Education Association, who raised concerns regarding the impact of the pending regulations on provisional teachers.

Student Discipline in Early Grades

The State Board received a briefing from Dr. Dara Shaw, MSDE's Director of Research, on the results of the department's analysis of the implementation of the law restricting the use of suspensions and expulsions in prekindergarten through second grade. This briefing follows an earlier presentation in June, responding to the board's request for additional data.

Dr. Shaw described the legislation passed in 2017 (HB 425/SB 651) which prohibits a child enrolled in a public prekindergarten program, as defined by the bill, or in kindergarten, first, or second grade from being suspended or expelled from school, subject to exceptions. The bill allows a student in the specified grades to be expelled if required by federal law. It allows a student to be suspended for up to five school days if the school administration, in consultation with a school psychologist or other mental health professional, determines that there is an imminent threat of serious harm to other students or staff that cannot be reduced or eliminated through interventions and supports. The law also specifies the interventions and supports that must be provided to students who are suspended in these grades.

The presentation highlighted the following findings:

- From 2017 to 2018, the fraction of removals for disruption decreased, but not dramatically, from 33 to 26 percent.
- From 2017 to 2018 the fraction of removals for disruption decreased much more for White students (15 percentage points) compared to Black students (4 percentage points).

Board president Crawford described the role of the board in assessing the effectiveness of its regulations in achieving the intended policy outcome of the legislation, to identify areas for improvement if needed, and whether the board should advocate for more resources to assist the state and local school systems with programming. Board member Bartley noted the regional differences in cultural competency and sensitivity and therefore the need for localized strategies to address racial disproportionality in student discipline.

[Memo & Presentation](#)

Equal Opportunity Schools Partnership

The Board received a report on the partnership between Maryland public schools and Equal Opportunity Schools (EOS), a national nonprofit organization established to increase the participation of low-income students and students of color in advanced placement (AP) courses.

The presentation by Eddie Lincoln, Chief Partnership Development Officer at Equal Opportunity Schools, described EOS's work in Maryland. He highlighted the transformational change that EOS strives to achieve to close gaps in student access to college level classes. MSDE's Dr. Dara Shaw presented the results of a study on the impact of EOS on the participation rate and exam performance of underrepresented students on AP exams.

Key findings of the study include:

- The AP course participation rate of underrepresented students in schools that partnered with Equal Opportunity Schools (EOS) were on average 7 percentage points higher than the rate in similar schools that did not partner with EOS.
- The underrepresented students benefiting from greater participation in AP courses through the EOS program achieve an AP exam pass rate and average exam scores similar to, not lower than, students in similar schools.

Dr. Shaw stressed that these are very strong findings in support of the effectiveness of the EOS program. Board members expressed their appreciation and support for the successful outcomes being achieved through the EOS partnership.

[Memo & Presentation](#)

KRA Waiver

The State Board approved the department's request to waive the otherwise required administration of the kindergarten readiness assessment (KRA) in the upcoming 2020-2021 school year. MSDE staff presented the request, and rationale for the request by the 24 local superintendents, that due to all school systems beginning with a virtual program and given that Maryland remains in Stage 2 based on the Governor's Executive Order, it is not possible to administer the entire KRA virtually and to screen for all of the KRA skills, knowledge, and behaviors before the November 1 end of the administration window.

[Memo](#)

Educator Licensure Regulations

The State Board approved the request publish amended regulations governing educator licensure under COMAR 13A.12.01-.07. The amended regulatory language is described as aligned with MSDE's comprehensive plan to increase the rigor and accountability of educator certification and preparation programs in Maryland. Assistant Superintendent Sarah Spross provided a detailed overview of the enormous amount of deliberation by both the State Board and Professional Standards and Teacher Education Board (PSTEB) over the past 2 years.

Board member McCusker requested clarification on whether PSTEB had seen the proposed regulations prior to today's requested vote by the State Board. Ms. Spross responded that the State Superintendent's advisory committee is the source of these changes, that either the State Board or PSTEB may initiate regulations, and that the State Board may by a three-fourths majority vote override the opposition of PSTEB to proposed regulations. Ms. Spross noted that changes are informed by feedback from PSTEB and many other stakeholders, either by those represented on Dr. Salmon's advisory group or through public comments.

[Memo & Regulations](#)

Educator Preparation Program Regulations

The State Board approved the request to publish the repeal and replacement COMAR 13A.07.06, the regulations governing Programs for Professionally Licensed Personnel. The amended language is described as aligned to the Maryland State Department of Education's (MSDE) comprehensive plan to increase the rigor and accountability of educator certification and preparation programs in Maryland. Ms. Spross described the challenge of incorporating by reference the most recent versions of national standards, several of which were very recently finalized and therefore reflected in this proposal. (The standards being incorporated by reference are listed on pp. 2-4 of the proposed regulation.)

The board engaged in lengthy discussion concerning amendments to the proposed regulations, and several amendments were adopted by the Board.

[Memo & Regulation](#)

Student Records Manual Regulations

Assistant Superintendent Mary Gable presented the request to approve the adoption of the 2020 updated version of the Maryland Student Records Manual, noting that the manual will not be updated as initially proposed regarding a new format for the student record card. This change was retracted in light of the many other challenges in the upcoming school year in response to the COVID-19 pandemic. The regulations being adopted are under COMAR 13A.08.01.01E and 13A.08.02.02.

[Memo & Regulation](#)

Sexual Misconduct Employer History Regulations

The State Board granted final approval of the regulations proposed to govern the implementation of legislation enacted in 2019 (HB 486) regarding the child sexual abuse and sexual misconduct history reviews required under section 6-113.2 of the Education Article.

Under House Bill 486, the law establishes a process, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of "child sexual abuse" or "sexual misconduct," for the hiring of public school and nonpublic school employees who have direct contact with minors. This law applies to local boards of education, nonpublic schools, and contracting agencies that contract with a county board of education or nonpublic school to provide a service to a school or students.

Assistant Superintendent Sarah Spross provided a thorough review of the regulations governing MSDE's role in implementing procedures for disciplinary proceedings and the assessment of penalties against an applicant, employee, contracting agency, or school administrator for willful violations of the requirements of the statute. Ms. Spross shared that MSDE fully appreciates how burdensome this law is on school employers, that MSDE has responded to approximately 5000 employee status inquiries and more than 1500 employer requests, and in light of these issues MSDE has supported legislation in 2020 to amend the law. However, this legislation did not pass before the conclusion of the recent legislative session.

[Memo & Regulations](#)

State Board Meeting Calendar for 2021

The State Board approved its monthly meeting calendar for the 2021 calendar year. Board members discussed the potential need to schedule additional meetings during the weeks between the Oct. 2020 and Dec. 2020 meeting and between the Dec. 2020 and Jan. 2021 meeting.

[Meeting Calendar](#)

State Board Public Engagement

Board member Racheal McCusker led a discussion arising from her interest in the board engaging directly with external stakeholders, specifically on the issue of social emotional learning policy and practices in the context of the COVID-19 pandemic. She responded to board member questions by clarifying that she envisions a virtual roundtable meeting to discuss input from stakeholders rather than a formal workgroup.

State Board Committee Updates

Board Vice President Jean Halle provided a brief update on the State Board's Digital Learning Committee, which she chairs. She noted that if there is any silver lining to the pandemic it is that Maryland already had digital learning standards and 2 consortia in place. Dr. Carol Williamson, MSDE's Chief Academic Officer, provided a status report on the status of the recommendations of the board's workgroup and the department's digital learning initiatives and work of the department's longstanding Digital Learning Advisory Committee. The plan going forward is to have the department report on the progress on the numerous board workgroup recommendations.

Board member Vermelle Greene provided an update on work of the State Board's recently established Task Force on Achieving Academic Equity and Excellence for Black Boys, which she chairs.

State Board Decisions

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

- Monarch Academy Public Charter School v. Baltimore City Board of School Commissioners, adopting the recommended decision of the ALJ to affirm the local board's decision to not renew the charter.
- Olivia Aberdeen v. Howard County Board of Education, affirming the local board's decision to non-renew the probationary teacher's contract.
- J.D. v. Montgomery County Board of Education, affirming the local board's denial of a student school assignment request.
- Dan and Lauren T. v. Montgomery County Board of Education, affirming the local board's denial of a student school assignment request.
- Dawn M. v. Calvert County Board of Education, affirming the local board decision.
- In Re: Baltimore City Public Schools Charter School Waiver Request, denying the school system's request for a waiver from the statutory requirements for administering the charter school application and review process for the remainder of 2020.