

October 26-27, 2020

Special Meeting of the State Board (October 26, 2020)

On Monday, October 26, 2020, Board President Clarence Crawford convened the teleconference meeting and was joined by members, including: Vice President Jean Halle, Warner Sumpter, Rose Li, Joan Mele-McCarthy, Gail Bates, Charles Dashiell, Jr., Rachel McCusker, Lori Morrow, Shawn Bartley, Susan Getty, Holly Wilcox, and student board member Jason Wu.

[Link to meeting agenda, materials, and video.](#)

State Superintendent's Call to Action

State Superintendent Dr. Karen Salmon opened the meeting with a "Call to Action" for leaders of Maryland's local school systems to return students to school for in-person learning as soon as possible. She stated that true leaders act during chaotic times, and it is time for education leaders to take actions now that will return students safely and gradually. She shared research supporting returning to school that finds no consistent relationship between in-person K-12 instruction and the coronavirus spread. Dr. Salmon described the approach that demands that schools be completely safe before returning students and staff to schools as disregarding the enormous costs to children of keeping schools closed, including children from low-income families and those experiencing mental health problems.

Dr. Salmon also reiterated that the department's position is steadfast in prioritizing in-person learning for students receiving special education. She also disputed claims concerning health metrics and funding for personal protective equipment made during a recent briefing held by Maryland's Senate Education, Health, and Environmental Affairs Committee. Board members voted to endorse the Superintendent's statement.

Interscholastic Athletics

The State Board discussed at length and ultimately approved the request from the Public School Superintendents' Association of Maryland (PSSAM) to move the second-semester start of the winter interscholastic athletic season from February 1, 2021, to December 7, 2020. Assistant Superintendent Dr. Sylvia Lawson and Andy Warner, Executive Director of the Maryland Public Secondary Schools Athletic Association (MPSSAA), presented an update on the status of local school system decisions and policies regarding returning to in-person interscholastic athletic activities. Separately, the Board approved a motion to strongly encourage all school systems to begin student athletic conditioning activities immediately.

[Handout](#)

MSDE's Dashboard/Scorecard for Maryland's Recovery and Reopening Plan for Education

Dr. Carol Williamson, MSDE Chief Academic Officer, presented an overview of the department's development of a data dashboard and scorecard relating to local school system education recovery and reopening efforts. She described the dashboard as intended to reflect monthly updates from local school systems for the State Board's consideration at each meeting.

Assistance Superintendent Mary Gable reported on the status of each of the 24 school systems as of October 13, 2020, and provided a detailed explanation of the proposed dashboard/scorecard. The scorecard component would assign green, red, or yellow colors to display the status of factors such as county-wide positivity rates, percent of students having devices and connectivity for remote learning, percent of students receiving in-person instruction, safety protocols and school facility conditions, athletics, professional development for teachers and principals on distance learning, and student attendance

Board President Crawford addressed his concern that the dashboard needs to balance the desire for data with the need to prioritize which data is most useful to collect, given the burdens on local school systems and the department to compile the data and prepare updated reports. Ms. Gable provided the example of the decision to continue to collect student diagnostic assessment results but not reflect them on this dashboard. Dr. Salmon also shared that the Maryland Department of Health is developing the health components of the dashboard.

Board members discussed their concerns with issues ranging from the inclusion of athletics but not the availability of other extracurriculars to the costs and challenges of upgrading ventilation systems. Board member Rachel McCusker raised her concern with the scorecard, urging that it not be used in a punitive manner, given that many factors are outside the school system's control. For example, the positivity rate and the number of school outbreaks and the option that parents choose in favor of distance learning.

Board member Susan Getty asked if school-level infection rates could be included. Dr. Salmon responded by emphasizing that the school health guidance contains a specific definition of outbreak and that the department is discussing this.

[Presentation](#)

Immunization Enrollment County Waiver

The State Board approved the partial waiver of state regulations governing education funding formulas under COMAR 13A.02.06.03A to remove the age-appropriate immunizations required for the September 30 count solely to calculate State aid under the foundation program.

Local school system superintendents requested this waiver of the regulation to avoid a financial penalty against the local school systems for funding calculations because of parents' inability to provide proof of immunization by September 30th because of the COVID-19 pandemic.

Dr. Salmon emphasized the limited scope of this waiver for funding purposes only. She also shared that local superintendents have assured her that they remain committed to ensuring that students have their required vaccinations before returning to school in person.

[Handout](#)

Regular Meeting of the State Board (October 27, 2020)

On Tuesday, October 27, 2020, Board President Clarence Crawford convened the teleconference meeting and was joined by members, including: Vice President Jean Halle, Warner Sumpter, Rose Li, Vermelle Greene, Joan Mele-McCarthy, Gail Bates, Charles Dashiell, Jr., Rachel McCusker, Lori Morrow, Shawn Bartley, Susan Getty, Holly Wilcox, and student board member Jason Wu.

[Link to meeting agenda, materials, and video.](#)

National Board Certification Incentive Program

The Board approved the roster of candidates to participate in the 2020-2021 Incentive Program established for public school teachers seeking certification by the National Board for Professional Teaching Standards (NBPTS). State law requires the Board to annually confirm a maximum of 1,000 candidates eligible to participate in the Incentive Program, which funds the teacher's certification fees. Local school systems have identified 539 candidates to participate in the 2020-2021 Incentive Program. In response to a question about the gap between the 1,000 available slots and the 539 submitted by local school systems, Dr. Salmon agreed to brief the Board on the program at a future meeting.

Public Comment

The State Board heard public comments from individuals including:

- Caroline County Superintendent Saelens, incoming president of the Public School Superintendents' Association of Maryland (PSSAM). Dr. Saelens thanked the Board for yesterday's waiver of the immunization requirement for purposes of calculating per-pupil funding. She also urged the Board to advocate the Governor to hold school systems harmless from the millions of dollars in budget cuts that would result from the 3 to 5 percent drop in enrollment this fall. She also thanked Dr. Salmon for opening channels of direct communication between the local school systems and the Maryland Health Department to ensure greater uniformity in applying school-based health guidance and metrics. Superintendent Saelens thanked the Board for the already approved waiver of the graduation assessment requirement for high school seniors and urged approval of the pending waiver for juniors. Also, she requested removing all high stakes graduation assessments per the recommendations of the graduation task force.
- A doctor outlined his objections to reopening schools without significant improvements in health care and other safeguards being in place.

- A nurse described her experiences providing emergency care to COVID-19 patients and urged the Board to consider health care workers as they make decisions on school reopening.
- An Anne Arundel County parent urged the Board to stop the pressure it is putting on local school systems to reopen.
- MSEA President Cheryl Bost urged the State Board's endorsement and investments and technical assistance to implement its own checklist and a reporting tool and protocols for communication in other states rather than rating school systems based on a scorecard.
- Catherine Carter, a parent of 5 students in Howard County, described her virtual learning experiences and decision to withdraw 4 of her five children and instead enroll them in other virtual learning programs, including programs providing special education supports.
- A parent and special educator urged the Board not to focus on reopening schools but instead focus on high-quality virtual learning. She described students who are thriving in one-on-one virtual learning and requested that the Board consider students' safety staff with pre-existing conditions.

CARES Act Funding

Amelie Brandenburg, MSDE Chief Financial Officer, presented a detailed overview of the department's allocation of more than \$427 million in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to local school systems and described examples of local investments of the Education Stabilization funding the Act provided.

Maryland was awarded \$207 million under the Elementary and Secondary School Emergency Relief (ESSER) Fund, a program within the Education Stabilization Fund, which includes \$20 million for State set aside and \$187 million for local school systems. The \$187 million was awarded to local school systems to address the impact of COVID-19 on elementary and secondary schools and may be used for any purposes within the CARES Act and distributed based on Title I formulas.

Ms. Brandenburg highlighted that the Governor allocated the following \$210 million to local school systems:

- \$100 Million Tutoring Grant – to support tutoring and other supplemental services to compensate for the learning loss associated with time away from direct instruction due to the COVID-19 school closures.
- \$100 Million Technology Grant – to support technology needs associated with virtual learning necessary due to the COVID-19 school closures.
- \$10 Million Connectivity Grant - managed by the Department of Housing and Community Development (DHCD) Office of Rural Broadband. Broadband connectivity for unserved students.

Board member Li asked whether additional needs are not being met because it appears that all of each school system's request has been completed. Dr. Salmon responded that everyone supports the need for additional federal funds for the future and the looming challenges in fiscal 2022.

Board member Morrow asked about the distinction between the operating and capital funding needs of local school systems for school buildings needing HVAC upgrades and other improvements

Dr. Salmon responded that as chair of the IAC, she knows that over \$400 million allocated by the IAC this past spring for the coming year

[Presentation](#)

ESSA Accountability Plan

Dr. Salmon introduced Assistant Superintendent Mary Gable, who presented a comprehensive overview of the Every Student Succeeds Act (ESSA) implemented in Maryland through the State's accountability and assessment system.

Dr. Dara Shaw, MSDE's Director of Research, described Maryland's school performance accountability system, how Maryland's accountability is governed by the Protect Our Schools Act, and how the State's approach goes above and beyond the federal requirements. She highlighted that the department provides transparency through reports on available on the department's website, mdreportcard.org. She also described Maryland's decision to include equity reports for schools and student groups within schools.

Chandra Haislet, MSDE's Director of Accountability and Data Systems, described the nationwide waivers granted by the U.S. Department of Education regarding assessments and reporting requirements for the 2019-2020 school year and ramifications for the 2020-2021 school year. She stressed that schools receiving support last year based on performance in the 2018-2019 school year would continue to do so in the absence of updated performance data. Ms. Gable emphasized that the accountability system's primary goal is to identify the lowest performing schools and combine the state and local resources to make improvements.

Dr. Shaw presented the performance metrics and reporting requirements within the State's COVID-19 Education Recovery Plan to identify where schools are and their needs.

Dr. Salmon noted that Dr. Judkins would defer her portion of the presentation on the status of the State's testing and accountability system until the State Board's next meeting in December. Staff responded to board member questions, and Dr. Salmon pledged to respond at future meetings to specific questions regarding planned changes to the accountability system.

[Presentation](#)

High School Assessment Waiver for Juniors

Deputy Superintendent Mary Gable described the rationale for requesting a waiver, which was granted by the Board. The waiver is for high school juniors in the 2020-2021 school year who need to be assessed for English 10 or Algebra 1 from having to achieve cut scores or participate in retakes or bridge plans for academic validation in response to their scores. She emphasized that these juniors would still be required to sit for the assessments and pass the courses themselves.

In response to questions, Ms. Gable also clarified that while assessments were waived entirely in the 2019-2020 school year due to the COVID-19 pandemic, that is not the case this school year. The state assessments will be administered in the spring for standard setting.

[Waiver Request for Juniors in the 2020-2021 School Year](#)

Career & Technology Education Regulations

Assistant Superintendent Tiara Booker-Dwyer presented, and the Board approved for publication in the Maryland Register for public comment. The proposed revisions to the State regulations governing Career and Technology Education (CTE) programs.

[13A.04.02 Secondary School Career and Technology Education \(Permission to Publish\)](#)

[13A.04.10 Program of Instruction in Career Development for College and Career Readiness \(Permission to Publish\)](#)

State Board Member Reports

Board member Dr. Vermelle Greene presented a detailed update on the progress of the State Board's [Task Force on Achieving Academic Equity and Excellence for Black Boys](#), which she chairs. Board Vice President Halle provided a brief update on the State Digital Learning Committee, which she chairs, including an update on the Committee's engagement with MSDE's standing advisory committee on digital learning toward the goal of adopting a new state master plan.

Opinions

The State Board issued legal opinions in the following cases:

- *Baltimore Education Trust for Young Men, Inc. v. Baltimore City Board of School Commissioners*, affirming the local board decision not to renew the charter school.
- *A. A. v. Howard County Board of Education*, affirming the local Board's decision to deny a requested school reassignment.
- *C. K. v. Montgomery County Board of Education*, affirming the local Board's decision to deny a requested school reassignment.
- *Lynn Nash, et al. v. Montgomery County Board of Education*, affirming the local Board's decision regarding a property transfer.
- *E. V. v. Howard County Board of Education*, remanding the school assignment case based on the finding that the local policy requiring documentation from a mental health professional is *per se* unreasonable. Cation, dismissing the appeal for untimeliness.