

Special Meeting of the State Board (Dec. 7, 2020)

On Monday, December 7, 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.

[Agenda, materials, and video](#)

Opening Remarks

President Crawford opened the meeting with a statement on the focus on the Board's priorities, emphasizing the primary focus on hiring a new State Superintendent and the ongoing extensive information gathering on best practices among other state boards of education.

New State Assessment System

The State Board received a presentation on the Maryland Comprehensive Assessment Program (MCAP), highlighting the significant changes from prior years, including computer-adaptive tests and decreased testing times. Dr. Jennifer Judkins, Assistant State Superintendent Division of Assessment, Accountability, and Information Technology, led the presentation.

The new system consists of assessments designed, developed, and written by Maryland educators. Since June of 2020, over 325 Maryland educators have been a part of writing items, reviewing items and stimuli, and developing scoring rubrics for mathematics, English language arts, science, and social studies assessments for the state.

A technical advisory committee has reviewed each state assessment, and all tests used for federal accountability must go through federal peer review.

Subject	Previous Times			MCAP		
	Number of Units	Minutes per Unit	Total Test Time	Number of Units	Minutes per Unit	Total Test Time
Math 3-5	4	60	240	4	40	160
Math 6-8	3	80	240	4	40	160
Math HS	3	90	270	4	40	160
ELA/L 3	4	75	300	4	70	280
ELA/L 4-10	4	90	360	4	70	280
MISA 5 & 8	4	60	240	4	40	160
MISA HS	5	40	200	4	40	160
Social Studies 8	N/A	N/A	N/A	4	40	160

Local School Systems have the flexibility to administer multiple units in a day.

Regarding timeline adjustments reflecting the pandemic, MSDE highlighted the following:

- All of the testing windows have been adjusted and extended to accommodate the need for testing all students when in-person time in the classroom may be limited.

- Early opening windows have been incorporated for students who do not return until the 2nd semester but need to test close to the end of their first-semester course.
- MSDE considered remote administration of assessments for the 2020 – 2021 administrations. However, given the extreme differences in technology resources available to students throughout the state, we could not find an equitable means for delivering these assessments remotely.

Administration Dates for 2021	
Assessment	Dates
HS Government/HS MISA	January 11 – February 5
MCAP ELA/Mathematics HS Government (Spring)	February 22 – June 4
HS MISA (Spring)	May 3 – June 4
MISA 5 & 8	March 8 – March 26
ELA/Mathematics 3-8	March 8 – June 4
DLM (Alternative Assessments)	March 9 – June 11
Access for English Learners	February 1 – May 28

Dr. Judkins reviewed the delayed transition to computer-adaptive assessments intended to adapt to the student's performance level to give a more accurate measure of ability. In 2020-2021, the Mathematics and ELA assessments will be fixed due to a limited item pool this first year. In subsequent years, all mathematics and English Language Arts grades 3-7 and Algebra I will be computer adaptive.

Board members raised questions about the origin and development of the early grade K-2 assessments, which Dr. Salmon clarified was the State Board's initiative rather than a legislative mandate. Board members also voiced concern about the gap in statewide assessments created by school closures that prevent in-person testing and the concern that more students will be enrolling in community colleges and need remedial instruction in core subjects. Dr. Salmon agreed that these are serious concerns.

[Presentation](#)

Government High School Assessment Waiver

MSDE requested the State Board's approval for a waiver from state regulations, under COMAR 13A.03.02.06A and B, for seniors who need to take the high school assessment in American Government in the 2020-2021 school year from taking and passing the assessment. The request also includes a waiver for seniors in the 2020-2021 school year from completing the Bridge Plan for American Government. These students must still pass the American Government course.

Mary Gable, MSDE Assistant State Superintendent, presented the background on the requested waiver from both requirements to take and pass this assessment while preserving the requirement to earn the course credit. The Board approved this waiver request.

[Memo](#)

High School Graduation Task Force Recommendations

The State Board received a detailed briefing from Deputy State Superintendent Dr. Carol Williamson on the comprehensive changes recommended by Maryland High School Graduation Task Force in 2018 to the high school graduation system and governing regulations. Of the 12 recommendations of Superintendent Salmon's task force in early 2018, 11 have been adopted. The purpose of the Dec. 7 briefing was to inform the Board's decision on adopting the 12th recommendation of the task force,

concerning high school assessments, at its December 8 meeting the following day. Dr. Williamson reviewed each recommendation, highlighting when it was discussed and approved by the Board. She noted that the final recommendation was to be presented in March 2020, but the pandemic resulted in the deferral until today's meeting.

The remaining recommendation to revise the high school assessment system would:

- Require Algebra, English, Government, and Science Assessments to be end-of-course assessments that contribute to 20 percent of the final course grade;
- Remove requirements that students receive a specific assessment score for graduation as a stand-alone requirement; and
- Require students to participate in the HS Maryland Integrated Science Assessment (MISA) until determining an "end-of-course" assessment for science. (This determination was completed in February 2020).

MSDE provided the following as the rationale for adopting the recommendation:

- Research shows that high stakes exit exams disproportionately and negatively impact minority and economically disadvantaged students, reducing their likelihood of graduation from high school.
- Research shows that a student's course grade is a stronger predictor of college ad career success than standardized assessments.
- Schools are being held accountable for student achievement in math and English language arts in Maryland's state accountability plan.
- Many states have recently changed their high stakes assessments to be end-of-course exams instead of graduation requirements.
- Many states count end-of-course exams as 20% of the respective course grade.

Board members raised questions regarding having students achieve college and career readiness by the end of 11th grade and the diploma endorsement, which would not be received until the completion of 12th grade. Also, questions arose about the timing of receiving results from for the MCAP tests for use as end of course exams.

Dr. Salmon emphasized the value of this report and discussion in advance of the Board's January meeting, at which a decision will be requested.

[Memo and Task Force Report](#)

Regular Meeting of the State Board (Dec. 8, 2020)

On Tuesday, December 8, 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.](#)

Public Comments

The State Board heard public comments from the following:

Dr. Kelly Griffith, President of the Public School Superintendents' Association of Maryland (PSSAM), expressed appreciation for the State Superintendent's outreach and collaboration on the department's education dashboard. Dr. Scott Smith, St. Mary's County Superintendent, representing PSSAM, spoke in support of the State Board's adoption of the High School Graduation Task Force recommendation to decouple high school assessments and graduation requirements.

Tammy Fraley, President of the Maryland Association of Boards of Education (MABE), and President of the Allegany County Board of Education, introduced herself to the State Board. She spoke in favor of state budget security, particularly regarding declining enrollment, regulatory waivers, MSDE's dashboard on educational metrics, and state assessment reforms.

Two individuals spoke in favor of a new requirement, including legislation to be enacted in 2021, that schools provide certificated, licensed educational interpreters of sign language.

Cheryl Bost, President, President of the Maryland State Education Association (MSEA), urged the State Board's advocacy for the Blueprint for Maryland's Future, including the Governor's veto's override adoption of standards for online and hybrid instruction. Doug Prouty, MSEA Vice President, spoke in favor of waivers regarding high school assessments in English, Algebra, Science, and Government in the 2020-2021 school year.

Christopher Lloyd, the Chair of the Professional Standards and Teacher Education Board (PSTEB), requested improved communication between the State Board and PSTEB.

Erin Hager, Chair of the Maryland State School Health Council, spoke in favor of the High School Graduation Task Force's recommendation to expand the current half-credit in high school health education to a full credit to accommodate the increased number of statutorily required subjects.

A Baltimore County educator addressed her concerns about the disruptive and negative impacts of the recent ransomware attack on the school system's delivery of special education services to students and requested a statewide strategy to prepare for any similar attacks in the future.

Special Education Regulations

MSDE requested the State Board's permission, which was granted, to publish amended regulations governing special education enrollment counts under COMAR 13A.02.06.06A (State Financial Assistance under the Special Education Grant), 13A.02.06.07A (State Financial Assistance Under the Disabled Student Transportation Grant), 13A.06.07.15B (Reporting Requirements), and 13A.06.07.18B (Transportation Grant for Increased Ridership of Students with Disabilities). The amended regulations would change the date of the annual federally submitted student count for students with disabilities from the current last Friday in October to October 1. Assistant Superintendent Mary Gable briefly described the rationale for the request to eliminate the month-long gap between the respective dates for enrollment counts of all students.

[Memo](#)

Digital Learning Update

Board Vice President Jean Halle provided a detailed update on MSDE's Digital Learning Advisory Committee, chaired by Deputy Superintendent Dr. Carol Williamson, and the State Board's Digital Learning Committee, which she chairs. Ms. Halle emphasized the adoption of the Future Ready Framework to develop Maryland's digital learning master plan.

President's Update

Board President Crawford announced the future scheduling of statewide townhalls to gather input from citizens on their educational priorities and concerns and the ongoing work with the search firm conducting the candidate search for a new State Superintendent.

Maryland Department of Health COVID-19 Presentation

Dr. Jinlene Chan, Deputy Secretary of the Maryland Department of Health, provided an update on the collaboration and ongoing communication between the Department of Health (MDH), MSDE, and local school systems. They are meeting weekly and bi-weekly with superintendents and school health coordinators, among others.

Dr. Chan emphasized that the "COVID-19 Guidance for Maryland Schools" was never meant to be interpreted as providing hard and fast thresholds for school closures or reopenings. She described the department's recognition that local circumstances will inform these decisions.

The MDH guidance, most recently updated in November, states that "The local health department will work with a school to determine if a school must close and the length of closure according to the MDH guidance."

Board member Rachel McCusker requested further clarification on the nature of the MDH document's guidance, as she believes that local school systems are interpreting as strict parameters for decision-making.

Dr. Chan also outlined the key building blocks of Maryland's COVID-19 pandemic response, including testing capacity, hospital surge capacity, personal protective equipment (PPE) supply, robust contact tracing, and COVID-19 vaccinations.

Board President Crawford thanked Dr. Chan for her presentation and requested future presentations to clarify issues further.

School Indoor Air Quality

Dr. Salmon introduced Fred Mason, Chief of MSDE's School Facilities Branch, who presented an update on the department's guidance on strategies to improve indoor air quality in schools. Mr. Mason described the department's focus on providing practical risk reduction strategies, including this updated guidance on heating, ventilation, and air conditioning (HVAC) practices to optimize the quality and safety of air quality in school buildings. He reviewed the content of an updated section of the future iteration of the "COVID-19 Guidance for Schools" issued jointly by the Maryland Department of Health (MDH) and the Maryland State Department of Education (MSDE).

In addition to following all COVID-19 mitigation strategies under the COVID-19 Guidance for Schools (e.g., use of cloth face coverings, physical distancing, cleaning and disinfecting, and hand hygiene), strategies to improve air quality in school facilities include but may not be limited to:

- Minimizing time in enclosed spaces and maximizing time outdoors as much as possible (when appropriate);
- Avoiding the use of poorly ventilated spaces as much as possible;
- Cleaning and adequately installing air filters so that air goes through the filters, rather than around them, with as high a MERV rated filter as can be accommodated by the HVAC system; and
- Implementing a strict preventive maintenance program focused on air handling units and exhaust fans.

The guidance states that using CO2 levels is a good proxy of ventilation and notes that inexpensive portable CO2 meters can be used to evaluate areas where there is a question of ventilation.

[Strategies for Improving Air Quality in School Facilities](#)

Review of Current Research on Spread of COVID-19 in Schools

Dr. Salmon presented an overview of research on the review of current research on the spread of COVID-19 in schools, emphasizing that research shows no clear relationship between reopening schools and the community spread of COVID-19. Her presentation highlighted the following points:

Areas of the U.S. that have seen clusters of school-related cases tend to meet 2 criteria: schools reopened before community rates were at or below CDC guidelines and in areas where there was no mask mandate.

Detailed international research shows that most Covid-19 cases are associated with indoor gatherings of adults in restaurants, bars, workplaces, religious gatherings, elderly care facilities, and households—very few associated with schools.

Regarding the national and international landscape of school reopenings, Dr. Salmon shared that:

- As of Oct. 19, 24 of the nation's largest systems have resumed in-person classes for large numbers of students, with 11 more planning to do so in the coming weeks.
- New York City schools reopened for elementary students and students with disabilities on Dec. 7.
- Rhode Island has closed restaurants and bars but maintained open schools.
- Schools have remained open in Germany while other public facilities have been closed.

Dr. Salmon then focused on the negative impacts of virtual instruction on student learning, citing dramatic failure rates for students in meeting early literacy targets in Washington, DC; failure rates for all students but particularly those with disabilities and English learners in Fairfax County Virginia and Montgomery County Maryland; and a McKinsey study which warns of substantial learning loss if in-person instruction does not resume. Also, she referred to the value of tutoring as a magic bullet. She thanked the Governor for allocating \$100 million in federal funding to support statewide tutoring from June through the end of this calendar year.

Board President Crawford responded by stressing the lifelong impacts of the lost learning time already experienced by many students, and board member Bartley shared his experience as a parent concerning the inadequacy of virtual learning relative to in-person instruction.

Dr. Salmon concluded by highlighting how clean and safe school facilities are and how prepared schools are for the return of students and staff. She encouraged members of the State Board to visit schools to confirm this.

Oral Arguments

The State Board heard oral arguments in the following cases:

- *NACA v. Baltimore City Board of School Commissioners; and*
- *Van Herksen, et al. v. Montgomery County Board of Education.*

Opinions

The State Board issued legal opinions in the following cases:

- *K.E. and E.E. v. Montgomery County Board of Education*, remanding the student reassignment decision for the consideration of additional evidence.
- *Melissa van Herksen et al. v. Montgomery County Board of Education*, affirming the local Board's approval of the redistricting plan for the Clarksburg, Northwest, and Seneca Valley Clusters.
- *Liberty Elevator Experts, L.L.C. v. Prince George's County Board of Education*, dismissing the appeal for failure to exhaust administrative remedies.
- *In the Matter of COMAR 13A.01.0508B*, declaring the meaning of the regulation as requiring that the cost of transcribing proceedings before an Administrative Law Judge in the Office of Administrative Hearings must be shared equally among all parties to the appeal, even when there are multiple named appellants.