

April 27, 2021

On Tuesday, April 27, 2021, Board President Clarence Crawford convened the hybrid teleconference and in-person 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 Comment**

The State Board received public comments from the following individuals: Cheryl Bost, President of the Maryland State Education Association, urged the department to fully engage teachers in the stakeholder process required under federal law to develop plans for investing federal COVID relief funding. A parent voiced concerns about the inadequacy of virtual learning and urged statewide action to implement the CDC's revised social distancing and force local school systems to offer in-person instruction. A special education advocate and former teacher requested the approval of a statewide virtual learning platform. They shared her experience with successful special education instruction, highlighting the benefits of virtual individual and small group instruction.

### **Task Force on Achieving Academic Equity and Excellence for Black Boys Final Report**

Board member Dr. Vermelle Greene, who chaired the Task Force, presented the findings and recommendations contained in the final report. Dr. Greene thanked the State Board for its support for her request to form the task force to explore these inequities and develop a set of evidence-based recommendations and strategies to improve the educational experiences and outcomes for Black boys in Maryland's schools. The recommendations are intended to be practical, feasible, meaningful, reasonable, justifiable, and actionable. They will also require the engagement of multiple stakeholders, including students, parents, teachers, administrators, schools and school districts, legislators, citizens at large, and business, community, and religious leaders. Moreover, consistent monitoring and accountability must ensure that the recommendations are implemented with fidelity and lead to more positive outcomes.

Dr. Greene introduced a panel of Task Force members to present the 16 recommendations contained in the report. She emphasized that the report also includes proposed strategies to carry out the recommendations and solutions to potential roadblocks to successful implementation.

Task Force member Diane Roberts, Westlake Highschool Principal in Charles County, presented Study Group 1 on Social, Emotional, and Behavioral Supports. Task Force member Ramon Goings,

UMBC Professor, presented Study Group 2 on Recruiting and Training Skilled, Competent Teachers and Administrators. Task Force member Dr. Daryl Howard, Building Our Network of Diversity (BOND) program coordinator with the Montgomery County Public School System, presented Workgroup 3 on Curricula and Instruction.

Key recommendations include:

- **Social, Emotional, and Behavioral Supports** • 1.1: Require de-escalation and other evidence-based intervention and training for all school staff. • 1.2: Include gender equity as part of the Maryland School Report Card, which would give an accurate measure of equity or lack of equity being achieved for Black boys. • 1.3: Coordinate structured mentoring programs (adult male and/ or peer mentoring) tailored to meet the social and emotional learning needs of identified Black boys in grades K-12. • 1.4: Implement a Rites of Passage program for Black boys in Grades 6-12. (4 of 4 recommendations)
- **Recruiting and Training Skilled, Competent Teachers and Administrators** • 2.1: Provide financial incentives to recruit and retain racially and ethnically diverse teachers and administrators in the profession. • 2.2: Require school district representatives with teacher and administrator hiring responsibilities (e.g., human resource officers, supervisors, and school principals) to have training on equitable hiring practices of racially and ethnically diverse teacher candidates. (2 of 5 recommendations)
- **Curricula and Instruction** • 3.1: Provide professional learning to support the implementation of Culturally Relevant Pedagogy/Culturally Responsive Teaching and Anti-bias practices in classrooms and schools. (1 of 7 recommendations)

The State Board voted unanimously to accept and approve the Report and its recommendations, and President Crawford reiterated the need to commit to implementing the recommendations.

- [Task Force Final Report](#)

## **Resolution on In-Person Instruction in 2021-2022 School Year**

Dr. Salmon presented the status of in-person instruction being provided in Maryland's 24 local school systems, highlighting that while 11 systems are providing in-person learning for 70% of their students more than three days a week statewide, approximately only 42% of students are receiving any in-person instruction. She stated too many students have been without access to in-person instruction for a year. The data on negative impacts on students' academic and social, and emotional learning indicates the need to return students to classrooms. She cited U.S. Secretary of Education Miguel Cardona's endorsement of this approach and presented a Resolutions for the Board's consideration and approval. Bord counsel Elliot Schoen read the proposed Resolution, which was not made available to the public on the website at the time of the proposal and discussion. The Resolution would state that local school systems must permit all students to attend school for in-person instruction for at least 180 days and 1,080 hours of instruction in the 2021-2022 school year.

Board members generally spoke in favor of the Resolution. However, board members Lori Morrow and Rachael McCusker voiced concerns about the lack of prior notice to the public regarding the

proposal, including its text. Board members approved an amendment adding a “whereas clause” referring to the challenges presented by hybrid teaching and rejected an amendment to reference the availability of virtual learning under existing law. An amendment was also approved to rephrase the Resolution to be more favorable toward all school systems rather than negatively identifying specific systems. As amended, the Board unanimously approved the Resolution.

Following the meeting, the final version of the [Resolution](#) was made available on the MSDE website.

The Resolution states, in part:

*NOW, THEREFORE, THE MARYLAND STATE BOARD OF EDUCATION, BY VIRTUE OF THE AUTHORITY VESTED IN IT BY THE LAWS OF MARYLAND, INCLUDING BUT NOT LIMITED TO, TITLE 2 OF THE EDUCATION ARTICLE, DOES HEREBY RESOLVE: I. Beginning with the opening of schools for the 2021-2022 school year, local boards of education must permit all students to attend school for at least 180 actual school days and a minimum of 1,080 school hours during a 10-month period for in-person, in-school instruction, with the teacher in the classroom. Any deviation from this will need State Board approval. II. The State Superintendent of Schools is authorized to take actions under our jurisdiction, to the extent allowed by law that are necessary to carry out this Resolution.*

## **Federal Funding Update**

The State Board received a presentation from Amalie Brandenburg, MSDE’s Chief Financial Officer, on federal funding provided by the Coronavirus Aid, Relief and Economic Security Act (CARES), the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), and the American Rescue Plan Act (ARP). The presentation covered overall funding pertaining to MSDE and Local School Systems but explicitly focused on the funds MSDE can retain and utilize as State set-asides.

- [Elementary and Secondary School Emergency Relief Fund \(ESSER\) State Set Aside](#)

## **Mental Health Initiatives for Students**

Dr. Salmon concluded the presentation on federal funding by describing her proposed initiative to utilize a large portion of the federal funds available to the department under the State set-aside allowance. She shared her belief that one of the essential uses of State set-aside funds is to address the social-emotional needs of students to address the trauma students have experienced throughout the pandemic and other mental health needs. She announced that the Department had created a Mental Health Advisory Committee to oversee the establishment of 6 regional mental health crisis teams throughout the State to provide crisis and technical assistance to schools and professional development.

Deputy Superintendent Mary Gable presented an overview of the department’s initiative in preparation for a more detailed presentation and discussion at the State Board’s meeting in May.

- [MSDE Mental Health Initiative \(See pp. 18-31 of presentation.\)](#)

## **Prekindergarten Regulations**

The State Board granted permission to publish proposed amendments to COMAR 13A.06.02 Prekindergarten Programs and COMAR 13A.08.01 General Regulations.

Mary Gable described several modifications to the previously proposed regulations. Based on a review of the current regulations and input from stakeholders at the November 5, 2020, public hearing, MSDE developed multiple amendments to the regulations. The updates include language, clarify early entrance for kindergarten, reflecting the differences between prekindergarten for 3-year-olds and prekindergarten for 4-year-olds, and adding language to reflect legislative changes to the Kindergarten Readiness Assessment.

- [Prekindergarten Program Regulations](#)

## **Special Education Student Enrollment Regulations**

The State Board granted final approval of amendments to COMAR 13A.02.06.06A State Financial Assistance under the Special Education Grant. The amended regulation changes the date of the annual federally submitted student count for students with disabilities from the current last Friday in October to October 1st. Deputy Superintendent Mary Gable explained that the Individuals with Disabilities Education Act (IDEA) requires that each state submit data about the children with disabilities, ages 3 through 21, who receive special education and related services under Part B of IDEA. Child count dates are required to be on or between October 1st and December 1st annually. Within this time period, the Division of Early Intervention and Special Education Services (DEI/SES) has revised its child count date from the last Friday in October to October 1st annually to align with MSDE's annual September 30th enrollment collection.

Board members asked several questions addressed by Steven Hicks, Assistant State Superintendent for the Division of Early Childhood.

- [Special Education Student Enrollment Count](#)

## **2021 Session Summary & Blueprint for Maryland's Future Act**

Zachary Hands, MSDE's Director of Government Relations, presented an overview of the 2021 legislative session. He provided an outline of bills passed in special education, employee relations, and student health.

Mr. Hands also presented a comprehensive report on the numerous requirements and deadlines imposed on the department under the Blueprint for Maryland's Future Act. He described the Kirwan Commission's development of the recommendations that led to the Blueprint legislation and outlined the major policy areas that provide the new law framework. He devoted additional attention to the governance and accountability policy and established the Accountability and Implementation Board (AIB).

- Purpose of the AIB: “To hold State and local governments, including county boards, for implementing the Blueprint for Maryland’s Future and evaluating outcomes achieved against the goals of the Blueprint for Maryland’s Future and the (Kirwan) Commission during the implementation period.”
- The AIB has plenary authority over matters related to the Blueprint; in policy disputes with other entities, the AIB decision controls. The AIB has subpoena power, and the ability to withhold funds from various entities may adopt regulations.
- The members of the AIB will be appointed by the Governor from candidates selected by a nominating committee which must be appointed by the Governor, House Speaker, and Senate President.

Dr. Salmon shared that Mr. Hands also made this presentation to the department’s leadership team. She has established cross-departmental teams to plan for and build the structure to implement the Blueprint under the next state superintendent's leadership.

- [2021 Legislative Session in Review and Overview of the Blueprint for Maryland’s Future](#)

### **Federal Accountability Waiver**

#### [Waiver and Flexibility Request for Accountability, School Identification, and Reporting Requirements for School Year 2020-2021](#)

The State Board approved the department’s proposal request waivers offered by the United States Department of Education (USED) related to accountability, school identification, and reporting requirements for the school year 2020-2021.

MSDE is requesting to utilize the flexibility offered by USED to shift long-term goals by one year. Long-term goals are the annual goals that have been set for the interval improvement in performance for each assessment. The administration of the 2020-2021 English Language Arts and mathematics assessments will be extended to the fall 2021 to provide additional instructional time in spring 2021 as students return to school.

MSDE is also requesting a waiver from the administration of science assessments for the 2020-2021 school year. Through the flexibility, the MSDE will not be required to meaningfully differentiate schools or identify new Comprehensive Support and Improvement (CSI) Schools and Targeted Support and Improvement (TSI) Schools in fall 2021.

### **Local Educator Evaluation System Waiver**

The department recommended, and the State Board agreed to deny the waiver requested by the Baltimore County Public School System for teacher and principal evaluation requirements for the 2020-2021 school year due to the system-wide disruption caused by the November 2020 ransomware attack.

#### [Baltimore County Evaluation System Waiver Request](#)

## Opinions

The State Board issued legal opinions in the following cases:

- Marta Alacron, Sharad Bhargava et al., Avinash Dewani, Martin Vassilev Demitrov, Michelle Ferante, et al., Michelle Hagen, Mei Han, et al., Laverne Largie Tucker, David MacCormack and Jill Tayter, Timmothy J. and Stephanie K. Mummert, James M., Archana V. Niedermeyer, Sara Lynn Scheanwald Thomas and Long Chen, Victoriya and Mikhail Shpigelman, Murugavelu Subramanian and Manjukiran Viswanath, Sarah Walton, and Qian Li Xue, et al. v. Howard County Board of Education, affirming the local board's redistricting plan decision.
- Tremayne Pritchett and Florence Montgomery Pritchett, Shalini Gupta and Rajiv Mahajan, Thong Nguyen, Susan Hull, Carol C. Canon, and Jessica and Patrick Heavin v. Howard County Board of Education dismissing these appeals related to the school system's redistricting plan for failure to state a claim.
- Marina and Stan Vornovitsky, Madhav and Monica Rao, and Russell Pentz v. Howard County Board of Education dismissing these appeals related to the school system's redistricting plan for lack of standing.
- Keith H. v. Montgomery County Board of Education, affirming the decision of the local board.
- South Arundel Citizens for Responsible Development, et al. v. Anne Arundel County Board of Education, dismissing the appeal as moot.
- Scott and A. G. v. Howard County Board of Education, affirming the local board's teacher discipline decision.
- Jeffrey Shulevitz v. Baltimore City Board of School Commissioners, affirming the local board's teacher non-renewal decision.