

June 22, 2021

On Tuesday, June 22, 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: Sharon Saroff, a parent, spoke in support of continued virtual learning opportunities for students who have benefitted from this approach, with the guaranteed provision of special education services to all students choosing virtual learning; and, Cheryl Boast, President of MSEA, described the challenges faced by teachers during the pandemic and the increased numbers of teachers leaving the profession, and requested a supportive rather than punitive approach toward teachers.

State Board 2021 Priorities

Dr. Salmon reported that all 24 local school systems have adopted local plans for the 2021-2022 school year to comply with the State Board's resolution which requires they be in full compliance with the requirements of the State Board's recent Resolution. That Resolution requires that each school system offer all students a minimum of 180 days of in-person instruction. Dr. Salmon reported that several systems have approved virtual programs for the coming school year, with several others in the planning stage.

Report on Research on Virtual Learning

Dr. Dara Shaw, MSDE Director of Research, presented data and research on the impact of virtual learning on student attendance and learning outcomes, and related this to Maryland's third term performance data for the 2020-2021 school year. She presented findings that 1) Systems with higher percentages of fully virtual students tend to have lower attendance rates, and 2) Systems with lower attendance rates tend to have lower rates of students passing their coursework. Research reflecting teachers' perspectives found that 1) Teachers reported lower perceived effectiveness of remote learning compared to in-person learning (In Spring 2020, more than half of US teachers rated the effectiveness of remote learning between 1-3 on a ten-point scale), and 2)

Teachers in virtual settings estimated student assignment incompleteness and absenteeism to be almost twice as high as teachers in fully in-person settings.

Dr. Shaw also reported findings on student learning, sharing that 1) Multiple studies found student learning during virtual instruction was significantly lower than in a typical year (one estimate was between 50 and 90% lower), and 2) Achievement gaps widened, especially for students who were already not testing as high as their peers, and for English Learners, Hispanic students, and low-income students. She also presented a summary of research on the characteristics of student success using virtual learning.

Board Vice President Jean Halle commented that virtual learning is like Cinderella's slipper, a perfect fit for some but not for many others, requiring the State's and local board attention to the quality of any virtual learning programs.

[Presentation](#)

Update on the State Plan for the American Rescue Plan (ARP) Act's Education Funding

The State Board received a status report on the draft "Maryland State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund" (ARP ESSER Plan) and the timeline for submitting the plan to the United States Department of Education (USED). Dr. Salmon requested the State Board's approval to continue to share the draft plan with stakeholders and return to the State Board with a final draft on July 27, 2021 for their approval before submitting the final state plan to USED by July 30, 2021.

In March 2021, the United States Department of Education (DoEd) made available to each State the first two-thirds of its ARP ESSER allocation (Maryland has received \$1.3 billion of the total \$1.95 billion). On April 21, 2021 Dr. Miguel A. Cardona, Secretary of Education, sent a letter explaining that each State is required to complete a plan for the state and local uses of the ARP ESSER funds by June 7, 2021.

Dr. Salmon shared that Maryland has already received approval of an extended deadline to July 30, 2021. Assistant State Superintendent Mary Gable described the rationale for requesting an extension beyond the June 7 deadline, including the need to present to the State Board, seek stakeholder input, and to provide an opportunity for review by the incoming State Superintendent. Assistant Superintendent Gable presented a detailed overview of the sections of the State Plan, including: Describing the State's Current Status and Needs; Safely Reopening Schools and Sustaining their Safe Operations; Planning for the Use and Coordination of ARP ESSER Funds; Maximizing State-Level Funds to Support Students; Supporting LEAs in Planning for and Meeting Students' Needs; Supporting the Educator Workforce; and Monitoring and Measuring Progress.

Ms. Gable stressed that the focus of the plan is the safe reopening of schools for all students in the fall of 2021. She outlined overall priorities, including: speeding up the return to in-person instruction for all students, ensuring students and families remain engaged upon return to school, and enhancing technology supports including broadband access; addressing the mental health and social-emotional learning (SEL) needs of students, families and educators; and addressing the academic impact resulting from the disruption to learning since the pandemic began. She noted the

priority to identify and respond to the needs of underserved students, including: African American students, Hispanic students, male students, students with disabilities, English Learners (ELs), and economically disadvantaged students.

Ms. Gable described the plan's requirement to maximize State-level funds to support students, and highlighted that Maryland will employ evidence-based strategies to counter lost instructional time with a particular focus on acceleration. These include: utilizing high-intensity structured tutoring; providing extended day or extended year programs; offering summer school programs; implementing acceleration academies; utilizing formative assessments; and sustaining early childhood programs.

Board member Li asked about the status of local school system expenditures of ESSER funds. Amelie Brandenburg, MSDE's CFO, explained that local school systems have already received and completed plans for the use of the \$187 million in ESSER I funds and \$781 million in ESSER II funds. The State Plan currently under consideration covers the \$1.95 billion in ESSER III funds.

Board members also inquired about state and local school system expenditures on school facility improvements, particularly to HVAC systems, and state investments in expanding broadband in rural areas.

The State Board approved the request to continue to receive stakeholder input in preparation for final approval on July 27th for submission to USED by July 30th.

[Memo, Presentation, and Draft State Plan](#)

Monitoring and Assessing Local Instructional Interventions

Assistant Superintendent Tiara Booker-Dwyer briefed the State Board on how MSDE will monitor school systems as they address the impact of interrupted instruction due to circumstances created by the COVID-19 pandemic. She shared that MSDE is collaborating with the Region 4 Comprehensive Center, led by Policy Studies Associates, to develop remote and on-site monitoring resources and protocols aimed at reviewing interventions implemented by school systems.

Monitoring will consist of three phases. Phase I: Readiness, ensuring structures are in place to implement identified interventions as intended. Phase II: Implementation, ensuring interventions are being implemented as intended. Phase III: Analysis and Recommendations, assessing intervention outcomes and providing recommendations for improvements, as necessary. Monitoring will be facilitated by a team of stakeholders representing higher education, business, non-profits, and others with expertise in interventions identified by school systems.

Assistant Superintendent Booker-Dwyer also described the work of the new ESSER Monitoring Compliance Branch within MSDE's Division of Career and College Readiness to facilitate the work of the monitoring teams, provide supports to implement plans, and hold school systems accountable for implementing interventions as intended. She emphasized the focus on reviewing local school system expenditures for alignment with evidence-based research and expert determinations that local decisions will benefit student learning. She also stressed the department's desire to develop a collaborative rather than top-down approach.

New MSDE Educator Application & Certification Hub

Assistant Superintendent Kelly Meadows presented an overview and live demonstration of “The Educator Application and Certification Hub” (TEACH) of Maryland. She described MSDE’s Educator Information System established in 2005 as an outdated system dependent on paper-based processes and cumbersome for purposes of modifying content. In April 2020, MSDE contracted with inLumon, a Nevada-based company with a customized licensing system already used by more than 30 other governmental entities. Assistant Superintendent Meadows also noted that MSDE worked closely with local school systems to identify and provide essential components, functionality, and to ensure an efficient, user-friendly experience for educators.

Ms. Meadows concluded by outlining the implementation plan, as follows:

- TEACH is scheduled to launch in the fall of 2021;
- The legacy system will be briefly shut down for data transfer and testing in the production environment;
- Messaging will be provided on the MSDE website and legacy educator portal prior to transition and throughout;
- Training will be provided to local offices of certification before, during, and after the release of the new system;
- Regional, in-person and virtual training will be available to local school systems; and
- Existing certificate holders and applicants will be directed to register when logging into TEACH for the first time.

Board members inquired about assurances of data security in light of the recent ransomware attack in Baltimore County, and staff described their planning and procedures to ensure data security of educator certification records.

[Presentation](#)

Federal Assessment Waiver Request

Assistant Superintendent Dr. Jennifer Judkins requested the State Board’s approval to proceed with seeing a waiver from USED concerning the federal Elementary and Secondary Education Act (ESEA) requirement to report only two instead of three achievement levels for the mandated assessments in English/language arts and mathematics to be administered in the fall of 2021. The State Board approved the request for approval to share the intention to request a waiver with local superintendents and the public for comment prior to the State Board’s final approval on July 27th to submit the waiver request to USED.

[Presentation](#)

Maryland Report Card Data Release

Chandra Haislet, MSDE's Director of Accountability and Data Systems, presented the annual updates to the State's MD Report Card data in three major areas: Educator Qualifications in High and Low Poverty Schools; School-level Per Pupil Expenditures; and Civil Rights Data. She presented the newly released statewide and local school system data that show a disproportionate share of teachers who are inexperienced, teaching out of subject matter area, or not fully certificated, are teaching in high-poverty schools and schools with higher percentages of students of color. Ms. Haislet noted that this is the second year this data and similar findings have been publicly reported.

Ms. Haislet described the federal Every Student Succeeds Act (ESSA) requirement that States report on per-pupil expenditures of federal, state, and local funds including actual personnel and non-personnel expenditures disaggregated by funding source for each local school system and each school. Ms. Haislet informed the Board that this information is available on MSDE's MD Report Card website, including a factsheet explaining how to interpret the data.

In addition, the MD Report Card data on Civil Rights reflects the federally required data on school quality, climate, and safety; preschool enrollment; and advanced coursework enrollment.

Board President Crawford asked Dr. Salmon what can be done to improve these perennially troubling findings. Dr. Salmon responded that superintendents assign teachers, and therefore it comes down to leadership in local school systems to make good decisions when assigning teachers to schools.

[Presentation](#)

Teacher Certification Praxis Assessments

The State Board approved the adoption of four Educational Testing Service (ETS) Praxis subject assessments and qualifying scores: Middle School Mathematics, Middle School Science, Physical Science, and Secondary Mathematics. Assistant Superintendent Meadows described the score-setting process in response to board member questions.

[Memo](#)

Educator Preparation and Licensure Regulations

For information and discussion purposes only, the State Board received a detailed briefing on two sets of regulations containing comprehensive changes to how Maryland governs the State's teacher preparation programs in institutions of higher education and changes to the system of teacher certification. Dr. Salmon explained the origin of these regulations dating back to 2016, the extent of collaboration and compromise with stakeholders and the Professional Standards and Teacher Education Board (PSTEB). In this context, she urged the State Board to take final action on these regulations rather than continue dialogue of further revisions.

Assistant Superintendent Meadows reviewed the regulations, reiterating that they reflect updates to the language presented in January 2021 to include recommended modifications to emphasize alignment to the Blueprint for Maryland's Future, including the use of verbatim language from the Blueprint law. Additionally, the regulations governing Teacher Preparation Competencies: Cultural Responsiveness under COMAR 13A.07.06.15 have been amended to include the recommendations provided by the Professional Standards Teacher Education Board (PSTEB) during its March 17, 2021 meeting.

At the conclusion of the presentation, Dr. Salmon requested the State Board's action to forward the regulations to PSTEB to request their concurrence. The Board unanimously approved the request.

Educator Preparation: [Memo & Regulations](#)

Educator Licensure: [Memo & Regulations](#)

Food & Nutrition Regulations

The State Board granted permission to publish proposed regulations to amend the appeals process available to local school systems regarding the administration of the National School Lunch and School Breakfast Programs.

[Regulations](#)

Reading Screening & Intervention Regulations

The State Board granted final approval for regulations to implement the Ready to Read Act of 2019. In developing the regulations, MSDE determined to go beyond the requirements of the law in order to ensure that all students are on grade level for literacy by the end of grade three. The Act requires local school systems to screen students in kindergarten for reading difficulties and to screen students in first grade who have not been screened or who are at-risk for reading difficulties. It also requires supplemental instruction to be provided to those students found to be at risk for reading difficulties.

The new State regulations under COMAR 13A.03.08 extend this requirement to grades two and three, and include additional requirements for progress monitoring; professional learning for school staff; and an annual local school system evaluation of the effectiveness of the implementation of the regulation. In addition, the regulations will provide structure for screening, supplemental instruction, parent notifications, and timelines.

[Regulations](#)

Physical Education Regulations

The State Board granted final approval for regulations governing physical education programs. The changes reflect a comprehensive review recommended by legal counsel of the physical education regulation to strengthen language regarding mandated adapted physical education services and to

clarify information about participation. In addition, MSDE staff included requirements from other existing legislation and regulations that affect physical education, including: the Gwendolyn Britt Physical Fitness Act (§7-409); the Fitness and Athletic Equity Law for Students with Disabilities (§7-4B-01); Hands-Only CPR/AED Instruction (§7-205.2); and Head Injuries and Concussions in Extracurricular Athletic Events (COMAR 13A.06.08.04).

[Regulations](#)

State Board Digital Learning Committee Update

Board Vice President Jean Halle, who chairs the State Board's Digital Learning Committee, briefed the State Board on the status of the committee's work, emphasizing the efforts of MSDE staff and collaboration with the Digital Learning Advisory Committee (DLAC). Deputy Superintendent Carol Williamson and Val Emrich, MSDE's Director of Digital Teaching and Learning, presented on the five focus areas, including: 1) Learning Management System, 2) Online Courses, 3) ESSER Funds, 4) Virtual Programs, and 5) Digital Learning Framework.

Ms. Emrich described the department's progress is establishing the new state learning management system (LMS) provided by Canvas/Infrastructure, and the recommendation to task the DLAC with developing a communication plan to promote the use of the LMS. In addition, Erin Senior, Instructional Technology Program Specialist, reviewed virtual programs planned for the 2021-2022 school year, including the Eastern Shore of Maryland Educational Consortium (ESMEC) blended virtual program.

[Presentation](#)

Advisory Council on Achieving Academic Equity and Excellence for Black Boys

Dr. Daryl Howard, Equity Instructional Specialist with the Montgomery County Public School System and member of the advisory council, presented an overview and update on the establishment of the advisory council to guide the implementation of the recommendations of the task force report approved by the State Board. Dr. Howard reported on recent and upcoming pilot school principals' meetings, implementation team meetings, Gurian Institute Training, and a Summit to be held on August 5, 2021.

Dr. Salmon's Retirement Recognition

MABE President Tammy Fraley provided remarks praising Dr. Salmon's tenure as a role model for overcoming obstacles through strong leadership grounded in collaboration with local school systems which was crucial during the pandemic. PSSAM President Dr. Kelly Griffith thanked Dr. Salmon on behalf of the local superintendents for her leadership throughout the pandemic and her lifelong focus on equity and improving outcomes for students. Each board member shared personal accolades and expressed their appreciation of Dr. Salmon's dedicated service, especially her agreement to continue to serve an additional year and lead the department during the extremely

challenging pandemic. Her staff praised her consistent focus on student learning and wished her well in retirement.

Opinions

The State Board issues legal opinions in the following cases:

- In the Matter of Wendy Lippe, declaring that tenured teachers re-hired by the same school system after a break in service of one year or less and with a satisfactory rating shall be eligible for tenure after one year of probation; and directing that the Baltimore County School System grant Ms. Lippe tenure at the end of the 2020-2021 school year.
- *B.M. v. Baltimore County Board of Education*, affirming the local board's bus driver disqualification decision.
- *D.O. v. Carroll County Board of Education*, affirming the local board's bus driver disqualification decision.
- *P.M. v. Prince George's County Board of Education*, dismissing the appeal as moot.
- *Eric T. v. Montgomery County Board of Education*, dismissing the appeal as moot.