

July 27, 2021

On Tuesday, July 27, 2021, Board President Clarence Crawford convened the meeting and was joined by members, including: Charles Dashiell, Jr., Susan Getty, Jean Halle, Rachel McCusker, Joan Mele-McCarthy, Lori Morrow, Warner Sumpter, Holly Wilcox, new member Chuen-Chin Bianca Chang, and new student member Kevin Bokoum, of Washington County. In addition, President Crawford recognized new State Superintendent Mohammed Choudhury who joined the board for his first meeting.

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

### **Election of Officers**

The Board reconvened after executive session and re-elected Clarence Crawford as President of the Board and elected Charles Dashiell, Jr. as Vice-President of the Board. President Crawford thanked Jean Halle for her service as Vice-President during the past two years.

### **Public Comment**

The State Board received the following public comments, all presented in person:

Dr. Patty Saelens, Queen Anne's County Superintendent and President of the Public School Superintendent's Association of Maryland (PSSAM), shared that all 24 school systems have been working diligently on their plans to utilize the funding provided by the American Rescue Plan (ARP) Act to meet the learning and behavioral health needs of students. She also highlighted that PSSAM has formed the Blueprint Implementation Advisory Workgroup with MABE to coordinate statewide implementation of the Blueprint for Maryland's Future legislation. Cheryl Bost, President of the Maryland State Education Association (MSEA), outlined that health, safety, and recovery will be the priorities and keys to a successful return to school this fall, with an emphasis on communication and transparency. Laura Stewart, a Montgomery County parent, spoke in support of adding a priority to the ARP to use the federal funds to address safe indoor air quality, lead in school drinking water, and use of green cleaning products and safe pesticides. John Graybeal spoke in support of the use of the company, Educator as Service, to provide one-to-one tutoring to address learning loss. Shamoyia Gardiner, Executive Director of Strong Schools Maryland, spoke in support of modifying the ARP to address the shortcomings in the State's ability to serve English Learners including bilingual educators. Damien Lang, a teacher and fellow with Strong Schools Maryland, also spoke to the need for language supports including translators and bilingual teachers to give students the supports they need. Sharon Saroff, a special education consultant, shared her support for continued virtual learning opportunities for students with disabilities who have benefitted from virtual learning as opposed to

school system insistence that students receiving special education services return to in-person learning.

## **Consent Agenda**

The Board approved the consent agenda including personnel actions and budget adjustments.

## **Fourth Term Performance Metrics Report**

Dr. Dara Shaw, MSDE's Director of Research, presented a detailed review of the student attendance and academic performance outcomes for the fourth marking period covering the period of early/mid-April through mid-June, 2021. She described the variety of ways in which local school systems take attendance, as allowed under current parameters of state regulations, and as recorded and reported by local learning management systems. Dr. Shaw also presented data on student academic performance in the fourth term as compared to the third term. State Superintendent Choudhury noted that with only 24 school systems statewide data should be readily available to identify problem areas and serve as an early warning system.

### [Fourth Term Metrics](#)

## **Summer School Report**

Deputy Superintendent Dr. Carol Williamson presented a comprehensive report on the summer programming being offered across the State as required by legislation passed in the 2021 legislative session (HB 1372). The law requires each local board of education to establish and implement a summer school program for students ranging from kindergarten through 12th grade. All 24 systems are conducting programs to provide enrichment and learning opportunities. Specifically, the legislation requires that each school system's summer school programming include: daily academic instruction in reading and math that is aligned with the local board's curriculum; limits on the number of students assigned to each teacher; partnerships to provide student experiences other than academic; a priority on enrollment of students with the greatest learning loss; administration of an assessment at the beginning and end of the program for each child; and evaluation of the effectiveness of the summer school program.

### Summary of Summer Programs

- Local school systems reported over 123 distinct summer programs, with more than 138,555 available seats.
- Sixty-six percent of programs are fully in-person; the remainder are hybrid or virtual.
- Most systems have programs for students at all grade levels.
- All systems are offering academic support in math and English language arts, with some systems including programs in additional content areas.

Dr. Williamson noted the separate requirement to report to the legislature in January of 2022 on learning loss and academic progress, and the template developed by the department in consultation with the legislature.

Board member Halle questioned the availability of summer programming to all students who would have benefitted from them. Dr. Williamson responded that all school systems reported that they offered programming to all students with identified learning loss, and that all focused on students with the greatest needs.

### [Summer School Report](#)

## **Maryland Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief Fund**

State Superintendent Choudhury introduced Assistant Superintendent Mary Gable who provided the State Board with the final Maryland State Plan for the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund and presented the results of the feedback received on the draft Plan. The State Board approved the State Plan for submission to the U.S. Department of Education (USED).

Ms. Gable highlighted that the purpose of the State Plan is to promote comprehensive planning by states and local school systems for the effective use of ARP ESSER funds to: reopen schools safely; support sustained access to in-person instruction throughout the spring, summer, and into the next school year; and address the academic, social, emotional, and mental health needs of students. She described the stakeholder engagement on the plan. She also noted that local school systems must develop two plans, both requiring public engagement, including local ARP ESSER applications for funding which MSDE must review and approve (due July 31, 2021); and reopening plans for the safe return to in-person instruction and continuity of services (due August 13, 2021).

Superintendent Choudhury responded to President Crawford's question on whether to include school facility improvements to address health and safety issues. He noted that while MSDE cannot require school systems to use the federal funds in these ways, the department is clarifying that local school systems are authorized to do so.

Board members engaged in a lengthy discussion with Superintendent Choudhury and Assistant Superintendent Gable on the State Plan regarding mental health, tutoring, and the need to invest in human capital to not only address current teacher shortages but also grow numbers of educators, counselors, school psychologists, and other staff.

### [State ARP ESSER Plan and Presentation](#)

## **Learning Loss and Learning Recovery: Assessing Maryland's Student Achievement Trends Prior to the COVID-19 Pandemic**

State Superintendent Choudhury presented data on student performance on third grade assessments in English Language Arts and Mathematics, disaggregated for students based on household income,

race, gender, and English Learner and Special Education service group. He also highlighted that Texas and Indiana provide an early look at what we might expect to see across the country after over a year of pandemic schooling. In Texas, Algebra I assessments show that in 2021, just 41 percent of students met grade-level expectations, down from 62 percent in 2019.

He described his presentation in the context of the national mantra to return to normal, and his belief that normal was not good enough. He noted that although Maryland had been making progress in recent years on literacy in English Language Arts, this was not the case with Mathematics. He also presented data showing very low percentages of students not proficient in math in early grades becoming proficient in subsequent school years. He concluded that this is not the time to return to what we were doing, but really a moment to get it right going forward.

### [Superintendent's Presentation on Learning Loss & Recovery](#)

#### **Virtual Learning Options**

The State Board received updates on school system implementation of local virtual learning programs and an overview of the Maryland Virtual Student Learning Opportunities (MVSLO) program. Dr. Williamson reviewed the requirements for implementation of MVSLO at the local level, including MSDE's determination that program offerings meet standards for content and accessibility. She highlighted that all school systems are planning to meet the requirements in the State Board's resolution requiring each school system to offer full-time, in-person learning for all students in the coming school year.

Dr. Williamson noted, however, that several school systems have indicated that they also plan to offer ongoing virtual learning options for a limited number of students. Twenty-two local school systems plan to offer a virtual program in the 2021-2022 school year, estimated to serve a total of nearly 14,000 (1.5%) of all K-12 students. She noted that only Carroll and Garrett counties' school systems have decided not to offer a virtual program. She described the various types of programs being offered, including the Eastern Shore of Maryland Educational Consortium (ESMEC) blended virtual program. The ESMEC program will offer enrollment to all 6<sup>th</sup> through 12<sup>th</sup> grade students in the nine Eastern Shore counties.

MSDE will continue to implement the State Board's direction to: monitor the implementation of virtual programs; analyze student performance data; continue development of MSDE online courses; continue to track high course demand requests; and provide guidance for cross-district virtual instruction.

Superintendent Choudhury responded to a board question about the potential to create a statewide virtual charter school to address rural school system concerns, citing the 2015 charter law reforms that removed the State Board's authority to charter a school themselves, thereby making an option available in other states unavailable in Maryland. He also noted that notwithstanding some outstanding schools the track record of virtual charter schools in Texas is not good at scale.

### [Virtual Programs](#)

## **Federal Waiver Request for Reporting State Assessment Results**

MSDE staff outlined the recent federal actions to provide flexibility to states to administer the statewide student assessments in English Language Arts (ELA), Mathematics, and Science mandated by the Every Student Succeeds Act (ESSA). MSDE already has received approval for the flexibility to administer shortened forms of the language arts and mathematics assessments in early fall of 2021.

Under the waiver, MSDE will be allowed to report two levels of achievement for the spring 2021/early fall 2021 assessments in English Language Arts and Mathematics.

The State Board approved the department's request to submit the waiver request to the U.S. Department of Education.

[Waiver Request](#)

## **Educator Preparation and Licensure Regulations**

The State Board granted permission to publish in the Maryland Register for public comment 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. The proposed licensure regulations would repeal COMAR 13A.12.01-.06 Educator Certification and replace with COMAR 13A.12.01-.07 Educator Licensure. The proposed teacher preparation regulations would repeal and replace COMAR 13A.07.06 Programs for Professionally Licensed Personnel.

Assistant Superintendent Kelly Meadows explained the origin of these regulations dating back to 2018, and the extent of collaboration and compromise with stakeholders and the Professional Standards and Teacher Education Board (PSTEB). She also noted that the Blueprint for Maryland's Future Act passed in 2021 amended the law to require the approval of both the State Board and PSTEB before these regulations can be adopted as final. In this context, she urged the State Board to take final action on these regulations rather than continue dialogue of further revisions.

Educator Preparation: [Memo & Regulations](#)

Educator Licensure: [Memo & Regulations](#)

## **Prekindergarten Regulations**

The State Board approved the department's request to withdraw the proposed amendments to COMAR 13A.06.02 Prekindergarten Programs and COMAR 13A.08.01 General Regulations. Staff explained that given the requirements in the recently enacted Blueprint for Maryland's Future Act, the department plans to return to the State Board at a later date with all necessary amendments rather than recommending amendments in two phases.

[PreK Regulations \(withdrawn\)](#)

## Board Comments

Board President Crawford thanked Superintendent Choudhury and staff for their presentations on the needs to address student learning. He believes Maryland should not plan to do more of the same but pursue new ways of doing things and learn more about successful transformative approaches that have been demonstrated to work in other states.

## Opinions

The State Board issued legal opinions in the following cases:

- *Autoflex Fleet, Inc. v. Montgomery County Board of Education*, affirming the local board's bus contract decision.
- *The DaVinci Collaborative v. Baltimore City Board of School Commissioners*, denying the request for reconsideration.
- *Willetta Goffigan v. Baltimore City Board of School Commissioners*, affirming the local board's employee termination decision.
- *Darren L. v. Wicomico County Board of Education*, affirming the local board's decision not to excuse appellant's child from receiving instruction in certain subject matter.
- *In the Matter of Baltimore County Parent and Student Coalition, Inc.*, dismissing the appeal for lack of original jurisdiction.
- *Ashley J. v. Montgomery County Board of Education*, dismissing the appeal for lack of jurisdiction regarding the Americans with Disabilities Act.
- *Jeff Wester v. Charles County Board of Education (I)*, dismissing the appeal for lack of jurisdiction regarding the Americans with Disabilities Act.