

September 28, 2021

On Tuesday, September 28, 2021, Board President Clarence Crawford convened the meeting and was joined by members, including: Vice President Charles Dashiell, Jr., Shawn Bartley, Chuen-Chin Bianca Chang, Susan Getty, Jean Halle, Rachel McCusker, Joan Mele-McCarthy, Lori Morrow, Warner Sumpter, Holly Wilcox, and student member Kevin Bokoum.

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

Public Comment

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

- Cheryl Bost, President of the Maryland State Education Association (MSEA), thanked the Board for the mask mandate and highlighted the severe shortage of teachers and staff, especially nurses involved in contact tracing. She asked for the formation of a group to address the teacher shortage.
- Benjamin Heiser, a Harford County resident, spoke in opposition to the mandate for students to wear masks in school as unsupported by research.
- Gabriela Ines Sevilla, lead policy analyst with Strong Schools Maryland, raised concerns with the inaccuracy of poverty data for school systems including Baltimore City and Somerset County and the negative impacts this could have on school eligibility for Title I funding and concentration of poverty grants for Community Schools programs under the Blueprint for Maryland's Future. She also raised concerns about services for homeless students.
- Shamoyia Gardiner, executive director of Strong Schools Maryland, shared concerns with equitable access to virtual learning options for all students including students sent home for COVID quarantining. She encouraged the offering of a high quality, sustainable statewide virtual learning platform.

Consent Agenda

The Board approved the consent agenda including prior meeting minutes, personnel actions, and budget adjustments.

Staff Recognition

Superintendent Choudhury and board members and staff recognized Dr. Carol Williamson upon her retirement as MSDE's Deputy Superintendent for Teaching and Learning. Mr. Choudhury reminded

the Board that Dr. Deann Collins will fill Dr. Williamson's position, and also introduced Ary Amerikaner as his new chief of staff.

PSTEB Overview

The State Board received an overview of the history, composition, and scope of authority of the Professional Standards and Teacher Education Board (PSTEB) from assistant superintendent Kelly Meadows. She explained that PSTEB was established through regulation with the primary function to advise the State Board of Education concerning the standards related to the certification of teachers, policies on the waiver of certification requirements, and the approval of teacher education programs. In 1991, the General Assembly created PSTEB in statute as a semiautonomous board composed of 25 members that shares with the State Board the authority to develop rules and regulations for the certification of teachers and other professional personnel and requirements for the preparation of teachers and other education personnel. Most recently, the Blueprint for Maryland's Future Act passed in 2021 amended the law to give PSTEB and the State Board equal approval authority when promulgating regulations governing educator preparation and certification.

Ms. Meadows was joined by PSTEB chair Maleeta Kitchen and PSTEB vice chair Darren Hornbeck. Board members asked questions regarding representation on PSTEB from independent private schools and private schools serving public school students; challenges to adopt standards for teachers imported from other States and teacher education programs; and other issues.

[Memo & Presentation](#)

Local School System Virtual Learning Program Update

The State Board received updates from Superintendent Mohammed Choudhury and staff on school system implementation of virtual learning and the department's ongoing work to monitor and evaluate these programs. Deputy Superintendent Carol Williamson reviewed the operation of approved virtual learning programs in Maryland's local school systems and data as of September 14, 2021, including enrollment numbers, class sizes, numbers of virtual teachers, and the attendance policy.

Dr. Williamson highlighted the criteria MSDE uses to evaluate local virtual learning programs and the monitoring timeline. Key factors include: system strategies for closely monitoring student performance, parental supports including a help desk, student engagement in synchronous sessions, professional development for educators, and special education and English learner supports. She also presented overviews of the virtual learning options being offered in Prince George's, Washington, and Wicomico counties.

Board members discussed their concerns with the large numbers of students in virtual classrooms, the role the teacher shortage plays, the quality of virtual programming being offered, and the equity issues raised by the students participating in virtual options.

Superintendent Choudhury shared that he intends to develop a high-quality statewide virtual option and that legislation is needed.

School Reopening Logistics and COVID Transmission Rates in Schools

Assistant Superintendent Mary Gable and Deputy Superintendent Williamson delivered a detailed report on how local school systems are addressing vaccinations, ventilation, physical distancing, screening, testing, contact tracing, quarantining, scenario preparation (i.e., what are the plans in the event of students or staff testing positive for COVID-19), guidance, and messaging. She reviewed statewide data on cases and numbers of students and staff who have needed to be quarantined since the opening of school. In addition, the presentation included data published by the Maryland Department of Health on the most recent positivity rates as well as the seven-day moving average case rates per 100K population for each county.

Superintendent Gable reviewed the definitions of “outbreak” at the classroom and school levels.

Classroom/cohort outbreak definition:

- At least two confirmed COVID-19 cases among students/teachers/staff within a 14-day period and who are epidemiologically linked, but not household contacts.

School-wide outbreak definition:

- Three or more classrooms or cohorts with cases from separate households that meet the classroom/cohort outbreak definition that occurs within 14 days; or
- Five percent or more unrelated students/teachers/staff have confirmed COVID-19 within a 14-day period (minimum of 10 unrelated students/teachers/staff).

Dr. Williamson reported on the types of virtual and distance learning options available to students in quarantine in several school systems. In addition, she reviewed attendance policies for quarantined students.

Board member Rachel McCusker spoke emphatically to her concerns that the teacher shortage is worsening the already problematic issue of teacher workload. Board member Lori Morrow and student member Kevin Bokoum raised concerns about the quality and consistency of local school system data collection and reporting and implementation of testing and tracing programs in partnerships with local health departments. Board member Jean Halle spoke to the need for more monitoring of high-quality virtual learning. Board member Warner Sumpter raised his concern about those students in quarantine who are not receiving instruction due to lack of broadband or transportation.

Superintendent Choudhury shared that MSDE is meeting with all local superintendents and revisiting the joint guidance with the Maryland Department of Health. He also commented that he would have preferred a uniform statewide approach from much earlier in the pandemic, something he believes requires strong leadership, and why he strongly supported the mask mandate. He also cited as problematic the optional grant program for COVID testing with the outcome that only 14 of 24 systems applied. He noted that high school graduates and college students can perform contact tracing in order to alleviate the workload and school employee shortage issues.

Regarding greater uniformity in virtual teaching and learning, Superintendent Choudhury shared his concerns with getting too prescriptive and his opposition to pacing guides and standardization of classroom practices. Regarding equitable access, he stressed that he is troubled by lost days of instruction and that longer-term solutions including a statewide virtual option are needed.

Regarding statewide testing, Ms. Morrow questioned the Superintendent to confirm that all students, whether in virtual learning or impacted by quarantines, are required to take the MCAP tests this fall. Assistant Superintendent Gable noted that the testing window extends through the end of October.

[Memo & Presentation](#)

President's Statement

Board President Clarence Crawford addressed the board to emphasize his fundamental belief that the State Board and local boards should be singularly focused on student achievement. He implored boards to hold themselves accountable for moving the needle on student performance. He called on all Marylanders, parents, taxpayers, and stakeholders to hold the State and local boards accountable, including changing out members of the State and local boards failing to make student learning and the need for measurable improvements their top priority.

Spotlight on Economically Disadvantaged Students

Chandra Haislet, MSDE's Director of Accountability and Data, presented a detailed "Spotlight on Economically Disadvantaged Students" including the history of the Free and Reduced Meal (FARM) program, outcomes for the economically disadvantaged student group, the Community Eligibility Provision (CEP) program, and State initiatives to support economically disadvantaged students.

Ms. Haislet presented statewide data on school level performance and FARM eligibility, noting successful outliers such as two schools with 65% FARM eligibility and 60% proficiency.

She described the CEP program and highlighted that four local school systems qualify for 100% free meals (Baltimore City and Dorchester, Somerset, and Wicomico counties); 13 local school systems have eligible schools; and 123 schools have been added in the past year.

CEP was authorized by Congress as a part of the Healthy, Hunger-Free Kids Act of 2010 and allows the highest-poverty schools and systems to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Funding for participating schools and systems is based on student participation in programs such as the Temporary Assistance for Needy Families (TANF), SNAP (Food Stamps), Foster Care, or status as a homeless student. Mr. Choudhury identified the mistake of shifting away from using any form and the need for a single form.

Board member Halle asked about data collection from private schools, and Mr. Choudhury indicated that legislation and regulations are needed to require the reporting of this data.

Superintendent Choudhury announced that Maryland was applying for a pilot program to use Medicaid program data as a proxy for student poverty measurements through a partnership between MSDE, the Department of Human Services, and MD Health Connections within the Maryland

Department of Health. Board members discussed their concerns with the accuracy of poverty counts relating to the lower participation rates for undocumented families. Ms. Haislet noted that for Latino students there is a 43% gap between higher Medicaid and lower school lunch eligibility data, highlighting the value of moving to use Medicaid as a proxy.

[Memo & Presentation](#)

Blueprint Deep Dive: Neighborhood Indicators of Poverty

The State Board received a presentation from Chandra Haislet, MSDE's Director of Accountability and Data, on the department's plan for developing a neighborhood indicator of poverty as required by the Blueprint for Maryland's Future Act. The Blueprint law requires MSDE to conduct a study on using neighborhood indicators of poverty to determine compensatory education funding and concentration of poverty grants, with an interim report due November 1, 2021 to the General Assembly and the Accountability Implementation Board (AIB). The final report is due October 1, 2022 to the AIB. The presentation highlighted the efforts underway to collect more comprehensive and meaningful data, and the progress MSDE has made in developing a neighborhood indicator of poverty.

Ms. Haislet presented the five-tier approach to identifying high- and low-poverty census block groups based on median household income, home ownership, single parent households, and education levels. She presented maps representing each of the five tiers within local school systems, pointing out that 54% of communities within Baltimore City are in the highest-poverty tier five, with several systems having a majority of their census blocks in tier four or five. She noted that this work is aided by legislation passed in 2019 (House Bill 1206) which required the Maryland Longitudinal Data System Center to develop a protocol for local school systems to convert a student's home address and geolocation information into Census tract and block numbers. She shared that standard collection of student geolocation data will begin in September 2022.

Superintendent Choudhury presented the success of the socioeconomic tier model developed in Texas, based on work that he and his team did in San Antonio to move away from using FARMs data. Texas enacted legislation in 2019 to establish a statewide socioeconomic tier model with students designated as economically disadvantaged by the census block group where their home/residence is located. Based on this data, the State provided dramatically increased compensatory education funding for students in lower socioeconomic tiers; and created the Teacher Incentive Allotment as a statewide career ladder initiative to recruit, retain, and reward highly impactful teachers to teach in rural and high needs schools. He highlighted that a teacher transferring to a highest-need school could receive up to a \$32,000 pay raise, and that by virtue of this initiative San Antonio saw dramatic school improvements, going from 35,000 of 50,000 students attending low-performing schools to only 2,000 students doing so.

Board members expressed their enthusiasm for the innovative approaches the Superintendent described and asked about the implementation timeline. Mr. Choudhury responded that his goal is to accomplish much of this work in his first term, working with the Blueprint's Accountability and Implementation Board (AIB), and with the benefit of legislation to be enacted in the next two legislative sessions. Board member Bartley asked about the risk of focusing solely on the lowest-performing

schools and the risks of not focusing on high-performing schools and maintaining Maryland's high ranking nationally. Superintendent Choudhury responded that he has never seen a negative impact on high-performing schools, and that national ratings by Education Week, for example, now measure growth and progress in closing achievement gaps. Board President Crawford described changing the status quo as akin to touching the third rail to highlight the need to engage key stakeholder groups and legislators to build support for the innovative programs needed to achieve results on behalf of students.

[Memo & Presentation](#)

Childcare Regulations

Steven Hicks, assistant superintendent for the division of early childhood, described the need to align regulations with the criminal background check requirements of the Federal Child Care Development Block Grant (CCDBG). The State Board approved the request to approve for publication in the Maryland Register for public comment the following regulations: COMAR 13A.14.06.02 Definitions, COMAR 13A.14.06.06 Provider Requirements, COMAR 13A.15.01.02 Definitions, COMAR 13A.15.02.07 Denial of a Registration Application, COMAR 13A.16.01.02 Definitions, COMAR 13A.16.06.03 Suitability for Employment, COMAR 13A.17.01.02 Definitions, COMAR 13A.17.06.03 Suitability for Employment, COMAR 13A.18.01.02 Definitions, COMAR 13A.18.02.07 Denial of a Registration Application, and COMAR 13A.18.06.03 Suitability for Employment.

Superintendent Hicks described the proposed amendments as clarifying the regulations to create a lifetime ban for the mandatory exclusion crimes; permitting individuals convicted of older drug-related crimes to be eligible for consideration for possible employment under the discretionary employment provisions; and permitting individuals convicted of domestic violence crimes unrelated to spousal or intimate partner domestic violence to be eligible for consideration for possible employment under the discretionary employment provisions.

State Board Counsel, Assistant Attorney General Elliott Schoen, responded to board questions to explain that these amendments address conflicts between the department's regulations and federal regulations utilized by other state agencies.

[Memo & Regulations](#)

State Board Priorities for 2021-2022

Board President Crawford outlined priorities including to:

- Mitigate and navigate the pandemic with minimal disruptions and school closures during the year.
- Initiate a strategic planning process to begin this fall and to be completed by no later than next fall. Superintendent Choudhury responded to Mr. Crawford's question as to whether the Blueprint for Maryland's Future is a strategic plan. Mr. Choudhury responded that the Blueprint is not a strategic plan, but is a policy guide toward creating the conditions in which best

practices will thrive. He provided examples such as adopting career ladders, having successful community schools, and the teaching of reading, as requiring specific strategies to move the needle. He emphasized that he will restructure the department around the strategic plan and that his staff will obsess on it every day.

- Support the Superintendent's restructuring of his leadership team and transformation of MSDE.
- Improving the Board's and department's engagement of key stakeholders and adoption of a solid plan to do so.
- Working with the Accountability and Implementation Board (AIB) toward the goal of not being in opposition but in collaboration to improve outcomes for students.

[Outline of Year 1 Priorities](#)

Opinions

The State Board issued legal opinions in the following cases:

- In the Matter of Barry Lebowitz, dismissing the petition for declaratory ruling for lack of case or controversy and issues of timeliness.
- *Darren L. v. Wicomico County Board of Education*, dismissing the appeal regarding the administration of the "Fall Survey" and "Political Compass" in an AP Government Class, for failure to exhaust administrative remedies.
- *E.P. and S.P. v. Calvert County Board of Education*, affirming the local board's denial of early kindergarten entry.
- *Tom and M.W. v. Carroll County Board of Education*, affirming the local board's denial of the request for enrollment as a non-resident, out-of-county student.
- In the Matter of Baltimore County Parent and Student Coalition, Inc., dismissing the appeal regarding the group's request to be recognized as a stakeholder group under local board policy, for lack of jurisdiction due to the filing of the petition for judicial review in Baltimore County Circuit Court.
- *Jeff Wester v. Charles County Board of Education (II)*, dismissing the employee's disability-based discrimination complaint for lack of jurisdiction due to the separate forum of the Equal Employment Opportunity Commission to hear Americans with Disabilities Act complaints.