

October 26, 2021

On Tuesday, October 26, 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, Vermelle Greene, Jean Halle, Rachel McCusker, Lori Morrow, Warner Sumpter, Holly Wilcox, and student member Kevin Bokoum.

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

Consent Agenda

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

Public Comment

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

Dr. Addie Kaufman, Executive Director of the Maryland Association of Secondary School Principals (MASSP), spoke to the current working conditions and demands on school principals as untenable based on demands ranging from traditional school leadership tasks to COVID contact tracing that detracts from their ability to focus on educational leadership. She noted the hostile political issues surrounding masks and vaccines, and the impact shortages of staff have had on the stresses of school principals. She asked that principals not be asked to conduct contact tracing and that other staff be assigned or hired for this work, and asked for reforms to the burdens of teacher evaluations and standardized testing. She urged the State Board to consider principals as partners in implementing the decisions made by the State Board and to seek their input.

Gabriela Ines Sevilla, lead policy analyst with Strong Schools Maryland, requested increased transparency and public access to providing input to the State Board through not only in-person but virtual options.

Sharon Saroff, a parent, spoke in support of continued virtual learning opportunities for students with special needs whose knowledge, comprehension, and learning have benefitted from this approach. She criticized decisions to eliminate virtual learning opportunities and force students back to in-person learning when one size does not fit all.

MABE Presentation

Board President Crawford introduced representatives from the Maryland Association of Boards of Education (MABE) including President Ginny McGraw (Charles County) and President-elect Joe Goetz (Kent County). President Crawford shared his appreciation for the opportunity to participate in the recent MABE conference, along with Ret. Brig. Gen. Warner Sumpter and student board member Kevin Bokoum. He also emphasized this commitment to the State Board working together with MABE and local boards to make a difference on behalf of our children, while recognizing our respective roles and responsibilities.

MABE President McGraw thanks President Crawford and Superintendent Choudhury for presenting and engaging with local board members at MABE's annual conference. She presented MABE's Mission, which is to "Provide members with a strong collective voice and support local school board governance through professional development, advocacy and member services." President McGraw described the role of local boards as mirroring and supporting the State Board, in the areas of accountability, engagement, and especially student performance. She outlined MABE's work on equity, recent meetings with Superintendent Choudhury, and the focus MABE shares with the State Board on the success of the Blueprint for Maryland's Future. She described MABE's leadership in developing an Equity Lens and model policy, establishing a standing Committee on Educational Equity, and the committee's ongoing work to complete and distribute an Equity Workbook.

Ms. McGraw also noted Superintendent Choudhury's work to develop a new strategic plan and communication plan, and she offered MABE's collaboration and support in this work. She then delivered the remarks drafted by MABE's immediate past president Tammy Fraley, who was not in attendance due to illness, reiterating MABE's commitment to collaborating and communicating with the State Board on Blueprint implementation.

MABE's President-elect Joe Goetz highlighted MABE's strategic plan as a short-term and long-term roadmap that involves a robust dialogue on annual updates, which this year will feature the collaboration called for by the Blueprint. He outlined the issues covered in MABE's Board Service Academies including Ethics, Open Meetings, Equity, Legislative Policy, Parliamentary Procedure, the Key Work of School Boards, and many others. He reiterated that while the State Board and local boards have distinct roles, this is a time when we have to be more collaborative than ever if we are to successfully launch the Blueprint.

Board member Vermelle Greene asked about the policies and procedures protecting the rights of parents and students in circumstances when local boards have agreed to receive Black Lives Matters in Schools grants from the Maryland State Education Association (MSEA), including grant provisions requiring a Black Lives Matter Week. She asked that the State Board and Superintendent Choudhury receive these policies and procedures and assurances that these grants are being vetted and that provisions are made to allow students to opt out of Black Lives Matters activities, which Board president Crawford described as a wise thing to do. Ms. McGraw responded that each local school system would have their own grant criteria and Mr. Goetz responded that he would take this issue and concern back to the MABE executive team and board.

Board member Lori Morrow noted how helpful MABE's webpage on the Blueprint is, and Vice President Chip Dashiell reiterated his appreciation of the services MABE provides and the association's focus on communication and collaboration.

Board President Crawford asked about MABE's role in assisting the school system that recently experienced a major ransomware attack, and Mr. Goetz responded that MABE's insurance pool provided the on-the-ground support to respond promptly to an emergency situation that had brought the school system to a halt.

Board member Halle asked about MABE's role in identifying best practices in virtual learning. Mr. Goetz responded that MABE provides a forum for networking and sharing of best practices as well as examples of what has not worked.

[MABE Presentation](#)

Oral Argument

The State Board heard oral arguments in the case: *Yvette Thomasson v. Prince George's County Board of Education*.

Reopening Logistics and COVID Transmission Rates in Schools

Deputy Superintendent Mary Gable presented an overview of updates on reopening logistics and transmission rates in schools, including: Data on how local school systems have addressed vaccinations, ventilation, physical distancing, screening, testing, and contact tracing, scenario preparation (i.e., what are the plans in the event of students or staff testing positive for COVID-19), guidance, and messaging will be updated. The presentation also included Maryland Dept. of Health (MDH) data on the number of students and staff who needed to be quarantined, positivity rates, 7-Day moving average case rates per 100,000 by jurisdiction, community transmission levels, and active COVID-19 outbreaks in local school systems.

The number of confirmed student cases of COVID-19, since the start of the school year as of October 20, 2021, totals more than 10,800 cases. The number of confirmed students who have been required to quarantine due to close contact with a COVID-19 case, since the start of the school year as of October 20, 2021, totals more than 47,000 students.

Board member Holly Wilcox asked about whether there is any standard procedure in place for outreach with health departments in counties with higher rates or is this beyond MSDE's role. Mr. Choudhury responded that this is beyond the department's scope, but that the MDH does have this authority. He shared that he and MDH and local superintendents have regular meetings as well. He noted that vaccine hesitancy varies widely by jurisdiction, but that we are a month into the mask mandate since September 14th.

The State Board and Superintendent Choudhury engaged in lengthy discussion of the relative scale of the positivity rates and numbers of students being quarantined. Board member Morrow asked about the issue raised by the principals' association concerning principals being burdened by contact

tracing. Mr. Choudhury reiterated that local school systems have the option to hire high school graduates to do this work, but that he believed it would be inappropriate to direct school systems on precisely how to conduct contact tracing.

Board member McCusker asked about uniformity of local policies on quarantining of students. Mr. Choudhury responded that only 2 systems, Harford and Carroll, have adopted their own modified approaches, but that MDH and MSDE are about to approve updated quarantine guidance to support these modified approaches.

Regarding reconsideration of the mask mandate, Board President Crawford retraced the Board's action in the spring to order a return to in-person learning and the approval by the AELR Committee of the Board's regulation ordering the use of masks, and informed the Board that he wanted to prepare to receive input, including data and the best science available, and engage in reasonable debate at the December meeting as to how to proceed. He noted that this will be about halfway through the 180-days of effect of the emergency mask mandate regulations, and will have the benefit of 3 months of school system experience. The board endorsed this approach.

[Presentation](#)

Local Virtual Program Enrollment

Val Emrich, Director of Digital Teaching and Learning, and MSDE staff Erin Senior presented detailed information on virtual learning being provided to students in the 2021-2022 school year. The report provided updates on enrollment of students in virtual programs in the 22 school systems offering them, based on data as of September 30, 2021. In addition, staff reviewed the department's Quarterly Metric Collection Tool and the next steps the MSDE plans to take to ensure student success through access to equitable and quality virtual programs.

Ms. Senior provided a detailed overview of the enrollment and participation data disaggregated by race, ethnicity, and other student categories. Ms. Emrich described the department's collection of examples of best practices in synchronous and asynchronous instruction and other reporting requirements for local school systems.

Board members asked questions about students in virtual learning having access to extracurriculars, health and counseling services, and school meals. Mr. Choudhury ensured that all students have access to meals. Board member McCusker asked about the impact of increased virtual learning enrollment given the concerns raised at the previous State Board meeting about alarmingly large virtual class sizes. She and student board member Bokoum also asked about the availability of well-rounded courses to online students. Mr. Choudhury responded that due to staffing limitations there will be assurances of offering legally required core courses but that not all courses can be offered virtually.

Concerning the efficacy of local school system virtual programs, Board President Crawford emphasized that while he appreciates people contacting the State Board they should also go to their local boards to speak to them directly to make sure local boards are doing the things that they believe are appropriate to educate their children.

[Presentation](#)

Community Schools and Concentration of Poverty Grants

Deputy Superintendent Mary Gable provided a comprehensive overview of the history of local community schools programs, the statewide community schools program launched in 2019, and the funding and expansion of this program provided through the concentration of poverty grants under the Blueprint for Maryland's Future Act passed in 2021.

State law defines a community school as “a public school that identifies a set of strategic partnerships between the school and other community resources that promote student achievement, positive learning outcomes, and the well-being of students by providing wraparound services.” The preliminary Blueprint for Maryland's Future legislation passed in 2019 led to a substantial expansion of the community schools strategy by providing Concentration of Poverty grants for personnel and wraparound services, funding a Director of Community Schools at MSDE, defining allowable wraparound services, and outlining the requirement for a needs assessment. The 2021 Blueprint for Maryland's Future legislation provides per-pupil grants, further defines the role of the Community School Coordinator, provides more information on needs assessment requirements, and requires an implementation plan.

Deputy Superintendent Gable provided an overview of community schools programs in other States, including New York City, New York; Cincinnati, Ohio; and Patterson, New Jersey.

In FY 2020, Maryland had 206 community schools, in FY 2021, there were 262 community schools, and in FY 2022, there are 300 community schools in 17 local school systems funded by the Concentration of Poverty Grants.

Board President Crawford asked about ensuring successful implementation and creation of community schools, and Superintendent Choudhury responded that only a multi-faceted approach works. He stressed the value of case studies of successful schools forming the basis of replicating that success. He noted that tribalization around either teacher quality reforms or addressing poverty, or school-day tutoring and other instructional program reforms is not useful, because all reforms that are proven to be effective are needed.

Tanya Filson, MSDE's Director of Community Schools, described the role of needs assessments in driving solutions and programming and examples of successful partnerships between local management boards (LMBs) and community schools.

[Presentation](#)

Spotlight of Students with Disabilities

Chandra Haislet, MSDE's Director of Accountability and Data, presented an overview of national and state data on students with disabilities, including educational outcomes, attendance, inclusion in general education classrooms, discipline, and other factors.

Superintendent Choudhury highlighted the disproportionate number of African American students identified as emotionally disabled is unacceptable and indicative of a systemic problem that is well known and will not be tolerated going forward.

Ms. Haislet reviewed several state initiatives including the adoption of a differentiated accountability framework, a regionalized technical assistance model, and other innovative, evidence-based tools and practices, including the development of a micro-credential for IEP team chairpersons. She also shared that MSDE and Maryland have been selected by the U.S. Dept. of Education to receive a state personnel development grant of \$5.5 million to support a pilot program to improve math proficiency and social emotional competency for students receiving special education services. The grants will be distributed among 5 of the 11 school systems that have expressed an interest.

Student board member asked about solutions to address the role of school resource officers (SROs) in the disproportionality in the discipline of not only African American students but also students with disabilities, and the intersectionality of these two groups is striking. Mr. Choudhury responded by indicating the high quality of training of SROs by the Maryland Center for School Safety, but also pivoted to focusing on the need to address the role of school system administrators and staff in assigning students for disciplinary responses and recognizing the important but narrower school safety role of SROs.

Board member Greene asked about the role of reading instruction given that the USED grant only focuses on math. Superintendent Choudhury agreed that reading is focus and reiterated his pledge to revamp the teaching of reading, including the retraining of reading teachers and higher education reforms, through legislation and regulations.

Board President Crawford reiterated his call for parents to be informed on best practices and become engaged with their local boards and superintendents in support of the adoption of these approaches.

[Presentation](#)

Financial Reporting Requirements

MSDE staff briefed the State Board on the status of audit reports of local school systems and requested that the board authorize the State Superintendent to withhold funds from local school systems that are not in compliance with the provisions of the Education Article.

[Memo](#)

Partial Waiver of September 30 Student Enrollment Count Regulation

The State Board approved a waiver from immunization requirements and procedures to verify adjusted enrollment counts under the waiver. Specifically, the waiver of State Financial Assistance regulations under COMAR 13A.02.06.03A removes the age-appropriate immunizations requirement for the September 30 student count solely for the purpose of calculating State Aid under the foundation program.

In September 2021, the Maryland Department of Health (MDH) issued a forty-five-day extension to local school systems to obtain documentation that each admitted or retained student has received certain required immunizations. During the extension, school systems may permit noncompliant students to remain in school and allow students excluded due to lack of immunization documentation to return to school. State Aid for Education is predicated on the September 30th student count of eligible students certified by the local superintendent.

Staff presented that school systems reported approximately 22,912 students had yet to receive age-appropriate immunizations as of October 7, 2021. By contrast, the September 2019 enrollment count included only 62 students who had yet to receive their immunizations.

[Memo & Waiver Form](#)

Regulations

Student Suicide Prevention and Safety Training Regulations

The State Board granted preliminary approval of proposed amendments to the State regulations governing Student Suicide Prevention and Safety Training (COMAR 13A.07.11). The regulations will be published in the Maryland Register for a 30-day public comment period, after which they may be adopted by the State Board and become law.

The proposed amendments define, update, and clarify the requirements for student suicide prevention and safety training to reflect the newly legislated mandate to expand requirements, including in-service training to enable educators to recognize student behavioral health issues and recognize students experiencing trauma or violence out of school, and refer students to behavioral health services. In addition, community schools must address supports for any students needing the services.

Board member Holly Wilcox voiced her support for high-quality suicide awareness and prevention programs and a review of what is being offered. Superintendent Choudhury responded that he intends to provide a deeper dive on mental health issues to the State Board.

[Memo & Regulations](#)

Special Education Regulations

The State Board granted preliminary approval of proposed amendments to State regulations governing special education, including changes to Individualized Education Program (IEP) Team Responsibilities (COMAR 13A.05.01.03), Definitions (COMAR 13A.05.01.08), and Individualized Education Program Document (13A.05.01.09) to reflect changes made to §8-405 of the Education Article during the 2021 legislative session.

Marcella Franczkowski, Assistant State Superintendent, Division of Early Intervention and Special Education Services, provided an overview of the background and impact on the current process of the regulatory changes called for by recent legislation.

The proposed updates would align regulations with recently passed legislation (SB 300/HB 714). Prior to this new legislation, MSDE required each local school system and public agency to review IEPs when they were no longer able to provide instruction in the school building. If the local school system or public agency could not provide a free appropriate public education, as described in the IEP, in the alternate service delivery model, the local school system or public agency had to revise or amend the IEP. The 2021 amendment to Education Article §8-405 builds on this established process by: (1) requiring the IEP team to proactively develop a learning continuity plan in the IEP; (2) identifying emergency conditions under which the learning continuity plan in the IEP must be implemented; and (3) prescribing a specific timeline (i.e., 10 days) in which the IEP team must make a reasonable attempt to notify the parent/guardian and seek parent/guardian input.

[Memo & Regulations](#)

Achieving Academic Equity and Excellence for Black Boys Advisory Council Update

Dr. Vermelle Greene updated the Board on the work of the Advisory Council and evidence of recommendations being implemented such as all-male homerooms, all-male classes, and mentoring. Board member Rachel McCusker reported on her enthusiasm for the return of marching band competitions and her child's participation on the winning Century High School band. Student member Kevin Bokoum shared that it was National College Application Day and wished all applicants luck in pursuit of their higher education, whether 4-year, 2-year, or a technical institute; and he highlighted a successful session he facilitated at MABE's recent conference.

Opinions

The State Board issued legal opinions in the following cases:

- *Student F. v. Anne Arundel County Board of Education*, reversing as unreasonable and arbitrary the local board's decision that the student's therapy session-related absences were unlawful.
- *J.L. and Y.L. v. Montgomery County Board of Education*, affirming the local board's decision denying admission to a magnet program.
- *Yvette Thomason v. Prince George's County Board of Education*, adopting the recommendation of the ALJ, with the modifications, and affirming the employment suspension decision of the local board.
- *Carroll County Mask Appeals, Consolidated Appellants v. Carroll County Board of Education*, dismissing the appeals based on mootness due to the State Board's mask-mandate regulation.
- *Jonathan Matheny v. St. Mary's County Board of Education*, dismissing the appeal based on mootness due to the State Board's mask-mandate regulation.