

December 7, 2021

On Tuesday, December 7, 2021, Board President Clarence Crawford convened the meeting and was joined by members, including: Vice President Charles Dashiell, Jr., Shawn Bartley, Gail Bates, 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.](#)

Public Comment

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

Dr. Afie Mirshah-Nayar, President of the Maryland Association of Secondary School Principals, described the current responsibilities and expectations of school principals as untenable, given the multiple challenges of recovering learning loss, student behavioral health needs, and COVID-related public health services. She requested that principal voices be considered as policy decisions are made, and requested a reduction in the amount of state standardized testing in the current school year to allow more time for teaching and learning, and addressing the social emotional health needs of students.

Cheryl Bost, President of the Maryland State Education Association, voiced support for the concerns raised by the Principal's Association and support for the proposed emergency mask mandate regulations including off-ramps for local decision-making. She stressed the enormous impact of trauma on students and staff. She also urged caution in not overreacting to the statewide assessment results given that students continue to suffer from the impacts of the pandemic and it's only one test.

Shamoyia Gardiner, Executive Director of Strong Schools Maryland, urged support for the continued funding and implementation of the Blueprint for Maryland's Future Act during the 2022 legislative session. She also requested opportunities for online public comments to facilitate parent and community input on issues such as student mental health.

Consent Agenda

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

Local Virtual Programs

Superintendent Choudhury introduced the presentation on the preliminary results of statewide student performance data on the more than 24,000 students in 22 school systems participating in virtual learning this school year. Dr. Deann Collins, MSDE's Deputy Superintendent of Teaching and

Learning, provided updates on virtual program enrollment, local criteria for student options to enroll in virtual programs, and an overview of the quarterly metrics for student performance for the period between Nov. 5 and Dec. 12, 2021.

Regarding access to courses, in 17 of 19 systems high school students in fully virtual programs have access to AP courses Honors Courses. In 12 of 19 systems high school students in fully virtual programs have access to Honors courses. In addition, most virtual programs do not offer Career Technical Education (CTE) courses, Band, Theater, or Chorus.

Board member Rachel McCusker reiterated her concerns with large virtual class sizes and stressed her objections to allowing amounts of synchronous learning as low as 3 to 5 hours per week. Superintendent Choudhury agreed that there is a need for smart flexibility within boundaries.

[Memo & Presentation](#)

Teacher of the Year Recognition

The State Board, joined by Baltimore County Superintendent Darryl Williams and MSDE's Teach of the Year program director Darla Strouse, recognized and celebrated Brianna Ross as Maryland's 2022 Teach of the Year. Ms. Ross is a former elementary school teacher, who now teaches sixth grade World History and serves as the Social Studies Department Chair at Deer Park Middle Magnet School in Randallstown, Baltimore County. As her school's equity liaison, Ms. Ross works to interrupt teacher biases and practices that perpetuate inequity while building teacher capacity to create inclusive classrooms. Ross writes social studies curriculum that highlights more diverse perspectives, connects historical topics to current events, and encourages students to find solutions to real-world problems. Each year, Ross coordinates a Summer Transition Program to support incoming sixth graders socially, emotionally, and academically as they prepare for the expectations of middle school. Ross was a New Leaders Council fellow in 2018 and worked with other changemakers to identify progressive solutions for a more sustainable and equitable future in Maryland.

[Highlight](#)

Reopening Logistics and COVID Transmission Rates in Schools

Deputy Superintendent Mary Gable provided a comprehensive update on local school system school reopening logistics and transmission rates of COVID-19. She reviewed data on how the local school systems are addressing 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 is updated. In addition, Ms. Gable presented data on the number of students and staff who have needed to be quarantined, positivity rates, 7-Day moving average case rates per 100K by jurisdiction, community transmission levels, and active COVID-19 outbreaks in local school systems are updated.

[Memo & Presentation](#)

New Regulations to Allow Local Waivers of Mask Mandates in Schools

Board President Clarence Crawford introduced Superintendent Choudhury and the presentation and discussion of the department's proposed regulations to repeal and replace immediately the emergency regulations now in effect which mandate masks in public schools, emergency regulations in effect for 180 days and which expire February 25, 2022.

The newly proposed regulations would extend the protection masks provide against COVID-19 and its variants by extending the mandated use of face coverings in schools beyond the February 25, 2022 deadline, as needed. The proposed regulation would also implement procedures to end face coverings in schools based upon vaccination status within the school facility or county or county transmission rates.

Superintendent Choudhury began by emphasizing that Maryland's approach to safely returning to in-person learning is working, as evidenced by the fact that Maryland has had only one school close and for only 2 days, as contrasted with other states, which have not mandated masks, and which have seen many schools closed for much longer periods of time.

Mr. Choudhury reviewed the two pathways available under the proposed regulations. Pathway 1 would allow for the lifting of the mandated use of masks in schools based on individual school level data. A local school system verifying that 80% of students and staff at a school are vaccinated would be allowed to lift the mandate within that school. He noted that this is the model adopted in Massachusetts as its only pathway, with a provision requiring non-vaccinated students and staff to remain masked. He highlighted that Maryland's proposed regulations would not require masking of unvaccinated students and staff in approved schools. He described Pathway 2 as applying in a county (or Baltimore City) if the jurisdiction is at 80% or above of its residents being fully vaccinated. In that case, the local board of education may vote to remove the mask mandate for the entire school system.

The proposed regulations amend COMAR 13A.01.07.01-.07 by adding a section on "Lifting Face Covering Requirements." This section includes provisions allowing for the lifting of the mask mandates based on the following:

The proposed regulation includes three off-ramps from the face covering requirements in schools:

1. If at least 80 percent of the county population in the county where the schools are located is fully vaccinated, as reported by MDH, a county board or the governing authority of a public school that is not in a local school system, may lift the face covering requirements by passing a motion or resolution in a public meeting.
2. The local superintendent may lift the face covering requirement for a school facility or facilities after a principal or designated school official verifies that 80 percent of the school staff and students in the school facility have been fully vaccinated. The principal or designated school official submits a signed Department approved attestation form to the local superintendent, and the local superintendent then signs and submits the attestation form affirming the 80 percent vaccination rate to the State Superintendent of Schools.

If either the 80 percent vaccination thresholds are achieved, the following transmission rate provisions and procedures for lifting and reinstating the face covering requirements do not apply.

3. The local superintendent may lift the face covering in schools requirements if the county has sustained 14 consecutive days of moderate or low transmission rate of COVID-19 cases, as reported by the CDC. The local superintendent is required to reinstate the face covering requirements if transmission rates of COVID-19 cases are substantial or higher for 14 consecutive days, as reported by the CDC.

Several board members asked questions and spoke in favor of the proposed approach. Superintendent Choudhury also clarified that the proposed regulations will be forwarded to the legislature's Administrative, Executive, and Legislative Review (AELR) Committee as emergency regulations and as permanent regulations (with a sunset in 2023). He emphasized that in either case the AELR Committee will hold a hearing as it did for the initial regulations. Following Superintendent Choudhury's presentation, the State Board voted to approve publication of the proposed regulations as proposed.

[Memo & Regulations](#)

Blueprint: English Learner Workgroup Update

Superintendent Choudhury introduced the proposed report and interim recommendations from the English Learner Workgroup, which was formed as directed by the Blueprint for Maryland's Future legislation, and which he decided to chair upon his arrival in Maryland. The Workgroup and its recommendations focus on how to best educate Maryland's growing population of English Language Learners, which are approaching 100,000 students and more than 10% of Maryland's total K-12 students.

The State Board received a presentation from Susan Spinnato, MSDE's Director of Instructional Programs for English Language Learners, Gifted & Talented, and World Languages. She reviewed recommendations under each of the following areas:

1. Identification and support for young dual language learners (DLLs) and their families
2. Maryland bilingual teacher certification
3. All teachers prepared to serve English learner
4. Teacher pipeline
5. Scale two-way immersion programs
6. Support and sustain multilingualism by promoting an asset-based approach
7. Equitable communication with multilingual families
8. Inclusive and valid assessments for multilingual learners

In addition, Dr. Anna Santiago, Principal of Cezar Chavez Elementary School, which is a dual language Spanish immersion school in Prince George's County. She provided a detailed overview of the school's programs for 405 students, 50% of whom are speaking English and 50% speaking Spanish at home, including 157 English learners.

[Memo & Presentation](#)

Spotlight on Students Experiencing Homelessness

Superintendent Choudhury introduced Chandra Haislet, MSDE's Director of Performance and Accountability, who provided a detailed overview of the numbers and student performance outcomes for students experiencing homelessness. Board members expressed their appreciation for the data and information presented, and requested additional information in the future concerning programs and services benefitting homeless students.

[Memo & Presentation](#)

Fall 2021 Student Assessment Results

Superintendent Choudhury and Ms. Haislet also presented the preliminary results of student assessments taken as students returned to school in the fall of 2021, including modified exams in reading, math, and science and the kindergarten readiness assessment (KRA). He stressed that the State Board should not be surprised by the results, and urged continued focus on making progress from the new baseline.

Ms. Haislet reported that from the 2018-2019 school year to the fall assessments given in 2021, the percentages of students proficient in English/Language Arts dropped from approximately 43% to 35% and dropped in math from approximately 30% proficient to 15%. She noted that results for science assessments in grades 5 and 8 increased from 33% to 39% proficient. Kindergarten readiness assessment results show a drop from 47% to 40% in the percentage of students demonstrating readiness.

Ms. Haislet also described analysis of test results from other states and nationally in support of the conclusion that student performance was severely negatively impacted by the closing of schools and shift to virtual learning.

Presentation highlights include:

- February 22, 2021, the U.S. Department of Education sent guidance to states for flexibility in administration of the federally mandated state assessments for English language arts, mathematics, and science. As a result of this guidance, on March 4, 2021, the Maryland State Board of Education approved the plan to administer assessments in the early fall of 2021 in a shortened form.
- Maryland students were tested in early fall on the content in their enrolled courses from spring of 2021 in English language arts/literacy, mathematics, and science.
- Quick turnaround data was available to local school systems within 48 hours of students completing the assessments (beginning on September 30, 2021).
- Assessment results are reported by 3 performance levels with proficiency reported as met expectations and exceeded expectations.
- Remote versions of the assessments were available for students attending school virtually.

[Memo & Presentation](#)

Bullying, Harassment, and Intimidation Policy Update

Deputy Superintendent Mary Gable provided background on the origins and development of the department's work to implement policies and procedures to prevent bullying and harassment in schools as required under §7-424.1 of the Education Article. She introduced Walter Sallee and the department's work to collaborate with local school system staff to update the state policy, which will then trigger required updates to local policies.

Since 2009, state law has required MSDE to draft a model policy, and since 2017 has required local school boards to update their policies at least every 5 years by January 1 (which would be January 1, 2022). In this light, Superintendent Gable indicated that the deadline for local updates would be extended to February 15, 2022 based on the lateness of the proposed changes in the State Model Policy.

Ms. Gable highlighted that Maryland's Model Policy to Address Bullying, Harassment, or Intimidation has been updated to include expanded definitions of bullying, cyberbullying, harassment, and intimidation. Along with the updated policy are the updated bullying, harassment or intimidation reporting and investigation forms, which include increased opportunities for local school systems to collect data to support students and streamline administrative investigations. Following the overview the State Board approved the revised Model Policy.

[Memo & Model Policy](#)

Interscholastic Athletics Regulations

Andy Warner, Executive Director of the Maryland Public Secondary School Athletic Association (MPSSAA), reviewed proposed amendments to state regulations regarding limits of participation in interscholastic athletics and weekly limitations for wrestling, under COMAR 13A.06.03. He described the collaborative process between the MPSSAA, local superintendents, the State Superintendent, and the State Board of Education in developing statewide athletics regulations. He noted that the proposed changes were approved in August for publication in the Maryland Register and received no public comments. The State Board approved the final regulations.

[Memo & Regulations](#)

School Food and Nutrition Regulations

The State Board approved adoption of amendments governing school meals and nutrition standards under COMAR 13A.06.01, including the nutrition appeal procedures for local school systems. MSDE's current procedures only allow local school systems to request a hearing. The purpose of the proposed amendment is to include the option of a review of the record with the right to file written information for appeals in the National School Lunch and School Breakfast Programs. The proposed changes were approved in June, published in the Maryland Register in September, and received no public comments. The State Board approved the final regulations.

[Memo & Regulations](#)