

January 25, 2022

On Tuesday, January 25, 2022, Board President Clarence Crawford convened the meeting and was joined by members, both in-person and virtually, 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, presented both virtually and in person:

Buzzy Hettleman, speaking on behalf of Decoding Dyslexia, the Maryland Reading League, and himself, raising concerns about the 7-month delay in developing a K-Grade 3 literacy plan and requested that the State Board create a subcommittee on early literacy programs and funding.

Cheryl Bost, President of the Maryland State Education Association, highlighted the crisis levels in staffing in every job category including the turnover of a third of our superintendents. She cited the negative impacts on the level and quality of education for students of critical shortages of bus drivers, counselors, teachers, and others. She urged the convening by the State Board of a joint effort including MABE, PSSAM and higher education to identify ways to address the statewide and systemwide staffing crisis.

Danielle Wood, a Prince George's County parent and PTA leader, and Monica Rodriguez, a Prince George's County parent, spoke in strong support of the continuation of the school system's virtual learning programs rather than forcing parents and students to return to in-person instruction. They raised concerns with the safety of returning to in-person learning and disruptive impacts on students who have successfully adjusted to virtual learning.

Joanna McFarland, Founder/CEO of HopSkipDrive, a vehicle for hire company that provides service to children, presented the success of her company's model for providing student transportation services in Virginia and Washington, DC and over 900 other entities, and raised concerns with the alternative student transportation regulations on the agenda for final approval.

Marc Cohen, Principal of Seneca Valley High School in Montgomery County and Treasurer of the Maryland Association of Secondary School Principals, spoke about the challenges school administrators are dealing with as a result of the COVID pandemic. He outlined the impacts of

sustained trauma on students and teachers and administrators, unprecedented increase in acts of violence in and around schools, and the understandably high rates of anxiety and depression among students who should be receiving intensive supports, but this work is being frustrated by the widening shortage of teachers and other staff.

Joyce Toal and Christi McCloud, parents, spoke in favor of eliminating the continuation of the mask mandate for students in schools based on negative health and psychological impacts on students.

Consent Agenda

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

Superintendents' Association Engagement

Dr. Patricia Saelens, Queen Anne's County Superintendent and President of the Public School Superintendents' Association of Maryland (PSSAM), presented an overview of PSSAM's work, challenges in leading school systems through the COVID pandemic, the high turnover rate among Maryland's 24 superintendents, and a new initiative to create an Aspiring Superintendents Academy.

Dr. Saelens highlighted that as the CEOs of our districts, PSSAM and local superintendents are extremely active at the state legislative level and provide invaluable on-the-ground information and resources to elected officials. PSSAM formally participates in over 20 statewide advisory Workgroups and commissions. She emphasized PSSAM's many partnerships not only with local board of education teams but with local governments and state organizations including: MABE, MSEA, the two principals' associations, MACo, the Maryland Association of Community Colleges, the University System of Maryland, MANSEF, CEASOM, and PSTEB.

Dr. Saelens also described PSSAM's work in taking in a leadership role in organizing a Blueprint Workgroup that consists of the 24 Blueprint Coordinators, subcommittees aligned with each of the Blueprint policy areas, and which includes representatives from around the State. She also thanked the Superintendent and his senior staff who have been working with PSSAM to combine our efforts as we navigate and implement the Blueprint in policy and in practice.

Board members thanked Dr. Saelens and PSSAM for the engagement and suggested monthly presentations during public comment and participation in the strategic planning engagement process to be discussed later in the meeting.

COVID Transmission Rates and School Logistics

The State Board received a monthly update from Assistant Superintendent Mary Gable on school logistics and transmission rates related to the COVID-19 pandemic. Data from as recently as January 24th on how the local school systems are addressing vaccinations, screening, testing,

and contact tracing, and 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 statewide hospitalizations are included in the presentation. In addition, the presentation included information on local school system instructional modes and the Maryland Department of Health information on COVID-19 testing.

Ms. Gable presented the various testing programs and practices across the state, with school systems taking different approaches through centralized testing sites, diagnostic of symptomatic students, and testing of students who participate in sports and extracurriculars, among other approaches.

She presented the updated guidance document that was sent by MSDE and the Maryland Department of Health (MDH) to local school systems, non-public schools, and licensed childcare providers on January 7, 2022. The main recommendations (based on the latest CDC guidance) include:

- All persons who test positive for COVID-19 or have suspected COVID-19, regardless of vaccination status, should stay home for at least 5 full days from the date of symptom onset (if symptomatic) or the date of the positive test if no symptoms.
- Vaccinated persons (provided they meet specific criteria) do not need to quarantine if exposed to someone with COVID-19.
- Unvaccinated persons and those who have not received booster shots should quarantine for at least 5 days if exposed to someone with COVID-19.

MDH issued a statement regarding the suspension of in-person learning due to a COVID-19 outbreak on January 6, 2022.

- Maryland does not currently recommend any automatic trigger or threshold for suspension of in-person learning.
- School outbreaks, as defined by MDH, should be considered only as parameters to help administrators recognize increased risk of infection spread and plan accordingly.
- Declaration of an outbreak should not be considered an automatic trigger for the suspension of in-school learning.
- Decisions around the suspension of in-person learning for an entire school or a portion of a school due to COVID-19 as well as the duration of the suspension of in-person learning should be made in coordination with the local health department and the LSS as applicable.
- MDH encourages school administrators to make every possible effort to keep schools open for in-person learning, and suspension of in-person learning should be considered only as a last option, after exhausting all possible alternatives.

Board members engaged in a lengthy series of questions and answers regarding local testing practices, staffing challenges, data collection, and other issues.

Presentation: [School Logistics and Transmission Rates Related to COVID-19 Update](#)

Enrollment and Attendance

Superintendent Choudhury introduced the presentation by Chandra Haislet, MSDE's Director of Performance Reporting and Accountability. The State Board received an update on student attendance for the 2020-2021 school year and enrollment for the 2021-2022 school year. The presentation included: 1. Enrollment trends by grade and student groups, 2. Attendance rate trends, 3. Mobility and habitual truant data, and 4. Chronic absenteeism.

The presentation outlined the components of student enrollment:

- Admission: Under State Law all individuals aged 5 years old or older and under 21 shall be admitted free of charge to the public schools of this State. (Md. Ann. Code., Ed. Art, §7-101)
- Location: Each child shall attend a public school in the county where the child lives with their parent or guardian. (Md. Ann. Code., Ed. Art, §7-101)
- Collection Timeline: The MSDE collects enrollment once per year as of September 30 or the closest weekday if the date falls on the weekend. The September 30 date is established in State Law. (Md. Ann. Code, Ed. Art., §5- 201(g)(1))

The presentation then outlined the components of attendance:

- Attendance means that a student is present at school on a regular school day and includes participation in school-sponsored activities. (COMAR 13A.02.06.02B(5); COMAR 13A.08.01.01; 2020 Maryland Student Records System Manual)
- Compulsory Attendance: Each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year. (Md. Ann. Code, Ed. Art., §7-301(a-1))
- Student Attendance Policy: Each local school system shall develop a student attendance policy which includes a record of daily attendance. (COMAR 13A.08.01.05)
- Collection Timeline: The MSDE collects attendance 3 times per year in September, Spring, and the End of the School Year.

In addition, Attendance Works presented a national perspective on chronic absenteeism and provided information on recommended actions that state and local policy makers can take to ensure that students are engaged in learning. The State Board heard from Hedy Nai-Lin Chang, Executive Director and President of Attendance Works, a national non-profit devoted to developing and partnering with school systems to implement strategies to improve rates of student attendance and engagement. She stressed that Attendance Works focuses on advancing student success and reducing equity gaps by improving student attendance through programs that provide multi-tiered student supports. Mr. Choudhury and Board members discussed and expressed their appreciation for the Attendance Works presentation.

Presentation: [Enrollment and Attendance Background & Data](#)

Local Virtual Programs

The State Board was updated by MSDE staff on virtual learning issues, including first marking period attendance and demographics and a comparison of the relationship between fail rates, attendance rates, synchronous instruction time and staffing in local school system virtual programs. The report presented comparisons of fail rates and attendance rates for virtual students and all other students, and the department shared approaches local school systems are implementing to assist struggling virtual students. Mr. Choudhury highlighted the value of having such a highly qualified in-house research team to produce the reports being presented.

Presentation: [Local Education Agency Virtual Programs Update](#)

Blueprint Deep Dives

College and Career Readiness

Superintendent Choudhury introduced Phil Lasser, MSDE's Director of Strategic Planning and Continuous Improvement, who presented on the department's work on the College and Career Readiness (CCR) section of the Blueprint for Maryland's Future Act. The Blueprint requires MSDE to research CCR metrics, set a new standard, and implement instructional systems to support all students in meeting the CCR standard. The presentation reviewed the legislative requirements, implementation timeline, methods to meet the CCR standard, develop post-CCR pathways, and MSDE's engagement on this major policy area of the Blueprint.

Presentation: [College and Career Readiness](#)

Nationally Board Certified Teachers and Low Performing Schools

Chandra Haislet updated the State Board on the status of the Blueprint's staffing initiative to provide salary increases for all Nationally Board Certified (NBC) teachers and additional raises for NBC teachers in low performing schools. MSDE has developed, in collaboration with local school systems, a methodology for identifying schools based on a state definition for low performing schools along with local flexibility to provide guided flexibility in scaling strategic staffing initiatives across all local school systems. Information was presented on the methodology including: 1. Highlights of the framework, 2. State definition, 3. Methodology for local flexibility, and 4. National perspective on strategic staffing initiatives.

Ms. Haislet described the clearly defined but flexible approach developed in collaboration with PSSAM and the Blueprint Coordinators.

Presentation: [NBC Teachers and Low Performing Schools](#)

Maryland Public Schools Strategic Plan: Engagement & Process

The State Board and Superintendent Choudhury announced their Strategic Planning process and the components of the broad community and stakeholder engagement process. Mike Herschenfeld, Senior Executive Director of Strategic Planning and Continuous Improvement, presented an overview of the strategic planning process, including the goals and objectives as follows:

- The Maryland State Board of Education and the Maryland State Department of Education (MSDE) are **developing a multi-year strategic plan for the future of Maryland's education system**. Public schools serve to prepare our future workforce and future community leaders and it is critical that we hear from as many people as possible throughout the process. This work will be the basis for **creating transformational change in Maryland's education system**.
- The guiding objective is to build processes and create space for stakeholder input as we work to develop a strategic plan. **The strategic plan will guide the department's organizational direction as we implement the Blueprint for Maryland's Future**.

MSDE has launched a [survey portal](#) for public input on their strategic planning and public engagement process:

Presentation: [Maryland Public Schools Strategic Plan: Engagement & Process](#)

Calendar Modifications

The State Board granted Superintendent Choudhury's request for authorization to approve, upon request of a local board of education, flexibility for a local school system to open for pupil attendance on February 21, 2022, Presidents' Day, as an inclement weather make-up day if needed, for the 2021-2022 school year. In addition, the Board granted the waiver request to open school on Presidents' Day, as an inclement weather make-up day for Queen Anne's County Public Schools for the 2021-2022 school year.

[Calendar Modifications – Granting Authority to the State Superintendent](#)

- [Request from the Queen Anne's County Public Schools for a Calendar Modification](#)

2022 Legislative Session

Ary Amerikaner, MSDE Chief of Staff, presented an overview of the legislative process and pending education bills in the recently convened 2022 legislative session. She emphasized that the department would be taking positions on bills this session, rather than relying solely on letters of information, and that the process of working with legislators is ongoing and already yielding positive results.

Presentation: [2022 Legislative Session](#)

Regulations

The State Board received overviews and granted final approval for the following regulations.

- [COMAR 13A.07.14 Child Sexual Abuse and Sexual Misconduct History \(Permission to Adopt\)](#)

These regulations update those adopted under legislation passed in 2019, House Bill 486, Child Sexual Abuse and Sexual Misconduct Prevention, which established a process, including requirements for specific documentation regarding whether an individual has ever been disciplined for allegations of “child sexual abuse” or “sexual misconduct,” for the hiring of public school and nonpublic school employees who have direct contact with minors. This was during the 2021 legislative session with the passage of House Bill 373. As a result, COMAR 13A.07.14 requires amendments to remain aligned with the statute. MSDE is incorporating verbatim language from House Bill 373 to ensure alignment with the statute amendments.

- [COMAR 13A.06.07 Student Transportation \(Permission to Adopt\)](#)

These regulations implement legislation passed in 2021, Senate Bill 448, to authorize a local board of education to provide transportation for public school students to and from school using a vehicle other than a Type I or Type II school bus when a school bus cannot reasonably be provided. The bill required MSDE to consult with boards of education and the Motor Vehicle Administration to adopt regulations establishing minimum vehicle and driver safety standards for alternate student transportation under the bill. The department received comments from MABE on the proposed regulations which were incorporated to clarify that the insurance requirements for any alternative vehicles would be the same as for school system-owned and contracted buses.

Board Opinions

The State Board issued legal opinions for the following cases:

- *P. B. and M. C. v. Montgomery County Board of Education*, affirming the local board’s decisions to deny a student’s enrollment to a particular program.
- *X. S. v. Montgomery County Board of Education*, affirming the local board’s decision that the disciplinary and educational issues in dispute are now moot.
- *Charlene Tombs v. Montgomery County Board of Education*, dismissing the appeal of the local board’s employee termination decision for untimeliness.
- *Trina Lee v. Baltimore City Board of School Commissioners*, dismissing the appeal of the local board’s employee termination decision for untimeliness.
- In the Matter of Request for Removal of Juanita Miller, dismissing the request for Ms. Miller’s removal from the Prince George’s County Board of Education for misconduct in office, willful neglect of duty, and incompetence, for lack of sufficient documentation.

- In the Matter of Request for Removal of Edward Burroughs, dismissing the request for Mr. Burroughs' removal from the Prince George's County Board of Education for misconduct in office, willful neglect of duty, and incompetence, for lack of sufficient documentation.
- In the Matter of Request for Removal of David Murray, dismissing the request for Mr. Murray's removal from the Prince George's County Board of Education for misconduct in office, willful neglect of duty, and incompetence, for lack of sufficient facts and legal basis to issue charges for removal.