

February 22, 2022

On Tuesday, February 22, 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 public comments, presented both virtually and in-person, primarily from parents urging the State Board to eliminate the mandate that students wear masks in schools, including the repeal of the emergency regulations providing “off-ramps” based on vaccination and transmission rates.

### **Consent Agenda**

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

### **COVID Transmission Rates and School Logistics**

The State Board received a monthly update, including a presentation from Dr. Jinlene Chan, Deputy Secretary of the Maryland Department of Health (MDH), on state logistics and transmission rates related to the COVID-19 pandemic, including data on vaccination rates of children and adolescents. Dr. Chan emphasized that “we have all the tools we need to keep kids in school safely” through the use of vaccinations, testing, and other layered protections including masking and physical distancing.

Superintendent Choudhury and Assistant State Superintendent Mary Gable presented on how 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 100,000 by jurisdiction, community transmission levels, and statewide hospitalizations. Ms. Gable outlined the MDH K-12 COVID Testing Program, and the White House’s testing distribution initiative which has resulted in tens of thousands of tests received by Maryland local school systems.

In addition, the presentation included information on local school system instructional modes and the Maryland Department of Health information on COVID-19 testing.

Superintendent Choudhury discussed the rationales given in other States for lifting their mask mandate requirements in schools, which include the consideration of all of the same factors being discussed in Maryland. He also discussed the trend away from contact tracing in schools based on studies and experiences since the emergence of Omicron, and that he has shared information with MDH to inform any revised guidance. He defended his recommendations and the Board's decisions regarding the regulations imposing the mask mandate and later providing off-ramps for use by local school systems. He was also critical of States such as Texas, Georgia, and Tennessee which did not impose such mandates or guardrails.

Superintendent Choudhury then made his recommendation that it is time to return the decision to impose mask mandates to local control, through either the off-ramps provided under the current regulations, or outside those parameters. State Board President Crawford addressed the recommendation, praising the Board's prudence and resolve early in the pandemic, and crediting the Board and Department with the ability to pivot based on changing circumstances.

All board members raised questions, with most speaking in favor of the proposal. Board member McCusker voiced her concerns about the possibility of another variant and requested delaying action for a number of weeks. President Crawford clarified that if another variant arises then that would present a new emergency and the potential to adopt a new set of emergency regulations. Board Vice President Chip Dashiell read a statement articulating the Board's decision that given the health metrics it is now appropriate to restore authority to local school systems to determine their masking policies, and that the emergency state regulations will be rescinded effective March 1, 2022. This provides time for local school systems to utilize the off-ramps provided under current regulations, or to approve changes in policy to take effect upon the final approval to rescind the regulations.

Following a series of statements on the merits of the recommendation, Board President Crawford asked Board Counsel Elliot Schoen about the timeline for the legislature's review of the proposal to rescind the emergency regulations. He shared that the Administrative, Executive, and Legislative Review Committee (AELR) must approve the rescinding of emergency regulations by a majority vote.

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

### **Blueprint Deep Dive: Mental Health in Schools**

Superintendent Choudhury introduced the topic, which he stated would continue to be a top priority under his leadership. Assistant Superintendent Mary Gable began her presentation by introducing Dr. April Turner, MSDE's new director of school psychological services and recently named school psychologist of the year. Ms. Gable outlined the need to review the status of school mental health pre-pandemic, a national perspective, educator well-being, and statewide and local school system initiatives.

Ms. Gable cited the U.S. Surgeon General's report, "Protecting Youth Mental Health," issued in December 2021. She also described the Youth Risk Behavior Survey system led by the Centers for

Disease Control (CDC) and administered by states, including Maryland, involving surveys administered to school students. Results indicate serious issues among youth, including 32 percent of high school students feeling sad or hopeless. The Maryland School Survey, administered by MSDE, focuses on the topics of Safety, Community, Environment, and Relationships, and is given to both teachers and students.

Dr. Turner addressed the impacts of COVID-19 on not only student mental health but also the well-being of school principals. Regarding the negative impact of school closures, she emphasized that students are six times more likely to receive mental health services when initiated in the school setting. She highlighted universal mental health supports being developed in the Montgomery County School System.

Allegany County School System staff and a school principal presented virtually on their expansion of mental health staffing and services to create school-based mental health teams. Baltimore City Schools staff and principals presented on enhanced collaboration across mental health staff and services and the use of QR code to provide a point of access for students and families to request services. The principal of the Academy for College and Career Exploration described partnerships to enhance social emotional learning (SEL) programs and services, and stressed the importance of equity in meeting the SEL needs of students. Harford County Schools staff and a school principal described their mental health needs assessment and Handle with Care program. Caroline County Schools Interim Superintendent Derek Simmons and staff presented on their successful program of school-based health centers, including mental health services, through a partnership with Choptank Community Health.

Board members Bartley and Greene applauded specific programs and raised questions about the availability of state funding to support these types of programs. Board member McCusker and Wilcox highlighted the need to build the pipeline of not only teachers but also school-based mental health professionals, including family navigators. Superintendent Choudhury noted that there is substantial federal and state funding being provided and efforts in Annapolis to increase funding.

Presentation: [Mental Health in Schools](#)

## **2022 Legislative Session**

Ary Amerikaner, MSDE Chief of Staff, presented an overview of pending bills. She began by highlighting the department's request for flexibility to build the next general state education agency the state deserves and thanked Senator Guy Guzzone, Chair of the Budget and Taxation Committee, for this sponsorship of Senate Bill 794. The board agree to support this bill, which:

- Authorizes the State Board of Education to appoint or hire employees of MSDE who are not subject to or controlled by certain provisions of law that govern the State Personnel Management System;
- Requires the State Board to establish certain policies and guidelines governing the hiring or appointment, compensation, advancement, and termination of personnel; and
- Exempts MSDE from certain provisions of procurement law related to the implementation of the Blueprint for Maryland's Future.

State Board members devoted most of their discussion to Senate Bill 362, “Primary and Secondary Education - Virtual Schools – Revisions.” Ms. Amerikaner described the department’s position of support with amendments, including to remove the caps and the addition of a process to request exceptions to any cap, strengthen synchronous learning standards, and accountability procedures. As written, this bill would authorize a county board to establish one additional virtual school per system following a show of just cause to MSDE, and it may not include classes for pre-kindergarten or kindergarten students. It also caps participation at no more than 10% of the students from a single public school to be enrolled in a virtual school in the county. The bill alters the requirements for virtual schools established by MSDE or a county board of education by requiring a teacher education program, to include training in the skills and techniques for teaching effectively in a virtual learning environment. It requires that MSDE and the State Board adopt in regulations various standards for virtual schools, including the required return to in-person instruction if the student is failing academically in a virtual environment. The board discussed and agreed to request an amendment to add coverage of kindergarten students in virtual schools.

Presentation: [2022 Legislative Session](#)

## Regulations

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

- [COMAR 13A.06.03 Interscholastic Athletics in the State](#) (Permission to Publish)

The State Board approved the department’s request for permission to publish these regulations. The current athletic regulation pertaining to the Maryland Public Secondary Schools Athletic Association (MPSSAA) limits the participation of students to the defined timeframes of the first available practice date to the last competition date of each school’s competitive season. The MPSSAA, with unanimous support of the local superintendents of schools, is proposing a set of amendments to expand opportunities for student athletes under the umbrella of the local school system.

The proposed amendments: Strike the language that requires all school athletic teams to have their schedules set by the first available playdate to provide greater flexibility in scheduling options for local school systems; Allow for schools to participate in National Federation of State High School Associations (NFHS) and MPSSAA sanctioned events outside the defined sport season; and Allow local school systems to sponsor summer camps to encourage student participation and provide equitable access to skill development sessions. ([Memo & Regulations](#))

- [COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland](#) (Permission to Publish)

The State Board approved the department’s request for permission to publish amendments to COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. These amendments are needed due to the legislation around statewide assessments for high school mathematics and English language arts to meet the College and Career Readiness (CCR) standard found in the Blueprint for Maryland’s Future. ([Memo & Regulations](#))

- COMAR 13A.05.01.03 Definitions; 13A.05.01.08 Individualized Education Program (IEP) Team Responsibilities; and 13A.05.01.09 Individualized Education Program Document (Adoption)

The State Board granted final approval of regulations in response to Senate Bill 300/House Bill 714 enacted in the 2021 legislative session. The regulations implement the statute which requires the IEP team to proactively develop a “learning continuity plan” to be implemented during emergency conditions. Emergency conditions, as defined by the statute, means a period of 10 school days or longer during which the child with a disability cannot be provided with an IEP or special education services at school, and the school is providing instruction in some form to its students. Within 10 days of determining that emergency conditions exist, the IEP team must make a reasonable attempt to notify the parent/guardian of the child with a disability that the learning continuity plan is in place, and to seek input from the parent/guardian on how the learning continuity plan will best operate during the emergency conditions. ([Memo & Regulation](#))

- COMAR 13A.07.11 Student Suicide Prevention and Safety Training (Adoption)

The State Board granted final approval of regulations to define, update, and clarify the requirements for student suicide prevention and safety training to reflect the newly legislated mandate to remove certain language in COMAR 13A.07.11.03 (2), with expanded language that requires in-service training to enable educators to recognize student behavioral health issues, recognize students experiencing trauma or violence out of school, refer students to behavioral health services, and if the school is a community school address support for any students needing the services at a community school. ([Memo & Regulation](#))

- College and Career Readiness Interim Standard (Adoption)

The Blueprint for Maryland’s Future legislation requires the Maryland State Board of Education to adopt a new interim standard to define what it means for students to be considered college and career ready. ([Memo](#))

Under the interim CCR standard, a student will be designated as “College and Career Ready” if they meet at least one of the standards listed below for English and one of the standards listed below for Math:

English (any one of the below options):

- Score 4 or 5 on the Partnership for Assessment of Readiness for College and Careers (PARCC) English 10; or
- Score 2 or 3 on early fall Maryland Comprehensive Assessment Program (MCAP) English 10; or
- Score 3 or 4 on fall or spring MCAP English 10

Math (any one of the below options):

- Score 4 or 5 on the PARCC Algebra I, Algebra II, or Geometry; or
- Score 2 or 3 on early fall MCAP Algebra I, Algebra II, or Geometry; or
- Score 3 or 4 on fall or spring MCAP Algebra I, Algebra II, or Geometry; or
- Score of 520 on the Math SAT

- Model Policy: Student Registered Sex Offender – Entry on School Property

The State Board approved the department’s proposed Model Policy governing Registered Sex Offender Entry onto School Property, including in cases when such persons are students. The policy repeals the discretion of the local school systems to authorize students who are registered sex offenders to enter onto real property used for public or nonpublic elementary or secondary education under certain circumstances and provides educational options. These regulations are in response to the passage of Senate Bill 515 in 2021 to limit the authorization of a student who is a registered sex offender from entering onto real property: (1) that is used for public or nonpublic elementary or secondary education; or (2) on which a registered family childcare home, a licensed childcare home or childcare institution, or home used for informal childcare is located. ([Memo & Model Policy](#))

## **Board Opinions**

The State Board issue legal opinions for the following cases:

- *Anita Gboffueh v. Howard County Board of Education*, affirming the local board’s employee termination.
- In the Matter of Request for Removal of Local Board Member Corine Frank, finding that the request for removal by community members is not legally sufficient.