

September 27, 2022

On Tuesday, September 27, 2022, Board President Clarence Crawford convened the meeting and was joined by Vice President Charles Dashiell, Jr., Shawn Bartley, Gail Bates, Chuen-Chin Bianca Chang, Vermelle Greene, Jean Halle, Rachel McCusker, Lori Morrow, Warner Sumpter, and newly appointed student member Merin Thomas from Wicomico County.

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

Public Comments

Public comments were delivered by the following individuals: an individual raised concerns with the office of Superintendent Choudhury to respond to his inquiries; a representative of a school raised concerns with his schools star rating on the Maryland Report Card, and failure of MSDE staff to respond to his inquiries; a parent raised concerns with the low science scores on state assessments and criticized using the excuse of COVID or merits of the Blueprint in addressing failures to educate students in the basics of math, science, and English; a student raised concerns about the policy of not giving students credit toward graduation for courses taken in middle school; Keith Scroggins spoke on behalf of One Love Foundation and in support of programs to educate students and teachers on relationship violence; a parent of a student receiving special education services in Baltimore City praised her child's teachers and the school system for successfully meeting her child's needs and his educational progress; an individual objected to the delay in releasing state assessment scores until after the elections and urged their immediate release; a parent representing students with Down syndrome spoke in support of these students' rights to pursue the Maryland high school diploma and inclusion in all facets of general education; Cheryl Bost, President of the Maryland State Education Association, spoke in support of increased pay and workload reforms to provide teachers, and especially special education teachers, with additional time to focus on teaching and on completing required paperwork and case management.

Board President Crawford asked Superintendent Choudhury to respond to the concerns raised about the timing and delay in releasing state assessment results. The Superintendent described the delay as having nothing to do with politics but rather caused by the transition to a completely new set of assessments coinciding with the onset of the pandemic, and unavoidable delays caused by the need to develop the cut points for the performance levels of each assessment which takes six months. He emphasized that this is a unique situation that will never occur again.

Consent Agenda

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

Stakeholder Engagement Session: Nonpublic Schools

President Crawford and board member Joan Mele-McCarthy welcomed a panel of representatives of nonpublic school, including:

- Ms. Dorie Flynn, Executive Director, Maryland Association of Non-public Special Education Facilities (MANSEF)
- Ms. Susan Barnes-McClendon, Associate Vice President, Arrow Child and Family Ministries, MANSEF Board of Directors
- Mr. Garrett O'Day, Deputy Director, Maryland Catholic Conference and Vice President, Maryland Council for American Private Education (CAPE)
- Ms. Crystal Alston, representing the Association of Independent MD and DC Schools (AIMS)

Mr. O'Day presented on the number of nonpublic schools, employees, and integral role in educating thousands of Maryland students. Ms. Alston described the role of AIMS and accreditation process for nonpublic schools. Ms. Flynn and Ms. Barnes-McClendon presented on the role of MANSEF in serving students receiving special education services in the least restrictive environments and specialized settings provided by Maryland's 74 nonpublic special education schools. Ms. McClendon also described the partnership between MANSEF, MSDE and local school systems in providing high quality special education programs and services to thousands of students and families.

Mr. O'Day emphasized the role of faith-based schools as the significant majority of all nonpublic schools in the state and his appreciation for MSDE's staff support for these schools. He described the benefits of state funding for nonpublic school facilities, school safety, and textbooks and technology. He also provided an overview of the \$10 million BOOST scholarship program for nonpublic school students. In addition, he highlighted that under the Blueprint for Maryland's Future law nonpublic schools are to educate 50% of full-day prekindergarten students.

Board member Mele-McCarthy asked Ms. Barnes-McClendon to address the gap in teacher pay between teachers in MANSEF schools and public schools. She responded that it is a double-digit gap that should be addressed given the parity in teacher qualifications and education standards required of MANSEF schools.

Deep Dive: Coordinated Community Supports in Maryland

Superintendent Choudhury and Assistant Superintendent Mary Gable presented on the Maryland Consortium on Coordinated Community Supports, community schools in Maryland, Concentration of Poverty Grants, collective impact, and other related programs created or expanded through the Blueprint for Maryland's Future.

Superintendent Choudhury shared that the Blueprint law defines the purposes of the consortium to:

- Support the development of coordinated community supports partnerships to meet student behavioral health needs and other related challenges in a holistic, nonstigmatized, and coordinated manner;

- Provide expertise for the development of best practices in the delivery of student behavioral health services, supports, and wraparound services; and
- Provide technical assistance to local school systems to support positive classroom environments and the closing of achievement gaps so that all students can succeed.

He emphasized the substantial investments in funding the consortium, increasing from \$25 million in FY 2022, to \$85 million in FY 2024, and \$130 million in FY 2026 and beyond.

The Superintendent described the state of student mental health, highlighting both the high percentages of students reporting issues and the very high percentage of students reporting that they feel comfortable seeking help from one or more adults.

Regarding Community Schools, Superintendent Choudhury outlined the personnel and per pupil concentration of poverty grants provided to support the creation and operation of community schools and coordination of wraparound services through community partnerships. He presented on the 358 community schools located throughout the state and highlighted Bakerfield Elementary in Harford County. Bakerfield Elementary's student population is greater than 95% Title I, 75% FARMS, 41% Economically Disadvantaged, 16% Students with disabilities, and 8% English Learners. These factors led to a needs assessment calling for increased awareness and accessibility of mental health/social-emotional supports, more before/after school programs including tutoring and enrichment and supports for students at risk of chronic absenteeism.

Board member Mele-McCarthy asked about jurisdictions without any community schools, and the Superintendent responded that it is a function of poverty levels, and clarified that it is not a discretionary grant program but rather a mandate to receive the grant funding based on eligibility and to provide the staffing and wraparound services.

Assistant Superintendent Mary Gable presented on the role of the 95 school-based health centers (SBHCs) located in 17 school systems. SBHCs are health centers located in a school or on a school campus, which provide onsite comprehensive preventive and primary health services. Services may also include mental health, oral health, ancillary, and supportive services.

Ms. Gable introduced Mike Muempfer, the Director of the Maryland School Mental Health Response Program, who presented on the purpose, funding, and operation of the program. The program is funded with \$14 million in federal ESSER funding to provide timely consultation and professional development and other supports to school systems in addressing student and family mental health concerns. The goal of the program is to enrich and enhance the work of site-based student support services personnel. The program is coordinated by MSDE staff and operated in partnership with the University of Maryland's National Center for School Mental Health (NCSMH). All 24 school systems have completed initial assessments and action plans.

Mr. Muempfer described the program's use of the School Health Assessment and Performance Evaluation System (SHAPE) as an interactive tool to assess school mental health systems and prioritize areas for improvement in order to improve school and/or district mental health

accountability, excellence, and sustainability. Nationwide over 15,000 schools, in all 50 states, are engaged in SHAPE; and 18 of 24 Maryland school systems are enrolled in SHAPE.

Superintendent Choudhury presented on the role of Maryland Leads grants in supporting local school system efforts to address learning loss and narrow achievement gaps through several strategies, including by transforming neighborhoods through excellent community schools. Seven school systems are receiving a total of \$8.2 million under this category of Leads grants. He highlighted that Howard County has no community schools but is receiving funding to partner with an MSDE-approved organization to plan and implement a collective impact initiative to address chronic absenteeism. He described the collective impact approach, the value of backbone organizations, as well as the department's support for the Maryland Department of Health initiative to expand Medicaid reimbursement for eligible school-based services.

[Presentation](#)

Deep Dive: Students with Disabilities

The State Board received a comprehensive presentation from MSDE's Division of Early Intervention and Special Education Services on the array of federal and state programs and services for students with disabilities from birth through age 21. The presentation included information and data on: the Individuals with Disabilities Education Act (IDEA), COVID-19 and Compensatory Education/Recovery Services, the dispute resolution process, and disproportionality in the areas of student identification, placement, and discipline.

Marcella Franczkowski, Assistant State Superintendent of the Division of Early Intervention and Special Education Services, provided an overview of the compensatory and recovery services required to be provided under IDEA to students entitled to a Free Appropriate Public Education (FAPE) but who failed to receive FAPE during the extended school closures caused by the COVID pandemic. She also described the extensive technical assistance MSDE provided to students and families to support virtual special education.

Assistant Superintendent Franczkowski outlined the process to determine whether compensatory services must be provided, as follows:

- IEP Development: Did the student have an appropriately developed IEP (IEP/Amended IEP/Revised IEP)?
- IEP Implementation: Was the student's IEP (IEP/Amended IEP/Revised IEP) fully implemented?

If "No" to either of these questions, then:

- Student Impact: Was the student negatively impacted?

If "Yes", then:

- Compensatory Education/Recovery Services: If the student experienced a loss of a FAPE (i.e., inappropriate IEP development and/or implementation which resulted in a negative impact), what compensatory education/recovery services will be provided to the student?

Ms. Franczkowski presented a progress report on the provision of compensatory services, highlighting that as of September 1, 2022, 17 LEAs have completed 100% of eligibility determinations, six have completed eligibility determinations for 75% - 99% of students, and one has completed eligibility determinations for 25% - 49% of students. The percentage of students with disabilities who have received all required compensatory education/recovery services has increased from 39.7% to 48.7% since March of 2022. As of September 1, 2022, 14 LEAs have initiated the delivery of compensatory education/recovery services for all eligible students.

Ms. Colleen Sasdelli, Director of Special Education with the Harford County Public School System, presented the school system's process to address the need for compensatory education/recovery services due to a loss of FAPE. She was joined by Shannon Jennings-Jones, Coordinator of Secondary Programs.

Dr. Deann Collins, Deputy State Superintendent for Teaching and Learning, continued the presentation by highlighting the legal and programmatic responsibilities of local school systems and the department in complying with federal IDEA law and state law, and regulations governing individualized education programs (IEPs). Assistant Superintendent Franczkowski also provided an in-depth presentation on her Division's strategic plan, differentiated accountability framework, regionalization, and Maryland Online IEP Program (MOIEP). She presented what makes Maryland unique, highlighting the delivery of services through individualized family service plans (IFSPs) for students beyond age three to provide an extended option for parents to ensure a seamless transition through grade 5, with Maryland being one of only five states taking this approach. Autism Waivers are another example of a unique approach to providing home- and community-based services to children and families outside the school day and in addition to services required through the IEP. Dr. Collins then presented on the role of state and federal funding in supporting special education programs, and Justin Dayhoff, Assistant State Superintendent for Financial Planning, Operations, and Strategy, presented on the role of Blueprint funding increases for special education.

Mr. Dayhoff explained that Maryland's Blueprint formula provides for Special Education funding each year that is the product of a per-pupil amount and the number of students "enrolled in a public school in the prior fiscal year who required special education services as defined in the federal Individuals with Disabilities Education Act" (5-225).

- The exact per-pupil amount each year is determined by the statutory Special Education funding weight, where a weight is a proportion that is subsequently multiplied by a dollar amount, in this case the target per-pupil foundation amount.
- The amount of the weight is identified in law and, overall, increases over time – in FY 23 the weight is 86%; In FY 33 and beyond, the weight is 146%.
- The FY 23 per-pupil amount is \$7,147 ($\$8,310 * 86\%$); the FY 33 per-pupil amount is \$18,053 ($\$12,365 * 146\%$).

In addition, Mr. Dayhoff highlighted that Maryland's Blueprint law does not restrict Special Education fund usage but does require LEAs to ensure at least 75% of Special Education funds are allocated to the schools to directly support and serve eligible students. The Blueprint law requires that each

LEA distribute “at least 75% of the per pupil amount applicable to...the special education program under § 5–225...multiplied by the school enrollment for the applicable program.” More specifically, each school must use the funds provided under this section to provide the services required by each student's IEP or 504 plans.

[MSDE Presentation](#)

[Harford County Presentation](#)

Covid Transmission Rates and School Logistics

Superintendent Choudhury presented recent data for the monthly update on state logistics and transmission rates related to the COVID-19 pandemic, including 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.

Highlights of the presentation include:

- Data collected related to COVID-19 logistics from the 24 local education agencies (LEAs) through September 23, 2022 (LEAs update the data weekly)
- Data published by the Maryland Department of Health (MDH) and the Centers for Disease Control (CDC) on positivity rates, 7-day moving average new daily case rates per 100K population, vaccination rates, hospitalization rates, and death rates for each jurisdiction
- Information on vaccines for children five and under per the CDC's COVID-19 community levels metric
- MDH and federal guidance and testing programs
- MDH/MSDE's Updated PreK-12 School and Child Care COVID-19 Guidance
- Information on Omicron variants
- Summary of COVID-Ready Maryland, the state's new long-term COVID-19 preparedness plan

Board President Crawford proposed that these reports become quarterly until or unless it becomes necessary to return to monthly reports.

[Presentation](#)

Regulations

- [13A.08.01.01 Attendance \(Permission to Publish\)](#)

In 2017, the Maryland legislature approved Education Article §7-301 raising the age of compulsory attendance from age 16 to age 18. However, COMAR continues to include the age of Compulsory Attendance as 16 rather than 18. For this reason, MSDE is asking to amend the current regulation to reflect this change.

- [13A.03.05 Administration of Home and Hospital Teaching for Students \(Permission to Publish\)](#)

The proposed amendments update the requirements for COMAR to reflect the change in the MD Code, Health Occupations, § 8-101 which allows Psychiatric Mental Health Nurse Practitioners (PMHNP) to provide a mental health diagnosis in order to validate emotional conditions requiring home and hospital services.

- [13A.16 Child Care Centers and 13A.18 Large Family Child Care \(Permission to Publish\)](#)

The proposed regulations provide that an individual is eligible for employment as a child care teacher for children ages three and older in a Maryland center or home for a probationary period of six months if the individual is applying for employment for the first time in Maryland and meets certain age, education, and training qualifications. The proposed regulations further provide that a Maryland center or home must terminate or reassign to a nonteaching position any probationary teacher who fails to complete the requisite semester hours or training required during the six-month probationary period.

- [13A.06.10 Military-Connected Students \(Permission to Publish\)](#)

The proposed regulation establishes the criteria for applying and the benchmarks a public school must meet to qualify as a Purple Star School. In 2022, the Maryland General Assembly approved Education Article §7-129 establishing the Purple Star Schools Program to recognize public schools that provide strong services and support for military-connected students and their families when, as a result of military service, a military-connected student transfers schools.

Board Opinions

The State Board issues legal opinions for the following cases:

- *C.I. v. Montgomery County Board of Education*, affirming the local board's decision denying magnet school admission.
- *N.S. and B.J. v. Montgomery County Board of Education*, affirming the local board's decision denying magnet school admission.
- *K.C. and L.C. v. Montgomery County Board of Education*, affirming the local board's decision denying IB program admission.
- *Mamie Benjamin v. Baltimore City Board of School Commissioners*, reversing the local board's employment termination decision and remanding for a hearing.
- *Craig Dunkleberger v. Carroll County Board of Education*, affirming the local board's decision that the appeal was untimely and moot.
- *Mary Proctor v. Prince George's County Board of Education*, affirming the local board's decision regarding a letter of reprimand.