The MABE Scoop

Resources & News You Can Use

January 2023 | Vol. 2, Issue 1

To open links to resources but keep your place on the newsletter, right click the link and choose "open link in new tab."
For staff email addresses listed, just click on the person's name to send an email.
If printing this PDF newsletter, we recommend you print on legal paper (8.5" x 14").

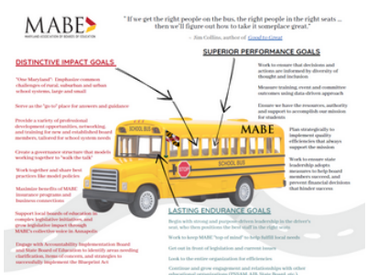
President's Corner

Greetings school board colleagues,

Joe Goetz (Kent County)
MABE President

At the Board of Directors retreat late last year, MABE's school board members offered their helpful thoughts on goals we agreed fell under three priority areas for Maryland school board members: **Distinctive Impact**, **Superior Performance**, and **Lasting Endurance**. With these three overarching categories in mind, we worked to synthesize the details of members' thoughts and perspectives on key goals, so that all MABE members would have a one-page roadmap on hand to help guide them in their efforts during this challenging upcoming year. You can find this resource on the MABE website by visiting here, or by clicking the school bus image below to the right. We hope this resource is useful to you as you and your school board peers move forward with your valuable efforts this year.

In legislative news, the 445th session of Maryland's General Assembly began on Jan. 11th. The annual, 90-day legislative session will involve numerous bills of consequence, chief among them, potentially, language tied to the **Blueprint for Maryland's Future**; *The Baltimore Banner* recently **reported** "lawmakers may consider tweaking or building on the Blueprint after the pandemic revealed additional challenges facing students and teachers."



(Click Goals image above to access/print.)

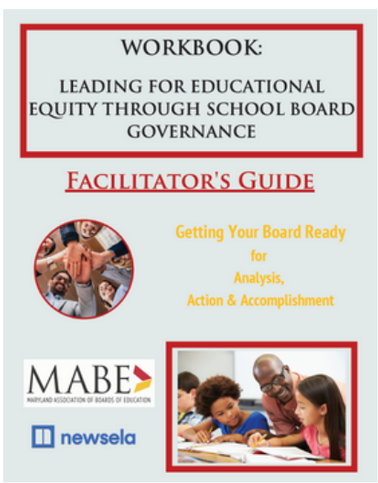
Legislative dates of interest for the 2023 Session may be found **here**. We will be sure to keep you informed on related news and developments as we move forward this year.

With profound gratitude for all that you as school board members do each day, and hopeful thoughts for a productive year ahead,

~ Joe Goetz (Kent County)
MABE President

Educational Equity

Facilitator's Guide to MABE's "Leading for Educational Equity Through School Board Governance" Workbook is Complete!



MABE's **"Leading for Educational Equity Through School Board Governance" workbook** was completed last year, led by MABE's Educational Equity Committee. The workbook was designed to assist Maryland local boards of education in formulating a plan to exercise their governance role in the pursuit of educational equity for each of their students.*

Original planning for the project included recommending that school boards undertake this challenging process with assistance from an experienced facilitator. To this end, MABE's Educational Equity Committee has just completed its Facilitator's Guide to the workbook which, in tandem with the workbook itself, was designed to support Maryland school boards in crafting related policy, and help equip school board members with the information, scenarios, and relevant resources they need to best carry out their work in this important realm.

The Facilitator's Guide also was designed to help educational equity facilitators guide productive, robust dialogue with school board members that brings a heightened awareness of school board members' important role in promoting educational equity. We expect to have printed copies of the Facilitator's Guide available in February.

For further details regarding MABE's ongoing educational equity work and related efforts, please contact **Debra Daniel**, MABE Director of Legal & Policy Services (Ph: 443-603-0391). We hope you find the workbook to be a valuable addition to your efforts during this school year.

*Maryland law makes a board responsible for the creation of educational policies designed to provide a quality and equal education opportunity for all children. Boards also are directed to seek ways to promote the interests of the schools under their jurisdiction. For additional context, please visit Page 4 of the Leading for Educational Equity Through School Board Governance workbook. Copies of the workbook for newly elected school board members will be sent to respective school board offices in February. You are welcome to order **additional copies** of the workbook for your peers.

Legislative Updates

Resources: The Blueprint for Maryland's Future

As Maryland school districts develop their Blueprint Implementation Plans (due 3/15/23), the **Blueprint Accountability and Implementation Board (AIB)** has scheduled numerous public information sessions throughout Maryland, a list of which you can find **here**.

In addition, the Blueprint for Maryland's Future Initial Comprehensive Implementation Plan was published in December 2022, which you can find **here**. You can also find several recent presentations on **this page** of the Blueprint AIB website. In particular, you may wish to review the **Blueprint Implementation Plan Guidance Document** from the Maryland State Department of Education (MSDE) if you've not already done so, which includes notes on the submission and revision process, and criteria for success. You can also find numerous Blueprint-related resources on **this page** of the MABE website.

A reminder from the Blueprint AIB: "each Local Education Agency (LEA) will be required to complete and submit the template for their initial Blueprint implementation plan submission, and the criteria will be used to recommend approval or disapproval of LEA implementation plans and release of Blueprint funds."

At the outset of the 2023 legislative session, the AIB and Superintendent Choudhury briefed the General Assembly on Blueprint implementation issues. Here are the **AIB and MSDE presentations** from their committee briefings in Annapolis on 1/20/23.

Legislative Newsletters

The latest issues of MABE's **The Monitor** and **Education Advocate** newsletters have been distributed to MABE members, featuring updates on 2023 legislative priorities, information on implementation of the Blueprint for Maryland's Future and the Time to Care Act, results from Kindergarten Readiness Assessment 2023 and the Maryland School Survey, and several other relevant topics related to your efforts as school board members.

If you have any questions about related content or legislative developments, please contact MABE Director of Governmental Relations **John Woolums**. If you are not receiving either of these publications, please contact MABE Director of Communications **Jen Beltz**.

New Mexico Makes History with Nation's First Permanent Fund for Childcare and Early Learning

"New Mexico just voted to make pre-K a universal right," U.S. news and opinion media outlet *Vox* **reported** this past November, adding that "the successful ballot measure could provide a jolt to the national debate on child care," including early learning.

Indeed, New Mexico made history on Nov. 8, when over 70% of voters called for amending the state constitution to provide nearly $150 million annually for early learning. The victory for education advocates and child care providers (which includes pay raises for child care providers) is the result of more than a decade of efforts to secure funding.

As the *Washington Post* reported Nov. 10, "New Mexico had long been ranked one of the country's worst states for child well-being, and activists there had faced a decade of opposition. If they could turn it around, couldn't anyone?" Further details may be found in this feature in ***The Washington Post***.

In 2019 Maryland began the expansion of pre-kindergarten programs in earnest, and MABE will continue to advocate for full funding to build and staff these programs in the coming decade so all children entering kindergarten are ready to learn. In recent related news, Gov. Moore's **State Budget (FY 2024) Highlights** document calls for expanding access to early childhood education programs, including $99.6 million to support full-day prekindergarten for low-income 3- and 4-year-olds in the state. We will continue to closely monitor funding discussions and advocate for school systems' priority funding needs.

Wes Moore Sworn In Jan. 18th as Maryland's New Governor

Photo: Maryland Matters

If you missed the gubernatorial inauguration, you can catch our new governor's remarks **here** (video and transcript available, courtesy WBAL TV 11 NBC). In his Jan. 18th inaugural address, Gov. Moore noted:

" ... we do not have to choose between giving our children an excellent education and an equitable one. We will ensure that every student knows their state loves, and needs them — and we will create policies to help them thrive. We will invest in our special education students, our English language learners, our LGBTQIA+ students, students experiencing homelessness, and every kid who needs a little extra help.

We will see to it that mental and behavioral health challenges do not prevent our children from getting the education they need and deserve. And while Maryland is home to some of the world's greatest institutions of higher education — a fact of which we should be very proud — we must end the myth that young people must attend one of them to be successful."

Gov. Moore pledged during his campaign to "always make education a top priority," and "ensure Maryland's Blueprint for Education *[sic]* is fully funded and implemented." We are eager to work with Gov. Moore and his team on Maryland public education goals and priorities, and hope significant progress will be made in the months and years to come.

Gov. Moore released his first state budget plan on Friday, Jan. 20. The Governor's overall investment in public education, robust level of school construction funding, and targeted funding to support the Blueprint for Maryland's Future appear promising. However, MABE will continue our efforts to help ensure that school systems have the full funding they need this year and beyond, particularly when it comes to Blueprint planning and implementation. (See **FY 2024 State Budget Education Highlights**.)

Continued on next page

In related news, on Jan. 3, MABE Legislative Committee members **wrote to Gov. Moore** as an early step in expressing our funding and policy priorities and concerns on behalf of MABE members. We will actively continue to reach out to members of the Moore Administration in these pivotal months ahead, and do all we can to see that funding needs are met in areas crucial to healthy public education in Maryland for 2023 and beyond.

A Warm Welcome to Catie Hoopes!

Catie Hoopes, MABE's 2023 Legislative Assistant

Catie Hoopes has joined MABE as Legislative Assistant for the 2023 Legislative Session. Born and raised in Maryland, she grew up in Carroll County. Catie is a Junior Legal Studies Major at Stevenson University in Owings Mills, Maryland, where she is a member of the Honors Society and the nationally ranked competitive Mock Trial Team. She serves as the Public Relations Representative for the Stevenson's Legal Society, and also spent the past four years working as a teaching assistant for a preschool in Baltimore County.

"I've always had a great fascination with the legislative process and am grateful to experience it first-hand," she noted. "I'm excited to have the opportunity to work alongside the MABE team in advocating for public education during the 2023 Legislative Session."

Welcome aboard, Catie!

Legal & Policy Updates

Opinions to Note

*by **Debra Daniel***

Opinions **22-19** and **22-23** (September 27, 2022)
Opinion **22-27** (December 6, 2022)

There are three recent opinions of the Maryland State Board of Education (MSDE) that contain language all school systems should note. All three cases involve appeals of decisions made by the Montgomery County School Board to deny the placement of a student in a certain magnet program. Two of the opinions are dated September 27, 2022, and one of them is dated December 6, 2022. In all three cases, the State Board upheld the denials.

While the outcomes of the opinions are unremarkable, each of the opinions contains a dissent by Board Member Shawn Bartley of Montgomery County, which is noteworthy. In addition, the December opinion also contains a related footnote agreed to by the majority of the State Board.

Board Member Bartley's dissents in the September Opinions

In both September Opinions, Board Member Bartley included the following dissent:

I am not certain the magnet school process meets the objectives of Maryland's Blueprint by delivering opportunity and promise of a better future to EVERY Maryland Child. A child's desire to be included in a public school program should not be forfeited by a selection committee and then eventually a random lottery. It's in the best interest of all students in Montgomery County that the county change the process and lottery with more than deliberate speed.

Board Member Bartley's dissent in the December Opinion

In the December Opinion, Board Member Bartley's dissent once again mentions the Blueprint and expands to include concerns involving educational equity:

I dissent because it is unclear to me whether the local board's admission policy that allowed the student not to be admitted into the IB program was implemented with an equity lens to ensure historically marginalized students have opportunities for admission into these high demand programs. Moreover, it is unclear if the admission policy is consistent with the Maryland's Blueprint for Maryland's Future. I wonder whether this student would also be denied admission into a vocational program. However, I concur with footnote 4 of the decision.

Maryland State Board of Education's footnote 4 in December Opinion

By the December Opinion, the majority of the State Board acknowledges Board Member Bartley's concerns in footnote 4, which reads as follows:

Consistent with the Blueprint for Maryland's Future, we encourage local boards to review their rigorous subject matter admission policies including honors courses, Advanced Placement, International Baccalaureate, Career and Technical Education, and gifted and talented courses. Local boards should consider revising admission policies to admit a wide range of students into advanced courses to ensure all capable students have opportunities for admission into these high demand programs.

Potential Effect on Maryland School Systems

In light of the language in these opinions, Maryland school systems may want to reassess their policies and procedures for determining admission to magnet programs. School boards will want to ensure that their policies for admission to magnet programs promote educational equity, especially as part of their efforts to implement the Blueprint.

Legal & Policy Updates (cont'd)

Examining *Grimm v. Gloucester County School Board*

by ***Debra Daniel***

What the case involves:
In August of 2020, the United States Fourth Circuit Court of Appeals issued a 2-1 decision in the case of *Grimm v. Gloucester County School Board* [(972 F.3d 586 (4th Cir. 2020)]. The *Grimm* decision answers the questions of whether a school's refusal to allow a transgender student to use the school bathroom that corresponds with their gender identity violates the U.S. Constitution's Equal Protection Clause, and whether it discriminates based on sex in violation of Title IX.

The Fourth Circuit held that the school's actions violated both the Equal Protection Clause and Title IX. The Fourth Circuit further held that the school's refusal to amend Grimm's school records to accurately reflect his gender, even after it was amended on both his driver's license and birth certificate, also violated the Equal Protection Clause and Title IX.

How *Grimm* may affect your school system:
While the board in *Grimm* petitioned the U.S. Supreme Court for certiorari (a writ or order by which a higher court reviews the decision of a lower court), the request was denied. As such, *Grimm* is controlling law throughout the State of Maryland. This means all school systems must follow the precedent of the majority opinion when adopting policies.

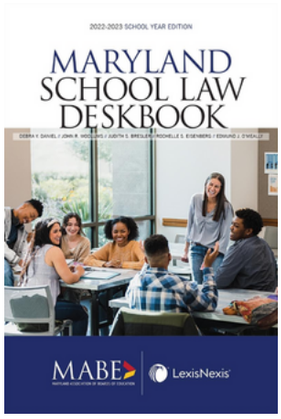
We encourage you to visit **MABE's blog** where contextual details on the *Grimm* case are available. For further information, contact MABE Director of Legal & Policy Services **Debra Daniel**.

Additional case summaries are forthcoming, including:

Adams v. School Board of St. Johns County, Florida: This Eleventh Circuit Court of Appeals decision involves the same legal issues addressed by the Fourth Circuit in the *Grimm* case. However, in the *Adams* case, the Eleventh Circuit found in favor of the school board, while in *Grimm*, the Fourth Circuit found in favor of the student.

B.P.J. v. West Virginia State Board of Education: This decision was issued by the U.S. District Court for the Southern District of West Virginia and involves a constitutional challenge to the West Virginia State Legislature's adoption of the "Save Women's Sports Bill." In this case, an 11-year-old transgender girl filed a lawsuit against the State Board of Education for denying her the ability to participate on girls' sports teams.

Latest Edition of Maryland School Law Deskbook Available



In efforts to help ensure public schools are innovative learning environments providing the key skills students need to be successful in college and career, the latest edition of the *Maryland School Law Deskbook* is available.

Concise, intuitive, and clearly written in a straightforward Q&A format, the *Deskbook* is the only education law reference of its kind in Maryland. The *Deskbook* includes a comprehensive index and table of cases cited, and is considered the essential education law resource for school principals, administrators, school board members, superintendents, education professionals and attorneys in Maryland.

This timely edition is a standout resource for Maryland public education professionals. To order the new edition, **visit here**.

Search Launched for MABE's Next Executive Director

Following 10 years of dedicated service, MABE Executive Director Frances (“Francie”) Hughes Glendening has announced her retirement with planned departure timing of July 2023. As a result, MABE's executive team has launched its search for a new Executive Director for the Association (application deadline: March 1).

The Executive Director serves as the Chief Administrative Officer of the Association, appointed by and directly responsible to the Board of Directors. He or she is responsible for leading, directing and administering a wide range of services responsive to the needs of the membership. Recognizing that Maryland is a diverse state with rural, suburban and urban areas, and has a rich history of multi-cultural populations, he or she will develop and maintain effective relationships with all internal and external stakeholders.

Position details and application resources including job description, job application, background authorization form and related materials may be found by visiting **this page** on the MABE website. Please feel free to share this information with potential applicants you feel could be qualified to fill this leadership role. Good luck to all applicants!

In the News

Note: Some publications may require subscriptions.

Baltimore Sun (1/17)
Blueprint for Maryland's Future: Inside the state's massive plan to reform public education

Capital Gazette (1/16)
Thornell Jones: Wes Moore can be the educator in chief we need for the Blueprint to succeed | COMMENTARY

The Baltimore Banner (1/6)
The Blueprint for Maryland's Future is law, but what does that mean for the average student?

WTOP-DC (1/14)
Maryland General Assembly is back at work; concerns over how students are doing academically turning into a big part of its agenda

WTOP News (1/14)
Local school systems blocking access to artificial intelligence tool students may use to do their assignments

U.S. News & World Report (1/11)
The School Board, Explained

Baltimore Sun (11/7)
With Maryland's population of English learners spiking, resources lag behind those of other states

Baltimore Sun (11/3)
Maryland school construction authority agrees to review analysis of 'unfair' funding for aging schools

Legal Defense Fund (11/1)
FAQ on *SFFA v. Harvard* and *SFFA v. University of North Carolina*:
The cases challenging affirmative action before the Supreme Court, and why they matter

Diverse Education (12/15)
Supreme Court ruling could produce chilling effect on equity in higher education

Education Week (1/6)
West Virginia law barring transgender girls from school sports upheld by federal judge

Fox 45 News at 10 (1/9)
MSDE data giving better picture of how school systems are discipling students who misbehave

The Herald-Mail (1/10)
Will Maryland lawmakers shake up state spending with their new power?

The Baltimore Banner (1/9)
Key issues facing Maryland lawmakers for the 2023 General Assembly session

K-12 Dive (1/4)
8 K-12 trends to watch in 2023

WRDE Coast TV News (1/9)
Two Talbot schools earn STEM awards

Education Week (1/6)
There are hundreds of new bills targeting cyberattacks in schools. Will they work?

Anne Arundel County Public Schools (1/8)
AACo student member of the board of education selected for 61st annual United States Senate Youth Program

WSJ (1/5)
Public schools lost more than one million students during pandemic

Axios (1/9)
Why America's public school enrollment is down

Washington Post (1/5)
Opinion: School choice dilutes public education at the expense of society

Forbes (12/29)
The struggle for democracy and the future of public education

Charles County Public Schools (1/6)
CCPS moving forward with focus on equity, diversity and cultural competency

Education Week (11/28)
Where we are now: Educational equity in the pandemic era

Education Week (1/9)
'This is not the job we signed up to do': Teachers speak out against school shootings

New York Times (1/7)
After 6-year-old is accused in school shooting, many questions and a murky legal path

Upcoming Trainings

Upcoming trainings scheduled for Q1 2023:

Successfully Building & Navigating Relationships During Stressful Times
Thurs., Feb. 9
9:00 am - Noon ($75)
Click to register.

The Open Meetings Act: Understanding its Significance, Avoiding Penalties & Ensuring School Board Compliance
Thurs., Feb. 23
9:00 am - Noon ($75)
Click to register.

School Boards Operating in a New Age: The Pressing Need for Vision & Accountability
Sat., March 4
9:00 am - Noon ($75)
Click to register.

School Boards Operating in a New Age: The Pressing Need for Vision & Accountability
Tues., March 7
9:00 am - Noon ($75)
Click to register.

Crisis Communication How-Tos for Boards of Education
Wed., March 22
9:00 am - Noon ($75)
Click to register.

Additional trainings scheduled for throughout 2023 can be found on this page.

MABE Member Benefits

We encourage you to visit the **MABE Member Benefits & Solutions** booklet for helpful details on MABE's professional development services, publications, insurance offerings and much more -- all geared toward helping you with your much-needed work as a school board member.

In Memoriam

With tremendous sadness we offer our heartfelt condolences to MABE Deputy Executive Director Milt Nagel and his wife, Tina, over the recent loss of their son, Lucas Nagel.

Lucas Nagel

As you may already know, Lucas, a veteran of the U.S. Army, deployed twice with the Army Reserves, serving each time at Guantanamo Bay, Cuba as part of the U.S.'s Operation Enduring Freedom. Lucas went on to serve as a Corporal with the Caroline County Sheriff's Office, and as a much-valued school resource officer at Federalsburg's Colonel Richardson High School, his alma mater. His life of service from such a young age affected and touched so very many people.

In loving memory of Lucas, his family has created the **Lucas Nagel Memorial Fund for First Responders**, and requests that in lieu of flowers donations be made to help provide emotional support services to reach first responders suffering from PTSD.

Tax-deductible donations may be made to:

The Lucas Nagel Memorial Fund for First Responders
Care of The Mid-Shore Community Foundation
102 East Dover Street
Easton, MD 21601