

March 28, 2023

On Tuesday, March 28, 2023, Board President Clarence Crawford convened the State Board's monthly meeting and was joined by Vice President Susan Getty, Chip Dashiell, Jr., Shawn Bartley, Gail Bates, Chuen-Chin Bianca Chang, Vermelle Greene, Jean Halle, Joan Mele-McCarthy, Rachel McCusker, Lori Morrow, Warner Sumpter, Holly Wilcox, and student member Merin Thomas from Wicomico County.

President Crawford welcomed Ms. Chang's virtual participation from Taiwan, and he and the board shared their appreciation for Vermelle Greene's service on the board, as this is her last meeting on the board.

[Link to March 28, 2023 meeting agenda, materials, and video.](#)

Public Comments

Public comments were delivered by the following individuals: Kalman "Buzzy" Hettleman, voiced his concerns that MSDE has failed to set evidence-based state standards and hold local school systems accountable for using evidence-based instruction, resulting in the weak implementation of the Blueprint for Maryland's Future. Sharon Saroff, a special education advocate, urged greater attention to holding school systems accountable for improving instruction, leading to improved graduation rates and other outcomes, for students with disabilities. Liz Zogby, with the Maryland Down Syndrome Advocacy Coalition and Education Advocacy Coalition, spoke in favor of greater accountability for special education funding and programming in the Blueprint, including through improvements in the plan to establish MSDE's special education workgroup. Cecelia Gonzalez commented on the community engagement process the City School System uses for recommendations for school closures. Cheryl Bost, President of the Maryland State Education Association (MSEA), raised concerns with the lack of teacher voice in the development of the proposed regulations on restraint and seclusion, shared concerns with learning conditions threatening the health and safety of teachers, and requested greater attention to the teacher voice going forward.

Consent Agenda

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

Oral Argument

The State Board heard oral arguments in the following case: *Melissa Fowler, et al. v. Baltimore City Board of School Commissioners*.

Maryland Leads Grant Spotlights: Allegany and Prince George's County School Systems

Justin Dayhoff, Assistant Superintendent for Financial Planning, Operations, and Strategy, began by describing the department's Maryland Leads Grant Program and highlighting the Prince George's school system's awards of Leads grants in the categories of Grow Your Own Staff (\$1.5 million), Science of Reading (\$1.2 million), Staff Support and Retention (\$2.1 million), and Transforming Neighborhoods through Excellent Community Schools (\$2.7 million).

Kristi Baldwin, Prince George's Chief Human Resources Officer, presented on the school system's Grow Your Own program, highlighting that Prince George's remains the only jurisdiction operating its own resident teacher program. Chief Academic Officer Judith White presented on the system's implementation of the Science of Reading grant, focusing on the initiative to provide all at-risk K-Grade 3 students evidence-based resources through the Lexia® Core® Reading program, including extensive educator coaching.

Kim Kalbaugh, Allegany County's Chief Academic Officer, presented the Allegany County Public School System's approach to establishing a Grow Your Own program, highlighting partnerships with Allegany College of Maryland, Frostburg State University, and the teachers association. Jackie Enright, the Early Childhood/Elementary Supervisor, described the Science of Reading program, and its focus on enhancing the quality of materials provided for core programs and intensive professional development. The presenters thanked Mr. Dayhoff and the department for their support in implementing the Leads grant program.

Board members shared their appreciation for the work underway in Allegany and Prince George's counties.

[Allegany and Prince George's Presentations](#)

Legislative Updates

President Crawford shared comments regarding the updating of the board's governance manual and how pleased he is with the enhanced presence of the State Superintendent and department in Annapolis during the legislative session.

Superintendent Choudhury presented on bills pending in the 2023 legislative session, including:

- **HB 448 - Nonpublic Education - Placements of Children with Disabilities - Teacher Salaries (Teacher Pay Parity Act)**
This bill would require a nonpublic school in which a child receiving special education services is placed to pay its teachers a salary that is equivalent to the local school salaries, phased in as specified over three years. Superintendent Choudhury shared his enthusiastic support for the bill.
- **HB 515 - Public Schools - Active Shooter Safety Training - Requirements**
This bill would forbid active shooter trainings in schools from including specified activities that may be traumatic for students or school personnel. It also requires local school systems to (1) notify parents in advance of active shooter trainings in schools; (2) provide mental

health follow-up to students and school personnel after an active shooter training; and (3) collect data on the effectiveness of the trainings and report the data to the Maryland Center for School Safety (MCSS). The Superintendent noted his support for this bill.

- **HB 119 – County Boards of Education - Curriculum Guides and Courses of Study - Requirements**

This bill would require that all of the curriculum guides, courses of study, resource material, and other teaching aids prepared by local school systems must be in accordance with the policy and guidelines for the program of instruction in public schools adopted by the State Board of Education (SBE). If the State Superintendent of Schools determines that a local board of education is not following every element of the policy and guidelines established by SBE or is authorizing a student to opt-out of a course of instruction in a manner that is not approved by SBE, the State Superintendent must notify the local board of education. If the local board does not resolve the discrepancy within 30 days, as specified, 10% of the funds budgeted by the State for the current fiscal year must be withheld. If the discrepancy is not resolved within 90 days, an additional 10% must be withheld. The State Comptroller must release the funds if the State Superintendent determines that the local board has resolved the discrepancy.

The Superintendent shared that he had supported the bill as introduced to focus on the state health education framework, working closely with the bill sponsor, House Ways and Means Committee Chair Atterbeary. However, he stated that he was not involved in the changes to the bill and was not taking any position on the bill as amended. Board President Crawford interjected that the State Board had written a letter opposing the bill as it was passing in the House, and submitted testimony opposing the bill in its hearing in the Senate Education, Energy, and Environment Committee. The Superintendent also described the process of the department certifying the programs of instruction of each local school system and specifically the recent process of reviewing and directing modifications to a local school system's actions to adopt local policies not in alignment with the state health education framework. Board members engaged in further discussion about their support for local control on curricular matters, and Superintendent Choudhury reiterated his support for greater authority to ensure the use of evidence-based methods of instruction, particularly regarding the science of reading as promoted, but not mandated, through the Leads grant program.

- **HB 1219 – Maryland Educator Shortage Act**

This bill would make several significant changes to state policy and programs related to the recruitment and retention of teachers, including prekindergarten teachers. Superintendent Choudhury shared that he had supported the bill as introduced, but was very frustrated by amendments adopted in the House to no longer establish a permanent Grow Your Own teacher development program and no longer include the Interstate Teacher Mobility Compact.

Other bills discussed dealt with the Division of Rehabilitation Services (DORS), virtual schools, promise schools, and outdoor environmental education.

State Budget Updates

Superintendent Choudhury began by outlining the intent of the presentation to include an overview of the basics of public school funding, education funding included in the FY 2024 State Budget Bill, the Blueprint, and a deep dive on the Blueprint's concentration of poverty funding system for community schools. He also commented that despite certain assertions, the department did not make any errors or miscalculations in the amounts of state aid for education included in the FY 2024 budget, noting that if this were the case he would have been held accountable in Annapolis. Instead, he described the issue as resulting from new rules kicking in this year that changed what school systems thought they would be getting.

Justin Dayhoff, presented an overview of FY 2024 State Aid for Education, the Deep Dive on Concentration of Poverty, the Budget Bill's inclusion of additional Blueprint funding, and FY 2024 special fiscal programs. He reviewed the Blueprint's funding formulas, including base per pupil amounts, weighted amounts, and program amounts. He highlighted that the base amount increases under the Blueprint from \$8,310 to \$12,365 from FY 2023 to FY 2033, with cascading effects on the weighted amounts provided under each of the student and program categories.

Mr. Dayhoff highlighted three key FY 2024 education funding highlights:

- The **total State share of State aid increases** from \$6,912,755,456 in FY 2023 to \$7,521,564,895 in FY 2024, an increase of \$608,809,439 even though the total FTE enrollment decreases from 863,346.92 in FY 2023 to 860,796.92 in FY 2024.
- The **State share of State aid Pre-kindergarten funding decreases** from \$144,063,352 in FY 2023 to \$99,575,069 in FY 2024, a decrease of \$44,488,283 due to a shift from a proxy number of eligible students in FY 2023 to an actual number of eligible students in FY 2024.
- The State share of State aid Compensatory Education program increases from \$1,295,201,860 in FY 2023 to \$1,686,097,760, an increase of \$390,895,900, largely driven by a **108,783 student increase in eligible students and the State's new Medicaid Direct Certification program.**

He also reviewed the impact of the hold harmless provisions of the law on enrollment counts used to calculate state aid, prekindergarten funding, and the concentration of poverty formula. He also reiterated that there are three agencies independently responsible for calculating education aid numbers, the state's Department of Budget and Management, Department of Legislative Services, and MSDE. In response to a question about the confusion among local school systems about the concentration of poverty calculation, Mr. Dayhoff explained that different systems have different capacities.

[Presentation](#)

Regulations

Mary Gable, Assistant State Superintendent Division of Academic Policy, presented brief summaries of the following regulations recommended for final adoption following their publication in the Maryland Register and availability for public comment. The State Board approved the requested actions on the regulations.

- [COMAR 13A.03.05 Home and Hospital Administration](#) – Permission to Adopt (Final)
- [COMAR13A.08.04 Student Behavior Intervention: Restraint and Seclusion](#) – Permission to Publish (In the Maryland Register for Public Comment)
- [Local Education Agency Calendar Modification Request](#) – St. Mary’s County Public Schools

Regarding the Restraint and Seclusion regulations, Ms. Gable was joined by members of a workgroup that developed the proposed regulations to implement legislation enacted in 2022 to prohibit the use of seclusion in public schools and restrict the use of restraint in both public and nonpublic schools.

Blueprint Implementation Updates

Superintendent Choudhury presented an overview of the department’s role in providing technical assistance to local school systems as they developed their initial plans. He indicated that all local plans were submitted by the March 15 deadline, and that this year the review is based on having plans that satisfy the elements required, with performance-based reviews following in later years. He outlined the timeline for the department’s review, in conjunction with the reviews being conducted by the Accountability and Implementation Board (AIB) through May 2023. He shared that both MSDE and the AIB will score the local plans, with MSDE recommendations for final plan approval and the AIB’s final decisions to occur in June.

Board Opinions

The State Board issued legal opinions for the following cases:

- *K.C. and D.K. v. Baltimore County Board of Education*, affirming the local board’s decision to deny a student’s enrolment in a virtual learning program.
- *A.G. and S.E. v. Howard County Board of Education*, affirming the local board’s decision to deny a request for change in school assignment.
- *Melissa Fowler, et al. v. Baltimore City Board of School Commissioners*, adopting the ALJ’s proposed decision and affirming the local board’s school closing decision. The State Board’s decision does urge the school system to address concerns with safe walking routes for students.
- *Autoflex Fleet, Inc. v. Montgomery County Board of Education*, dismissing for lack of standing to challenge the local board’s approval of the emergency procurement of 64 Thomas Built diesel buses used to transport students with disabilities.
- *Kari and Karli Fisher v. Prince George’s County Public Schools*, dismissing the appeal due to the absence of a final decision from the local board on the appeal regarding the contents of their student’s official record.