

July 25, 2023

On Tuesday, July 25, 2023, Board President Clarence Crawford convened the State Board's monthly meeting and was joined by Vice President Susan Getty, Shawn Bartley, Chuen-Chin Bianca Chang, Monica Goldson, Nick Greer, Irma Johnson, Joan Mele-McCarthy, Rachel McCusker, Joshua Michael, Samir Paul, Warner Sumpter, Holly Wilcox, and student member Abisola Ayoola from Howard County. Mr. Crawford welcomed the new board members and noted that the board held a productive workshop the previous day.

[Link to July 25, 2023 meeting agenda, materials, and video.](#)

Public Comments

Public comments were delivered by:

- A parent spoke in favor of expanding and expediting the approval of the services provided by parents and caregivers under the autism waiver program.
- Sharon Saroff, a special education consultant and advocate, shared concerns of parents who want their child retained to repeat a grade level but are told their child is being promoted based on credits earned.
- Kaori Inoue, representing an autism waiver service provider, raised concerns about the inadequate funding provided by the autism waiver program, making it difficult to pay living wages to employees.
- Bill Hudson, Executive Director of The Family Child Care Alliance, which operates the Aspire PreK Program. He spoke in support of the proposed regulations, as amended at the request of the Alliance, to allow the Alliance to continue to operate an approved nonpublic nursery school.
- Robert Eccles, former MSDE employee, called for an independent commission to investigate and report on the toxic work environment, conduct of leadership, and financial and grant management at MSDE.
- David Bromwell, Superintendent of the Dorchester County School System and representing PSSAM, outlined PSSAM's concerns with the proposed regulations governing the MCAP student assessment program in the 2023-2024 school year. He emphasized that following the pandemic it is time for the tests to count toward student grades, which is not reflected in the regulations regarding the Algebra I and English 10 end of course assessments.
- Parents and a representative of the Coalition for Virtue spoke in opposition to Montgomery County Public Schools policy to not provide an opt out option for Muslim students to prevent their exposure to instructional materials and class activities referring to gender identity and sexual orientation because of the religious belief that same-sex acts are prohibited.

- Cheryl Bost, President of the Maryland State Education Association, welcomed the new members of the State Board, noted that teachers do not take the summer off, and described successful summer programs and MSEA's upcoming summer leadership conference.

President's Remarks

President Crawford described the close communication and collaborative working relationship between he and Ike Leggett, the chair of the Accountability and Implementation Board (AIB). He noted that while they may not agree on everything, they are of one mind on the pursuit of the success of the Blueprint. He also spoke to the resistance being voiced to the major reforms contained in the Blueprint, highlighting the implementation of the science of reading instructional methodology for reading literacy. Local boards are going to find they are running into the same problem of complaints about the substance of the proposed change and transformation, then complaints about the process used to adopt those changes, and finally personal attacks on those leading the change. Mr. Crawford shared his experiences in leadership with the type of resistance being mounted against aspects of education reform, as well as against Superintendent Choudhury. He asked assistant Superintendent Sylvia Lawson if she has ever witnessed the types of objectionable behavior being attributed to Mr. Choudhury, which she emphatically refuted. Mr. Crawford concluded by restating that we cannot allow Maryland to miss this tremendous opportunity to change the trajectory of people's lives.

Consent Agenda

The Board approved the consent agenda including prior meeting minutes, personnel actions, and budget adjustments.

Oral Argument

The State Board heard oral arguments in the following case: *In the Matter of Request for Removal of Local Board Member Juanita Miller*.

Board Officer Elections

The State Board voted unanimously in support of the nominations of President Clarence Crawford and Vice President Joshua Michael.

Prekindergarten Sliding Scale for Tuition

Matthew Duque, MSDE Director of the Office of Research, Planning, and Program Evaluation, led a panel presentation which included: 1. A description of the sliding scale options considered; 2. An analysis of the SY 2022-2023 Prekindergarten Federal Poverty Level (FPL) distribution, aggregated in alignment with the four sliding scale options; 3. Modeled cost comparison between options, with a

department recommendation; and 4. A timeline for stakeholder engagement and sliding scale implementation.

The Blueprint for Maryland's Future law requires MSDE to develop a sliding scale structure for prekindergarten per pupil cost of care for families. The legislation stipulates high-quality full-day prekindergarten is available at no cost for families up to 300% of the Federal Poverty Level (FPL), and that the cost of Pre-K incrementally increases for families with incomes up to 600% of the FPL. Households earning more than 600% of the FPL may be required to pay the total per pupil funding rate to access full-day Pre-K services. The November 2021 Prekindergarten Implementation Planning report included four sliding scale options, and MSDE modeled the cost of care to families for each of the four options.

In September 2022, there were 30,718 children enrolled in Maryland public Prekindergarten programs; with 19,162 of these students having reported income tier and federal poverty level data. Of that subset, 16,762 students are identified as Tier I, with family incomes at or below 300% of the FPL. Based on 2023 enrollment, there are 1,748 Tier II students. Federal update recommending a cap of child care costs at no more than 7% of family income.

MSDE staff recommended Option 4 as a sliding scale structure that is almost always the least expensive for families across household income levels. Staff also reviewed enrollment by local school system and available family income data.

Assistant Superintendent Dayhoff presented on the extensive stakeholder engagement to develop the department's recommendations. Mr. Dayhoff and Dr. Shayna Cook, Assistant Superintendent for the Division of Early Childhood, responded to questions concerning the recommended sliding scale. Staff emphasized the intent to lessen the burden on families close to the 300% of federal poverty level and gradually increasing the cost burden on families as they approach the 600% threshold, above which the full cost of full-day public PreK would be the family's responsibility.

Following the results of the ongoing study, MSDE will continue to work with LEA CFOs, Pre-K providers, the Governor's office, the Maryland Department of Budget and Management, the General Assembly's Department of Legislative Services, families, and other relevant stakeholders to ensure that all involved can seamlessly implement the sliding scale. Stakeholder engagement will take place July – August 2023 before publishing a final report on Pre-K sliding scale implementation in September 2023.

[PreK Sliding Scale Cost Modeling Report](#)

Blueprint Deep Dive: College and Career Readiness Update: Interim Qualitative Study

The State Board received an overview and update of the Blueprint College and Career Readiness (CCR) Study currently being conducted by the American Institutes for Research (AIR), including the results of the interim report on the content and standards alignment analysis.

Members of the AIB joined the State Board virtually to engage in a shared discussion on the CCR Study.

Mr. Duque presented an overview of the Maryland Comprehensive Assessment Program (MCAP), ongoing study, and timeline for adopting a new CCR standard as required by the Blueprint. The Blueprint for Maryland's Future requires MSDE to commission an empirical study of the interim College and Career Readiness (CCR) standard adopted by the Maryland State Board of Education in February 2022. To meet the interim CCR standard, students must achieve a qualifying score on both the state grade 10 English Language Arts test and a high school math test.

Jordan Rickles, with the American Institutes for Research (AIR), led a panel presentation on the study, and the three primary objectives:

- Objective 1. Assess the extent to which MCCRS for academic content align with postsecondary expectations in (1) entry-level credit-bearing ELA, math, and science courses; (2) developmental ELA and math courses; and (3) certificate-granting workforce training programs.
- Objective 2. Identify top-performing education systems and how they define students as being college and career ready and explore the extent to which those expectations align to Maryland's expectations.
- Objective 3. Identify potential areas of bias within Grades K–12 assessments used to determine college and career readiness.

Ike Leggett, AIB Chair, and other AIB members asked several questions of the research team. The State Board then heard a detailed summary of research on the issue of grade inflation, including its costs and benefits.

[CCR Interim Qualitative Study](#)

Regulations

The State Board approved the following requested actions on proposed regulations.

Reportable Offenses

- [COMAR 13A.08.01.17 School Use of Reportable Offenses](#) (Permission to Publish)

Assistant Superintendent Mary Gable reviewed state law and regulations governing reportable offenses. Under Maryland law, when a student is arrested for certain offenses, the law enforcement agency making the arrest shall notify the student's local superintendent, the school principal, and for a school that has a school security officer, the school security officer of the arrest and the charges within 24 hours of the arrest, or as soon as practicable. The offenses which necessitate this notification are known as "reportable offenses." Reportable offenses are those offenses that occur off school premises, did not occur at an event sponsored by the school, and are serious criminal offenses. Reportable offenses are dictated by statute and include murder, arson, armed carjacking, sexual offenses, among other serious offenses. Offenses that are related to the student's membership in a criminal organization must also be reported. See Md. Code, Education § 7-303.

Assistant Superintendent Gable described the stakeholder process and concerns raised regarding school systems' operation of the reportable offense process, particularly in light of the new law enacted in 2022, and that the review and changes requested by the advocates led to the proposed amendments to state regulations.

The 2022 legislation (HB 146, Ch. 742) made the following changes to the reportable offense law. HB 146 amends the definition of a reportable offense in Md. Code, Education § 7-303 to clarify that the offense took place off school property and did not occur at an event sponsored by the school; 2. Requires MSDE to submit a report to the General Assembly by December 30th of each year regarding certain information about reportable offenses at the LEA level; 3. Requires the LEA to submit all necessary information to MSDE to comply with reporting requirements; 4. Requires the LEA to invite the student's attorney, if the student has an attorney, to meetings regarding the removal of the student from the regular school program, including the manifestation determination review for students with disabilities; 5. Applies the provisions of Md. Code, Education § 7-305 (Suspensions and Expulsions) to a removal due to a reportable offense; and 6. Requires the LEA to comply with all the requirements of the Individuals with Disabilities Education Act (IDEA) including manifestation determination reviews, when removing a student due to a reportable offense.

Ms. Gable stressed that MSDE reviewed the regulation and made the proposed amendments with two goals in mind. First, the proposed regulation is amended to align with the statutory language and second, and most importantly, MSDE thoughtfully considered how to provide enough clarity such that students facing community-based charges are not inappropriately removed from their educational program. MSDE is recommending the amendments to the regulation in the areas of: Definitions, Notification by Law Enforcement, Safety Determination Procedures and Plan, Removal from the Regular School Program, Review Procedures, Confidentiality of Information and Retention of Documents, Students with Disabilities, Reportable Offenses Involving Rape or Sexual Assault, General Provisions, and Data Collection.

Appeals to the State Board

- [COMAR 13A.01.05 Appeals to the State Board](#) (Permission to Publish)

Mr. Elliott Schoen, Assistant Attorney General and State Board Counsel, reviewed the proposed amendments to regulations governing appeals to the State Board which were drafted and submitted at the request of the MSDE office of law. Proposed amendments include:

- Allowing electronic filing of an appeal and deleting prohibition of electronic filings;
- Adding the requirement that the appeal be signed by each party and include the printed name, address and email of each party;
- Permitting electronic filing of appeals to the State Board;
- Clarifying that, for cases transferred to OAH, the local board need not file a response to the appeal unless the response is a motion to dismiss. Under the amendment the appeal will not be transferred to OAH until the 20 day response time has passed thereby allowing a local board to request dismissal from the State Board, before the appeal is sent to OAH;
- Requiring that the record filed by the local board contain a table of contents and that each page be consecutively numbered; and numerous other changes.

Family Child Care

- [COMAR 13A.15 Family Child Care](#) (Permission to Publish)

The proposed nonpublic nursery school regulations for family child care are needed to authorize family child care providers to operate an approved nonpublic nursery school within their family child care setting, to educate and care for Pre-K children, and also to have their teacher practicum take place in their family child care home to lead to teacher certification.

Graduation Requirements

- [COMAR 13A.03.02 Graduation Requirements for High Schools in Maryland and 13A.03.04 Test Administration](#) (Permission to Adopt)

Assistant Superintendent Chandra Haislet reviewed the proposed regulations to modify the MCAP assessment and graduation requirements. The proposed amendments to the regulations include:

1. Starting in school year 2023-2024, the American Government Assessment and the Life Science Maryland Integrated Science Assessment (LS MISA) will count for 20% of the student's final grade in the respective high school level courses.
2. Remove the EOC requirement for the mathematics and English Language Arts assessments in high school.

The State Board reviewed COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland at the January 24, 2023, State Board meeting and granted permission to publish. The proposed regulations were published in the Maryland Register on June 2, 2023. During the 30-day comment period, MSDE received five (5) public comments. Ms. Haislet shared that, based on a thorough review of the comments, depth of LEA engagement, and the infrastructure that is currently in place, MSDE recommends no changes to the language in the proposed regulation.

Before approving the final adoption of these regulations members of the State Board asked questions concerning the decision to eliminate the Bridge Plan for Academic Validation, the challenge to cover content before the start of the spring testing window, and the prolonged delay in a complete set of high school end of course assessments, and need for rigorous alternative pathways.

Teacher Certification Tests

- [Teacher Certification Assessments](#) (Permission to Adopt)

Assistant State Superintendent Kelly Meadows presented the recommendation to adopt five Educational Testing Service (ETS) Praxis subject assessments: Biology Content Knowledge (5236), Chemistry Content Knowledge (5246), Earth and Space Sciences (5572), Physics Content Knowledge (5266), and School Psychologist (5403). These assessments have been regenerated from previous versions currently adopted in Maryland.

State Board Meeting Calendar for 2024

- [2024 State Board Meeting Dates](#)

Science of Reading

President Crawford introduced a brief overview of the Science of Reading presented by Assistant Superintendents Dayhoff and Collins. Mr. Dayhoff outlined the key provisions of the Ready to Read Act and the status of all 24 LEAs moving toward full adopting and implementing reading instruction aligned with the Science of Reading. He reviewed the Maryland Leads grants as incentives to implement three key pillars including aligned teacher training, use of materials, and administration of the universal screenings required by the Ready to Read Act. He also highlighted that the Blueprint implementation plan developed by MSDE and approved by the AIB includes clear assurances that the Science of Reading is being operationalized. Dr. Collins described the successful delivery of professional development through learning labs. Mr. Dayhoff noted that the proposed regulations for teacher preparation programs reflect the Science of Reading, and the concerns that the National Board Certification program is less aligned. Mr. Crawford noted that NBC alignment will continue to be a priority for the Board. Board Vice President Joshua Michael stated that he believes that adopting and holding school stems accountable for implementing the Science of Reading is the appropriate responsibility of the State Board, and that while recognizing the role of local control, he supports strong leadership on this issue to ensure that all students are able to read.

Board Opinions

The State Board issued legal opinions for the following cases:

- *In the Matter of Request for Removal of Local Board Member Juanita Miller*, adopting the proposed decision of the Administrative Law Judge and dismissing the charges upon finding “no conduct here that warrants removal.”