

## MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, May 27, 2020  
Maryland State Board of Education  
200 W. Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met via videoconference on Wednesday, May 27, 2020 at 11:00 a.m. The following members participated on the videoconference call: Brigadier General (BG) Warner Sumpter (Ret.); Ms. Jean Halle; Ms. Gail Bates; Mr. Clarence Crawford; Mr. Charles R. Dashiell, Jr., Esq.; Dr. Vermelle D. Greene; Dr. Justin M. Hartings; Dr. Rose M. Li; Dr. Joan Mele-McCarthy; Ms. Rachel McCusker, Ms. Lori Morrow, Mr. Michael Phillips, Dr. David Steiner; Ms. Noureen Badwi, Student Representative; and State Superintendent Dr. Karen B. Salmon.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy State Superintendent, Office of School Effectiveness; Amalie Brandenburg, Deputy State Superintendent, Office of Finance and Administration; Dr. Carol Williamson, Deputy State Superintendent, Office of Teaching and Learning; and Dr. Miya T. Simpson, Executive Director, Office of the State Board.

President Sumpter called the meeting to order and asked Dr. Simpson to conduct the roll call. Mr. Schoen declared the presence of a quorum.

President Sumpter explained the procedures for conducting the virtual meeting.

### NEW BUSINESS

#### ➤ *Approval of Consent Agenda*

President Sumpter called for a motion to approve the Consent Agenda, which included the following items:

- Approval of Meeting Minutes
- Personnel Actions
- Budget Adjustments, April 2020
- Ratification of Extended School Closure Decisions for the Remainder of the 2019-2020 School Year

***ACTION:** Upon motion by Dr. Li and seconded by Ms. Halle, the State Board approved the consent agenda. (In Favor: 14; Opposed: 0; Abstained: 0)*

### EXECUTIVE SESSION

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Mr. Dashiell, seconded by Ms. McCusker and with unanimous approval, the Maryland State Board of Education met in closed session via WebEx on Tuesday, May 27, 2020.

All board members were present. Mr. Phillips left partly through the meeting. Also in attendance were Dr. Karen Salmon, State Superintendent of Schools; Dr. Sylvia Lawson, Chief Performance Officer; Amalie Brandenburg, Chief Operating Officer; Dr. Miya Simpson, Executive Director, Office of the State Board, and Assistant Attorneys General, Elliott Schoen and Jackie La Fiandra. The Executive Session commenced at 11:10 a.m.

At that time, the State Board approved four Opinions and three Orders for publication.

- *Shane and Kimberly G. v. Carroll County Board of Education* – bus stop – Op. No. 20-20
- *Frances P. v. Baltimore County Board of Education* – compensatory services – Op. No. 20-21
- *Aaron R. v. Montgomery County Board of Education* – class schedule – Op. No. 20-22
- *Tylia Worthington v. Baltimore City Board of School Commissioners* – teacher evaluation – Op. No. 20-23
- *Victor and Sandra B. v. Anne Arundel County Board of Education* – premature appeal – OR 20-11
- *Renice E. v. Howard County Board of Education* – untimeliness – OR20-12
- *Vikki Rayman v. Harford County Board of Education* – request for reconsideration – OR20-13

The Board obtained legal advice from counsel regarding the CARES Act and equitable services to nonpublic schools. Dr. Salmon provided school waiver information. The Board discussed personnel matters. Mr. Crawford provided information regarding a time frame to begin the Superintendent search process.

The Executive Session ended at 1:20 p.m.

### **RECONVENE**

President Sumpter called the meeting to order at 1:25 pm and asked Dr. Simpson to conduct the roll call. Mr. Schoen declared the presence of a quorum.

President Sumpter explained the procedures for conducting the virtual meeting.

### **STATE SUPERINTENDENT'S REPORT/UPDATES**

#### **➤ Updates on COVID-19**

Dr. Salmon thanked local system leaders, staff, and families for their work over the last several months.

Dr. Salmon provided updates on departmental activities related to COVID-19 regarding childcare providers, safety guidelines, and strategies for moving forward, as well as updates on meal distribution.

➤ **Coronavirus Aid, Relief, and Economic Security (CARES) Act**

Ms. Amalie Brandenburg (Deputy State Superintendent for Finance and Administration) provided a brief overview of the funding available through the Federal Coronavirus Aid Relief, and Economic Security (CARES) Act that directly impact the MSDE.

Dr. Salmon requested State Board action on the determination of the allocation of CARES Funds in providing equitable services. Mr. Schoen provided an explanation of the legal requirements under the CARES Act.

***ACTION:** Upon motion by Ms. Halle and seconded by Ms. Badwi, the State Board approved the allocation of CARES Funds for distribution as immediately as possible. (Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present).*

➤ **Maryland Together: Maryland's Recovery Plan for Education**

Dr. Salmon provided a brief overview and update on the draft report *Maryland Together: Maryland's Recovery Plan for Education*, which provides a plan for reopening schools. Sections of the plan include: research that informs the plan, instructional programs, support programs, professional learning, information regarding educators, preparation and services, student services, and continuity of learning. Dr. Salmon also provided a list of the Recovery Plan Stakeholder Committee. The plan has been posted on the MSDE website for public comment. An update will be provided at the June 23<sup>rd</sup> meeting.

**REPORTS TO THE STATE BOARD FOR DISCUSSION AND/OR ACTION**

➤ ***Local School System Continuity of Learning Plans***

(Presenters: Dr. Boyd Michael, Superintendent, Washington County Public Schools; Dr. Donna Hanlin, Superintendent, Washington County Public Schools)

Dr. Salmon introduced Dr. Boyd Michael and Dr. Donna Hanlin to share and discuss the continuity of learning plan developed for their local school systems. The MSDE continues to work closely with local school system superintendents in reviewing plans and providing feedback in preparing for implementation.

State Board members thanked each superintendent for their work and inquired about any supports and resources that would be helpful as they move forward.

***ACTION:** None. For information and discussion only.*

➤ ***Student Participation in Distance Learning: Survey Results***

(Presenter: Dr. Dara Shaw, Executive Director, Office of Research and Strategic Data Use)

Dr. Shaw provided an overview regarding student participation in distance learning, as reported by a survey of local school systems. The survey asked about student access, participation, and engagement in distance learning related to connectivity and

student sign-on, distance learning packets, and non-contact and non-participation.

***ACTION:** None. For information and discussion.*

➤ ***Extension Request for Federal Perkins Funds***

*(Presenter: Dr. Carol Williamson, Deputy State Superintendent for Teaching and Learning)*

Request for permission to submit a waiver of State grants authorized by Title I of the Carl D. Perkins Career and Technical Education Act of 2006 for FY18 funds.

***ACTION:** Upon motion by Ms. Halle and seconded by Ms. Morrow, the State Board granted permission to submit the waiver. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present).*

➤ ***Request for Waivers Related to Assessments due to COVID-19 Pandemic***

*(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support)*

Request for approval of waivers related to assessment requirements for graduation as a result of the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures. Ms. Gable reviewed COMAR 13A.03.02.06 *Maryland High School Assessments* and requested a waiver for all students who passed Algebra I, English 10, American Government, and the high school assessed science course in the 2019-2020 school year from participating in and passing assessments in Algebra I, English 10, and/or American Government, and for participating in the Maryland Integrated Science Assessment (MISA). This request includes a waiver from completing the Bridge Plan for Algebra I, English 10, and/or American Government for any student who was to be reassessed or complete the Bridge Plan in the 2019-2020 school year.

➤ ***Request for Waiver of the Timeline Requirement for the Administration of the Kindergarten Readiness Assessment***

*(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support)*

Ms. Gable reviewed the request for a waiver of the timeline requirements for the administration of the Kindergarten Readiness Assessment (KRA) in anticipation of the reopening of schools in the 2020-2021 school year while abiding by the Governor's Plan for Recovery. The department requested approval of the waiver of the October 1 timeline requirement for the administration of the KRA to be extended to November 1 and of the November 15 timeline for the MSDE to publish and disseminate the aggregated assessment information to be extended to no later than December 15.

***ACTION:** Upon motion by Dr. Greene and seconded by Ms. Badwi, the State Board approved the requested waiver. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present.)*

➤ **Code of Maryland Regulations (COMAR)**  
(Presenter: Mary Gable, Assistant State Superintendent, Division of Student, Family, and School Support)

▪ **COMAR 13A.04.17 Environmental Education (ADOPTION)**

Request to adopt proposed amendments to the regulation. The State Board granted permission to publish these regulations at the January 28, 2020, State Board Meeting. An overarching goal during revision of the standards was to reduce redundancy between the Environmental Literary standards and content area standards. After adoption of the revised standards, MSDE will develop a grade band framework to further clarify how local school systems can develop and implement the standards.

***ACTION:** Upon motion by Dr. Mele-McCarthy and seconded by Ms. McCusker, State Board members adopted the proposed amendments to the regulation. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present).*

▪ **COMAR 13A.08.01.03 Lawful Absence (ADOPTION)**

Request to adopt proposed amendments, which define, update, and clarify the requirements for lawful absence to include the legislative mandates of 2017 regarding lawful absences of pregnant and parenting students. The regulation update includes the specific conditions for the lawful absences.

***ACTION:** Upon motion by Mr. Dashiell and seconded by Dr. Mele-McCarthy, State Board members adopted the proposed amendments to the regulation. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present).*

▪ **COMAR 13A.02.02.03-.04 Emergency Plans (ADOPTION)**

Request to adopt proposed amendments to the regulation, which incorporates by reference the Maryland State Department of Education's (MSDE) Emergency Planning Guidelines for Local School Systems and Schools (October 2017) (Guidelines). The Guidelines have been updated, necessitating that the reference be updated in COMAR to the December 2019 Guidelines.

***ACTION:** Upon motion by Ms. Dashiell and seconded by Dr. Mele-McCarthy, the State Board adopted the proposed amendments to the regulation. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present.)*

➤ **Calendar Modification Requests**  
(Presenter: Teresa Dantzler, Ombudsman)

The State Board considered the following calendar modification requests:

- Request to approve the waiver to open schools on June 2, 2020, Primary Election Day, for Garrett County, Allegany County, Harford County, Anne Arundel County, Wicomico County, Prince George's County, Cecil County, Somerset County, Washington County, Frederick County, Baltimore County, Carroll County, Howard County, Montgomery County public schools, as a school closure make-up day for the 2019-2020 school year.
- Request to approve the waiver to open schools on May 25, 2020, Memorial Day, and June 2, 2020, Primary Election Day, for Queen Anne's County Public Schools, as school closure make-up days for the 2019-2020 school year.

***ACTION:** Upon motion by Dr. Li and seconded by Ms. Morrow, the State Board approved the requested waivers. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present.)*

- Request to approve the waiver to open school on June 2, 2020, Primary Election Day, for the SEED School of Maryland as a school closure make-up day for the 2019-2020 school year.

***ACTION:** Upon motion by Dr. Li and seconded by Ms. Halle, the State Board approved the requested waivers. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present.)*

- Request to waive 12-days of the 180-day instructional requirement for Frederick County Public Schools for the 2019-2020 school year due to noncompliance with the requirements detailed in the Code of Maryland Regulations (COMAR) 13A.02.01.04D.

***ACTION:** Upon motion by Ms. Badwi and seconded by Mr. Dashiell, the State Board denied the requested waiver. (In Favor: 13; Opposed: 0; Abstained: 0. Mr. Phillips was not present.)*

## **LEGAL OPINIONS AND ORDERS:**

Mr. Schoen read the following Opinions and Orders:

- *Shane and Kimberly G. v. Carroll County Board of Education* – bus stop – Op. No. 20-20
- *Frances P. v. Baltimore County Board of Education* – compensatory services – Op. No. 20-21
- *Aaron R. v. Montgomery County Board of Education* – class schedule – Op. No. 20-22
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- *Renice E. v. Howard County Board of Education* – untimeliness – OR20-12
- *Vikki Rayman v. Harford County Board of Education* – request for reconsideration – OR20-13

## **ADJOURNMENT**

With no further business before the Board, the meeting was adjourned at 4:06 p.m.

Karen B. Salmon, Ph.D.  
Secretary/Treasurer

Date: June 23, 2020

*The information included here provides a summary of the agenda items presented and actions taken during the meeting of the Maryland State Board of Education. The video recordings of the meetings are the official record of the meetings and can be located at:*

<http://www.marylandpublicschools.org/stateboard/Pages/meeting-agendas/2020/2020-05-27.aspx>

Meeting materials, Opinions, and Orders can be found at:

<http://www.marylandpublicschools.org/stateboard/Pages/Meetings-2020.aspx>

**The next meeting of the Maryland State Board of Education will be held on Tuesday, June 23, 2020.** Appropriate accommodations for individuals with disabilities will be provided upon request. Eight business days notice prior to the event is required. Please contact Charlene Necessary at (410) 767-0467 or TTY at (410) 333-6442 so arrangements can be made.

**MARYLAND STATE BOARD OF EDUCATION**  
**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER OPEN MEETINGS ACT (General Provisions Article § 3-305)**

1. Recorded vote to close the meeting.

Date: May 27, 2020

Time: 11:10 am

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Mr. Dashiell

Seconded by: Ms. McCusker

Members in favor: 14

Opposed: 0

Abstaining: 0

Absent: 0

2. The meeting was closed under authority of Section 3-305(b) of the General Provisions Article of the Annotated Code of Maryland (check all provisions that apply). This meeting will be closed under General Provision Art. § 3-305(b) only.

- 1. To discuss: (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals.
- 2. To protect the privacy or reputation of individuals concerning a matter not related to public business.
- 3. To consider the acquisition of real property for a public purpose and matters directly related thereto.
- 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- 5. To consider the investment of public funds.
- 6. To consider the marketing of public securities.
- 7. To consult with counsel to obtain legal advice.
- 8. To consult with staff, consultants, or other individuals about pending or potential litigation.
- 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- 10. To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.
- 11. To prepare, administer, or grade a scholastic, licensing, or qualifying examination.
- 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- 14. Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion to topic
§ 3-305(b)(1), (b)(7) and (b)(14)	Legal Counsel/Advice and Internal Board Management	To discuss with legal counsel 4 appeals, 3 draft orders, legal advice, and discuss 2 internal board management items.

4. This statement is made by BG Warner I. Sumpter, Ret., Presiding Officer.