

## MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION

Tuesday, December 6, 2022  
Maryland State Board of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, December 6, 2022, at 9:00 a.m. at the Maryland State Department of Education, 200 W. Baltimore Street, Baltimore, MD 21201. Mr. Clarence Crawford (President), Dr. Susan Getty (Vice President), Mr. Shawn Bartley, Esq., Ms. Gail Bates (Virtual), Mr. Charles R. Dashiell, Jr. Esq., Ms. Merin Thomas, Ms. Chuen-Chin Chang (Virtual), Dr. Vermelle Greene (Virtual), Ms. Jean Halle (Virtual), Dr. Joan Mele-McCarthy, Ms. Lori Morrow, Brigadier General (BG) Warner Sumpter, Ms. Merin Thomas, and State Superintendent, Mohammed Choudhury participated in the meeting. Board members Ms. Rachel McCusker and Ms. Holly Wilcox were absent.

The following staff members also participated: Elliott L. Schoen (Assistant Attorney General), Dr. Sylvia Lawson (Deputy Superintendent, Organizational Effectiveness), Dr. Deann Collins (Deputy Superintendent of Teaching and Learning), and Mr. Krishnanda Tallur (Deputy Superintendent of Operations).

President Crawford called the meeting to order and led the pledge of allegiance. Mr. Schoen called the roll and declared the presence of a quorum.

President Crawford provided opening remarks and welcomed members of the public and speakers.

### **PUBLIC COMMENT**

- Dr. Jeffrey Lawson, Superintendent of Cecil County Schools – Blueprint for Maryland’s Future
- Rick Tyler, Co-Chair – Introduction to Maryland Education Coalition
- Alexandria Warrick-Adams, Executive Director of Elev8 Baltimore - Adult High School Pilot Program
- Sharon Saroff – Graduation, grades, and people with disabilities
- Wendy Novak – Carroll County anti-LGBTQ policies

### **NEW BUSINESS**

- **Approval of the Consent Agenda**
  - Approval of October 25, 2022, Meeting Minutes
  - Personnel Actions
  - Budget Adjustments, October 2022

*ACTION: The State Board granted approval by unanimous consent.*

## **PRIORITIES**

### **• Maryland Leads Spotlight:**

*(Presenter: Dr. Deann Collins, Deputy Superintendent of Teaching and Learning, and Mr. Justin Dayhoff, Assistant State Superintendent of Financial Planning, Operations, and Strategy)*

Dr. Collins stated that the purpose of the presentation is to provide a briefing to the State Board of Education on the implementation of the Grow Your Own (GYO) and Science of Reading (SOR) strategy- related activities in Caroline County Public Schools and Frederick County Public Schools as part of the Maryland Leads Initiative.

Mr. Dayhoff shared information regarding the Local Education Agencies (LEAs) summaries. He stated that Maryland Leads is a grant designed to support local LEAs in utilizing federal funds to overcome the learning loss resulting from the COVID-19 pandemic, accelerate student learning to narrow opportunity and achievement gaps, and provide more targeted support for underserved students and their communities. Mr. Dayhoff stated that 22 of the 24 LEAs will train staff in Science of Reading instruction.

- Frederick County Public Schools  
*(Presenters: Dr. Kevin Cuppert, Executive Director of Curriculum, Instruction, and Innovation, and Dr. Keith Harris, Executive Director of Accelerating Achievement and Equity)*

Frederick County Public Schools is implementing three Maryland Leads strategies. Staff shared two of the strategies being utilized in the system. The strategies that were shared were Grown Your Own Staff and Science of Reading.

- **Grown Your Own Staff**
  - Design opportunities to build pipelines for hard to fill staffing areas
  - Build programs to support individuals in changing career paths
- **Science of Reading**
  - LEAs that choose this strategy must implement all three of the focus areas or provide evidence of existing implementation for MSDE approval
    - Contract with a service provider to provide training to all K-3 teachers
    - Identify and implement content-rich instructional materials
    - Create systems for progress monitoring to ensure all students are ready by the end of third grade
- Caroline County Public Schools  
*(Presenter: Dr. Derek Simmons, Superintendent, Caroline County Public Schools)*

Dr. Simmons updated Board members about the Maryland Leads program in Caroline County. Dr. Simmons highlighted the following topics:

- **Science of Reading**
  - Efforts outside of LEADS
  - DIBELS 8 Trends
  - iReady Diagnostic Trends
  - LETRS® (Language Essentials for Teachers of Reading and Spelling)
- **Grow Your Own**
  - Aspiring Leaders Academy
    - The funding has been used to enhance the academy for teachers who want to become

administrators.

- Recruiting
  - The funding has been used to increase hiring in critical needs areas in a variety of ways.

*ACTION: None. For information and discussion.*

- **Local Education Agency Virtual Programs Update**

*(Presenter: Dr. Deann Collins, Deputy State Superintendent of Teaching & Learning, Matthew Duque, Director of the Office of Research, Planning, and Program Evaluation, and Erin Senior, Interim Director of Instructional Technology, School Library Media, and Mathematics)*

Dr. Collins informed the Board that the purpose of the presentation is to share information and the quarter 4 data related to the approved virtual learning programs in Maryland's local education agencies for school year 2021 – 2022. The presentation included an update on quarter 4 enrollment and demographic data, a review of the quarterly metrics for quarter 4 and a comparison to the data from quarter 3, a spotlight on an LEA virtual program, and a summary of lessons learned from the 2021-2022 school year.

Dr. Collins informed the Board that virtual enrollment on April 11, 2022, was 12,472. As of June 1, 2022, virtual student enrollment was 12, 277, a decrease of 195. She stated that overall, thirteen LEAs have decreases and five LEAs have increases in virtual student enrollment.

Mr. Duque shared information regarding the fourth quarter LEA level data that was collected from June 14 to August 1. He informed the Board that the last day of the quarter varied by LEA from June 7 to June 24. Mr. Duque stated that the results represent 100% of students enrolled in virtual programs across Maryland. There are two LEAs that do not have virtual programs, Carroll County and Garrett County. The students in Kent County are virtual four days a week and are required to attend classes one day a week in a school building.

Mr. Duque informed the Board that more of the LEAs reported higher attendance for all fully virtual Schools. He stated that more systems had a decrease in the attendance rate for virtual students in quarters 3 and 4, then systems that had an increase. Overall, the attendance rate for virtual students was four percentage points higher than it was for all students.

Ms. Senior informed Board members that more systems reported higher failure rates in the fourth quarter for fully virtual students than for all students. For the middle school students, the English Language Arts (ELA) and math course failure rates were higher rather than lower for fully virtual students in systems. Some LEAs for the high school ELA and math had higher course failure rates and others had lower course failure rates for fully virtual students.

Dr. Collins stated that changes in the grades from quarter 1 to quarter 4 is that more systems reported sizable increases in failure rates for middle school students and for high school students, there were increased failure rates in math and science during quarter 1 to quarter 4.

*ACTION: None. For information and discussion.*

- **Assessment, Accountability, and Performance Reporting**

- **Kindergarten Readiness Assessment Reporting**

*(Presenter: Chandra Haislet, Assistant, State Superintendent, Division of Assessment, Accountability, and Performance Reporting, Matthew Duque, Director of the Office of Research, Planning, and Program)*

Ms. Haislet informed the Board that the purpose of the presentation is to provide an update and overview of the Kindergarten Readiness Assessment (KRA) 2023 results, Maryland Comprehensive Assessment Program (MCAP) preliminary 2022 English language Arts (ELA) and mathematics data, NAEP 2022 results and the Maryland School survey results. The presentation included a discussion on:

- Kindergarten Readiness Assessment Results
    - Standard Setting Update
    - MCAP Spring 2022 Preliminary Data
    - NAEP 2022

Ms. Haislet stated that in the 2022-2023 school year, all of the LEAs administered the KRA to all kindergartens with 99% of entering kindergarteners taking the assessment. The test measures the students' knowledge, skills and behaviors at the kindergarten entry level. Ms. Haislet informed the Board members that the kindergarteners demonstrating readiness increased by two percentage points, but statewide the percentage remains below pre-pandemic levels. Ms. Haislet stated that since the first KRA was administered in the fall of 2014, the results have suggested that many kindergartners entering programs have yet to meet the expectations that are defined by the end of prekindergarten standards.

Ms. Haislet explained to the Board that the Maryland Comprehensive Assessment Program in Mathematics, English Language Arts, the Maryland Integrated Science Assessment, and Government for the 2021-2022 school year were new assessments and required to undergo standard setting in 2022. She also stated that a total 166 Educators from across Maryland participated in standard setting process. The educators were selected to provide content and grade-level expertise during the committee meetings and be representative of the state teaching population.

Mr. Duque stated that between a quarter and a third of Maryland students scored at or above proficiency on the the National Association of Educational Progress (NAEP) assessment in 2022. He informed the Board that the race/ethnicity and student group declined from 2019 in the percentage of the proficient level on both Grade 4 Reading and Math. Students in Grade 8 in both Reading and Math revealed that the percentage was smaller 2019 than those in 2022.

*ACTION: None. For information and discussion.*

- **Stakeholder Engagement Session**

- **Maryland Consortium on Coordinated Community Supports**

*(Presenter: Mark Luckner, Executive Director, Maryland Community Health Resources Commission)*

Mr. Luckner shared a presentation on the background of the Consortium and the Community Health Resources Commission.

*ACTION: None. For information and discussion.*

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## **REPORTS TO THE STATE BOARD FOR DISCUSSION/ACTION**

- **Financial Reporting Requirements: Local Education Agency Submission of Comprehensive Annual Financial Report**

(Presenter: Mohammed Choudhury, State Superintendent of Schools, and Justin Dayhoff, Assistant State Superintendent, Division of Financial Planning, Operations, and Strategy)

The State Superintendent requested that the State Board grant authorization to the State Superintendent to notify Comptroller to withhold 10% of the January State aid payment and each subsequent installment for any LEA that is not in full compliance with §5-114 of the Education Article.

*ACTION: Upon motion by Gen. Sumpter and seconded by Ms. Thomas, the State Board granted the State Superintendent authorization to notify Comptroller to withhold 10% of the January State aid payment and each subsequent installment for any LEA that is not in full compliance with §5-114 of the Education Article. (In Favor: 12; Opposed: 0; Abstained: 0)*

- **COMAR 13A.08.01.03 Lawful Absence (Permission to Publish)**

(Presenter: Mohammed Choudhury, State Superintendent of Schools)

Superintendent Choudhury stated that the purpose of this item is to request permission to publish under COMAR 13A.08.01.03 Lawful Absence.

*ACTION: Upon motion by Mr. Dashiell and seconded by Ms. Morrow, the State Board granted permission to publish new regulations under new chapter COMAR 13A.08.01.03 – Lawful Absence. (In Favor: 12; Opposed: 0; Abstained: 0)*

- **COMAR 13A.05.14 Adult High School Pilot Program (Permission to Publish)**

(Presenter: Mohammed Choudhury, State Superintendent of Schools, and Mary Gable, Assistant State Superintendent of the Division of Student Support, Academic Enrichment, and Educational Policy)

Superintendent Choudhury stated that the purpose of this item is to request permission to publish under COMAR 13A.05.14 Adult High School Pilot Program. Dr. Mele-McCarthy requested clarification on the difference between obtaining a GED and the Adult High School Program. Dr. Greene requested information on where Adult High School Programs are located. Superintendent Choudhury and Ms. Gable provided the information.

*ACTION: Upon motion by Ms. Thomas and seconded by Gen. Sumpter, the State Board granted permission to publish new regulations under new chapter COMAR 13A.05.14 – Adult High School Pilot Program. (In Favor: 12; Opposed: 0; Abstained: 0)*

- **COMAR 13A.01.08 Public Information Act Request (Permission to Publish)**

(Presenter: Mohammed Choudhury, State Superintendent of Schools)

Superintendent Choudhury stated that the purpose of this item is to request permission to publish under COMAR 13A.01.08 Public Information Act Request.

*ACTION: Upon motion by Mr. Dashiell and seconded by Dr. Getty, the State Board granted permission to publish new regulations under new chapter COMAR 13A.01.08 – Public Information Act Request (In Favor: 12; Opposed: 0;*

*Abstained: 0)*

- **COMAR 13A.01.09 Correction or Amendment of Public Record (Permission to Publish)**

Superintendent Choudhury stated that the purpose of this item is to request permission to publish under COMAR 13A.01.09 Correction or Amendment of Public Record.

*ACTION: Upon motion by Ms. Morrow and seconded by Gen. Sumpter, the State Board granted permission to publish new regulations under new chapter COMAR 13A.01.09 – Correction or Amendment of Public Record (In Favor: 12; Opposed: 0; Abstained: 0)*

- **Maryland Comprehensive Assessment Program Cut Points and Achievement Standards Adoption**

Superintendent Choudhury stated that the purpose of this item is to request that the State Board adopt cut scores and achievement standards for state assessments within the Maryland Comprehensive Assessment Program.

*ACTION: Upon motion by Ms. Morrow and seconded by Dr. Mele-McCarthy, the State Board adopted cut scores and achievement standards for state assessments within the Maryland Comprehensive Assessment Program (In Favor: 12; Opposed: 0; Abstained: 0)*

- **State Superintendent of Schools and State Board of Education School Year 2022-2023 Priorities**

President Crawford highlighted that the priorities being brought for adoption to the Board have been viewed and discussed by Board members and has been publicly available. President Crawford called a vote to adopt the 2022-2023 priorities as presented.

*ACTION: Upon motion by Mr. Dashiell and seconded by Dr. Mele-McCarthy, the State Board adopted School Year 2022-2023 Priorities (In Favor: 12; Opposed: 0; Abstained: 0)*

## **EXECUTIVE SESSION**

Pursuant to § 3-305(b)(1) & (7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Morrow, seconded by Gen. Sumpter, and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, December 6, 2022, in conference room #6, 8<sup>th</sup> floor, at the Nancy S. Grasmick Building. All Board members were present except Chuen-Chin Bianca Chang, Jean Halle, Rachel McCusker, and Holly Wilcox. Also in attendance were Superintendent Choudhury, Deputy State Superintendents Krishnanda Tallur and Sylvia Lawson, Assistant State Superintendent Justin Dayoff, and Assistant Attorneys General, Elliott Schoen and Jackie LaFiandra. The Executive Session commenced at 3:22 p.m.

At that time, the State Board reviewed and approved three Opinions and three Orders.

- *In the Matter of Request for Removal of Local Board Members Tara Battaglia and Donna Sivigny* – removal request – Opin. No. 22-26. The Board declined to issue charges for removal and dismissed the removal request.
- *R.P. and R.P. v. Montgomery County Board of Education* – IB program denial – Opin. No. 22-27. The Board affirmed the local Board’s decision.
- *Anna S. v. Howard County Board of Education* – early kindergarten admission – Opin. No. 22-28. The Board affirmed the local Board’s decision.
- *Holly Greenstreet and Belinda Huesman, et al. v. Anne Arundel County Board of Education* – untimely – Order No.

OR22-13. The Board dismissed the appeal for untimeliness.

- *In the Matter of Request for Removal of Local Board Member Kenneth Kiler* – mootness – Order No. 22-14. The Board dismissed the request for removal for mootness.
- *Brandon Matthews v. Baltimore City Board of School Commissioners* – Op. No. 22-15. The Board dismissed the request for removal for mootness.

President Crawford shared information regarding a pending personnel matter. Mr. Schoen gave legal advice regarding a personnel matter.

Superintendent Choudhury, Deputy Superintendent Tallur, and Assistant State Superintendent Dayhoff shared information regarding organization of MSDE Division functions.

The Executive Session ended at 4:45 p.m.

### **STATE BOARD MEMBER COMMITTEE REPORTS/UPDATES**

Dr. Greene provided an update on the Achieving Academic Equity and Excellence for Black Boys (AAEEBB) Advisory Council and noted important upcoming keynote speakers that will present to the entity. Dr. Greene thanked MSDE staff for their assistance with the AAEEBB.

Ms. Bates provided information on her recent representation of Maryland at a summit of excellence where the focus was on literacy, pandemic recovery, and financial literacy.

Ms. Morrow shared information on her and Ms. Chang's attendance at the NASBE conference in Phoenix, Arizona in October. She highlighted the visit to a school in Arizona that was focused on specific strategies to address early literacy. She emphasized that she has additional information if Board members wish to have it and touched upon the benefits of connecting with Board members from other states.

Mr. Dashiell shared that the work of the Strategic Planning subcommittee continues and the subcommittee continues to meet most weeks to focus on Phase 2 of the Strategic Plan. Mr. Dashiell expressed hope to see several Board members at the Strategic Plan Gallery Walks that are upcoming in Southern Maryland and elsewhere around the State.

Mr. Crawford spoke on how helpful and instructive the visits to local school systems has been to ensuring effective communication with local school leaders. Mr. Crawford thanked Washington County Public Schools for hosting the State Board's October meeting.

### **LEGAL OPINIONS AND ORDERS**

Mr. Schoen announced the following opinions and orders:

- *In the Matter of Request for Removal of Local Board Members Tara Battaglia and Donna Sivigny* – Opin. No. 22-26
- *R.P. and R.P. v. Montgomery County Board of Education* – IB program denial – Opin. No. 22-27
- *Anna S. v. Howard County Board of Education* – early kindergarten admission – Opin. No. 22-28
- *Holly Greenstreet and Belinda Huesman, et al. v. Anne Arundel County Board of Education* – Order No. OR22-13
- *In the Matter of Request for Removal of Local Board Member Kenneth Kiler* – Order No. OR22-14

- *Brandon Matthews v. Baltimore City Board of School Commissioners* – Order No. OR22-15

With no further business before the Board, the Board adjourned at 5:05pm.

Respectfully submitted,



Mohammed Choudhury  
Secretary/Treasurer

Date: January 24, 2023

*The information included here provides a summary of the agenda items presented. The video recordings of the meetings are the official record and can be located at:*

<https://marylandpublicschools.org/stateboard/Pages/Meetings-2022.aspx>

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

<https://marylandpublicschools.org/stateboard/Pages/Meetings-2022.aspx>

**The next Maryland State Board of Education meeting will be held on Tuesday, January 24, 2023.**

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: December 6, 2022

Time: 3:22 pm

Location: 200 West Baltimore Street, Baltimore, MD 21201

Motion to close meeting made by: Lori Morrow

Seconded by: Gen. Sumpter

Members in favor: 10

Opposed: 0

Abstaining: 0

Absent: 4

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.

<b>Citation (insert # from above)</b>	<b>Topic</b>	<b>Reason for closed-session discussion to topic</b>
§3-305(b)(1)	Personnel	2 Personnel matters
§3-305(b)(7)	Legal Advice	3 Appeals and 3 Draft Orders

4. This statement is made by Clarence Crawford, Presiding Officer.