

## **MINUTES OF THE MARYLAND STATE BOARD OF EDUCATION**

Tuesday, February 22, 2022  
Maryland State Board of Education  
200 West Baltimore Street  
Baltimore, Maryland 21201

The Maryland State Board of Education met in person on Tuesday, February 22, 2022, at 9:00 a.m. at the Maryland State Department of Education, 200 W. Baltimore Street, Maryland. The following members were present: Mr. Clarence Crawford (President); Mr. Charles R. Dashiell, Jr., Esq. (Vice President); Mr. Shawn Bartley; Ms. Gail Bates; Ms. Chuen-Chin Chang; Dr. Susan Getty; Dr. Vermelle D. Greene, Ms. Jean Halle; Dr. Joan Mele-McCarthy; Ms. Lori Morrow; Ms. Rachel McCusker; Brigadier General (BG) Warner Sumpter; Dr. Holly Wilcox; Mr. Kevin Bokoum, Student Representative; and State Superintendent Mohammed Choudhury.

The following staff members also participated: Elliott L. Schoen, Assistant Attorney General; Dr. Sylvia Lawson, Deputy Superintendent, Organizational Effectiveness; Dr. Deann Collins, Deputy Superintendent, Teaching and Learning; Ary Amerikaner, Chief of Staff; Krishnanda Tallur, Deputy Superintendent of Operations; and Justin Dayoff, Assistant Superintendent, Financial Planning, Operations, and Strategy.

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

### **PUBLIC COMMENT**

- Lloyd Allen – (Teacher) – Metrics and Safety
- Julie Sharpe – Face Covering in Schools
- Maura Brown – Face Covering in Schools
- Adam Durant – Face Covering in Schools
- Michele Smith – Face Covering in Schools
- Jaime Brennan (Moms for Liberty) – Face Covering in Schools
- Ginger Picker – Face Coverings in Schools
- Dr. Corey Sharpe (Pastor) – Face Covering in Schools
- Benjamin Heiser – (will submit comment via email)
- Dr. Sean Bulson (Superintendent of Harford County Public Schools) Teacher Shortage
- Melissa Edelman – Face Covering in Schools
- Kelly McMillen – Face Covering in Schools
- Stephanie Gaiser – Face Covering in Schools
- Dr. Phillip Zebb – Face Covering in Schools
- Cheryl Bost (President of MSEA) – Face Covering in Schools
- Kerrie Dingle – Face Covering for Younger Students

- Darlene Persons – Face Covering in Schools
- Kenneth Kiler (President of Carroll County Board of Education)
- Adam Windam (No Show)

### **NEW BUSINESS**

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

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

### **EXECUTIVE SESSION I**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Ms. Morrow, seconded by Senator Bates, and with unanimous approval, the Maryland State Board of Education met in closed session on Tuesday, February 22, 2022 in Conference Room #6, 8<sup>th</sup> Floor, at the Nancy S. Grasmick Building. All board members were present. Also in attendance were Superintendent Choudhury, and Assistant Attorney General Elliott Schoen. The Executive Session commenced at 10:20 a.m.

At that time Mr. Schoen provided legal counsel regarding the Superintendent’s legal authority and emergency regulation process. The Executive Session ended at 11:00 a.m.

### **STATE BOARD PRIORITIES**

#### **School Logistics and Transmission Rates Related to COVID-19 - Update**

*(Presenter: Dr. Jinlene Chan, Deputy Secretary, Public Health Services; Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy)*

Ms. Mary Gable presented an update presentation on School Logistics and the transmission rates related to COVID-19. The data that was collected and is being presented, includes the following information:

- Data collected related to COVID-19 logistics from the 24 local school systems (LSSs) through February 16, 2022 (LSSs update the data weekly).
- Data published by the Maryland Department of Health (MDH) on the most recent positivity rates, as well as the 7-day moving average case rates per 100K population for each jurisdiction, community transmission levels (CDC data), and statewide hospitalizations.
- Information about MDH and federal guidance and testing programs.
- Data on the percentage of the total population in each county who are fully vaccinated, and information about the off-ramp available to LSSs in relation to lifting face covering restrictions.
- Emerging nationwide trends in response to the latest COVID-19 developments.

#### **Vaccinations Requirements as of 2/16/2022**

- Five local school systems out of the 24 school districts require vaccinations for all staff and educators.
- Six local school systems out of the 24 school districts require proof of vaccination for all educators.

### **COVID-19 Testing as of 2/16/2022**

- Six local school systems out of the 24 school districts require COVID-19 testing for all staff, including educators if not vaccinated.

### **MDH COVID-19 Testing in Maryland**

- COVID-19 testing sites are available across the State and are accessible by specific location, zip code and on the MDH website.
- On January 11, 2022, the Governor and the MDH announced:
  - The opening of new COVID-19 testing sites across the state
  - Expanded hours
  - Free walk-up or drive-through COVID-19 testing without an appointment

### **MDH K-12 COVID-19 Screening Program Available to LSSs and Non-Public Schools**

- Since July 2021, the MDH and the MSDE have offered the opportunity for LSSs and non-public schools to participate in a free K-12 COVID-19 Screening Testing Program.
- The testing program operates in conjunction with the Diagnostic Testing Program.
- Participating schools and school systems must complete an application and choose from a variety of State-contracted testing vendors who provide end-to-end testing services onsite in schools.
- Testing vendor services include:
  - Conducting an assessment to assist in identifying school testing needs
  - Providing clinical staff to administer tests and assist with test collection
  - Transferring tests to laboratories
  - Communicating test results through their resulting portal
  - Reporting results to schools and health authorities

### **Interim K-12 School and Child Care COVID-19 Isolation and Quarantine Guidance**

- An updated guidance document was sent by the MSDE and the MDH to all LSSs, non-public schools, and licensed childcare providers on January 7, 2022. The main recommendation (based on the latest CDC guidance) include:
  - All persons who test positive for COVID-19 or have suspected COVID-19, regardless of vaccination status, should stay home for at least 5 full days from the date of symptom onset (if symptomatic) or the date of the positive test if no symptoms.
  - Vaccinated persons (provided they meet specific criteria) do not need to quarantine if exposed to someone with COVID-19.
  - Unvaccinated persons and those who have not received booster shots should quarantine for at least 5 days if exposed to someone with COVID-19.

### **MDH Statement Regarding the Suspension of In-person Learning due to a COVID-19 Outbreak (Issued 01/06/2022)**

- Maryland does not currently recommend any automatic trigger or threshold for suspension of in-person learning.
- School outbreaks, as defined by the MDH, should be considered only as parameters to help administrators recognize increased risk of infection spread and plan accordingly.
- Declaration of an outbreak should not be considered an automatic trigger for the suspension of in-school learning.
- Decisions around the suspension of in-person learning for an entire school or a portion of a school year due to COVID-19, as well as the duration of the suspension of in-person learning should be

made in coordination with the local health department and the LSS, as applicable.

- The MDH encourages school administrators to make every possible effort to keep schools open for in-person learning and suspension of in-person learning should be considered only as a last option, after exhausting all possible alternatives.

### **Face Coverings - Overview of Off-Ramps**

The Face Coverings in School Facilities regulation (COMAR 13A.01.01) requires any person inside a school facility to wear a face covering, subject to certain exemptions. The regulation provides three off-ramps from the face covering requirements in schools and facilities.

- The first off-ramp is based on 80 percent vaccination of the population in the county or Baltimore City based on data from the Maryland Department of Health. Upon gathering data and with a motion or resolution of the local board of education (or the governing authority of the applicable entity) at a public meeting, the local superintendent and/or local board of education may remove the mask mandate and inform staff, students, parents, and community.
- The second-off ramp method is based on 80 percent of the students and staff at a school or facility being fully vaccinated. The local superintendent will submit this information to the State Superintendent.
- The third off-ramp is based on 14 consecutive days of moderate or low transmission rates of COVID-19 (as reported by CDC). The local superintendent may remove the mask mandate based on this data.

The Board members were informed that several states have lifted their mask mandates. The statement was made, that given the approve health metrics, it is important that the State Board consider rescinding the mask mandate. Effective March 1, 2022, the state rescinds the mask mandate. The question was asked, “Why March 1, 2022, and why not as soon as possible? We should move with speed to get our children unmasked because we are on a decline.” Some members felt that it was wise to postpone the decision for one month because the community rate is high. The statement was made there is little concern about the new variant. The Board should delay and see what the new guidance is because there are children and teachers who are high risk. A Board member stated that the State Board should allow for a couple weeks, so we can prepare the community with the masks off or a different measure of safety for all. It is necessary to prepare the staff and the students. Mr. Elliott Schoen from the Attorney General’s Office said that we need to talk about if the State Board were to rescind the emergency regulation and outline what that result would be.

Mr. Choudhury stated that the Emergency Regulation was voted on in December. The Administrative, Executive and Legislative Review (AELR) Committee conducted a hearing, voted, and passed a 180-day temporary regulation. The AELR will have to take a vote on whether to rescind the regulation or not. A Board member informed the Board that it is time to put it back into the hands of the locals. The data supports what it should be and what it looks like as we come out of the pandemic and endemic. The question was asked, if a motion passes with an amendment, how long will it take the AELR to vote?

Mr. Schoen stated, if the Board decides to rescind the mandate, a transmittal will go over to the AELR as soon as possible. The AELR will have to decide the effective date. The question was asked, “If the condition changes statewide, the Board could put the masking mandate back in place? Mr. Schoen explained that an emergency can only be addressed by regulation. The Board would have to declare an emergency and go to the AELR to vote. Mr. Crawford stated that if a new variant comes in six months, then the Board would take it up and that would be based on a different set of circumstances. Mr.

Choudhury stated that he thinks that it is the right time to send the mask mandate back to the local school systems control. Mr. Crawford stated that one of the consequences is being able to hold a job is because you have a lot of them. It is extremely natural to be conservative in what to do. The environment changes as you learn more. Not alarmed that we are at a different place from where we were six months ago. Mr. Choudhury informed the Board that pending the AELR's decision, they could effectively remove the mask mandate. The local school systems can plan to start tomorrow, depending on what the AELR decides. There is cushion to plan for it. Mr. Crawford said that there is no harm in having a determine date. The final decision is up to the AELR. No interest in stepping into the phase of local control. He informed the members that the Board got this because others did not take it. With authority comes responsibility to act appropriately. He instructed the Board to take a vote on rescinding the mask mandate.

***ACTION:** Motion passed to rescind Emergency Regulations .01—.06 under COMAR 13A.01.07 Face Coverings in School Facilities. (In Favor: 12; Opposed 2; Abstained: 0)*

Mr. Crawford adjourned the meeting at 1:00 p.m. for a 45-minute lunch break. The meeting reconvened at 1:49 p.m.

### **PRIORITIES – DEEP DRIVE**

- **Mental Health in Schools**

*(Presenters: Ms. Mary Gable, Assistant State Superintendent, Division of Student Support, Academic Enrichment, and Educational Policy)*

Ms. Mary Gable presented an update to the State Board on Mental Health in Schools. The presentation included background and historical perspectives on student mental health. The information that was presented included the following:

1. Setting the Stage
2. School Mental Health Prior to the COVID-19 Pandemic
3. COVID-19 and School Mental Health: National Perspective
4. COVID-19 and School Mental Health: Educator Well-Being
5. COVID-19 and School Mental Health: Maryland Statewide
6. Maryland Statewide Mental Health Initiatives
7. Mental Health Initiatives: Local School System Level

Ms. Mary Gable explained that mental health includes our emotional, psychological, and social well-being. Mental health determines how we handle stress, relate to others, and make healthy choices. In schools the U.S. Department of Education prioritizes three components of mental health, which are social, emotional, and behavioral.

The report from the U.S. Surgeon General's Advisory issued in December 2021 focused on the youth mental health crisis. The advisory provides context on the impact of youth mental health, individual recommendations for supporting mental health of children, adolescents, and young adults; institutional recommendations for schools, community organizations, health care systems, media, and government agencies. The U.S. Surgeon General's Advisory listed several factors that can shape the mental health of young people, such as the following:

- Society (Social and economic inequalities)
- Environment (Neighborhood safety, food, housing)

- Community (Relationship with peers, teachers, mentors)
- Family (Relationships with adults)
- Individual (Age, genetics, race)

Ms. Gable stated that the purpose of the Youth Risk Behavior Surveillance System is to focus on behaviors among youth that are related to the most important health problems. The system was developed by the CDC to determine the prevalence of health behaviors.

### National Perspective

- **US Department of Education: Supporting Child and Student Social, Emotional, Behavioral and Mental Health Needs**
  - Research on prior pandemics suggest there will be immediate and long-term adverse consequences for many students.
  - Between March 2020 and June 2020, 15 percent of parents reported declines in their student’s mental health and increases in problem-behaviors.
  - Survey data from April and May 2020, suggest that 25 percent of students (ages 13-19) reported lack of sleep due to increased worry, unhappiness, or depression.
  - Students are six times more likely to complete mental health treatment in schools than community.
- **The U.S. Surgeon General’s Advisory: Protecting Youth Mental Health**
  - As of June 2021, more than 140,000 children in the U.S. have lost a caregiver to COVID-19.
  - Emergency department visits related to suicide attempts were 51 percent higher for adolescent girls and four percent higher for adolescent boys compared to 2019.
  - The COVID-19 pandemic has increased anxiety, isolation, uncertainty, and instability in students leading to increased needs for mental health supports.
  - Anxiety and depression symptoms have doubled during the pandemic.

### Maryland Statewide Perspectives

- **2021 Maryland Youth Pandemic Behavior Survey**
  - Maryland Department of Health was unable to administer the URBS Survey for 2020-2021 due to COVID.
  - Smaller web-based survey was conducted with Maryland high school students, to determine how students are coping with the adverse effects of the COVID-19 pandemic on their lives.
- **Maryland School Mental Health Response Program**
  - The Maryland State Department of Education (MSDE) is developing the Maryland School of Mental Health Response Program to provide timely consultation and support to school systems to address student and family mental health concerns.

### Mental Health Initiatives: Local School System Level

- **Montgomery County Schools is partnering to provide Tier One (universal supports) to all students**
  - Creation of social-emotional lessons centered on the impact of COVID-19
  - Implementation of suicide prevention programming: Signs of Suicide
  - Adoption of the Leader in Me Framework: Student leadership and self-advocacy programming

- Presentation of personal body lessons to support student awareness and safety (K-12)
- **Allegany County School Board prioritized mental health**
  - Data Analysis of student outcomes
  - Universal Screening to address student behavioral health
  - Development and implementation of the Mental Health Support Team
- **Harford County Schools – Needs Assessment, Data Analysis, Emotional Wellness Teams**
  - Administered a Mental Health Needs Assessment
  - Created Emotional Wellness Teams
  - If a law enforcement officer encounters a child during a call, that child’s name and three words, HANDLE WITH CARE, are forwarded to the school/childcare agency before the school bell rings the next day.
  - The school implements individual, class and whole school trauma-sensitive curricula so that traumatized children are “Handled with Care.”
- **Baltimore City Public Schools – Student Wellness Support Team**
  - Student Wellness Teams
  - Strategies
  - Participants
- **Baltimore County Schools – Community Partnerships**
  - Community and family factors impact student mental health
  - 199 community mental health providers supporting schools
  - 18 vendors across the school system at 135 schools
  - Have implemented a robust referral system
  - Focus on the partnership between families and mental health support
  - Referrals come through Student Support Teams for students who have not responded to previous interventions provided by school staff
- **Caroline County Schools – Building Stability**
  - Mental health supports as a component of the five year strategic plan
  - Comfortable cafeteria programming
  - Calming centers within schools
  - Family supports through the family navigators
  - On-site training for family through resource sharing
  - School-Based Health Centers
  - Family learning session (ACEs, understanding trauma, intervention supports)
  - Trauma-Informed supports
- **Lessons Learned: School-Based Mental Health Supports**
  - Implement models that conduct school-wide screening and needs assessment for mental health at every grade level for students and staff
  - Leverage partnerships to maximize resources and ensure sustainability of services
  - Embrace innovations in service delivery (i.e., use of telehealth to provide student access to mental health counseling and physical checkups through remote networks)
  - Implement social-emotional learning programs that improve a school’s climate and train staff members on interventions, such as restorative practices, that can resolve conflicts and behavioral issues at school without turning to suspensions
  - Formally embed mental health goals in school improvement plans at all levels.

Ms. Gable thanked all of the six local school systems for their presentations. Ms. Gable stated that the Board members that the conclusion of the presentations are:



- Recommendations of models in school
- Leverage partnerships
- Embrace interventions
- Make sure that students and adults are telling someone.

Mr. Choudhury thanked the school base staffers for coming to the State Board meeting. Mr. Choudhury informed the Board members that grants are not designed to sustain but are for only a short time and are designed to prove a point

State Board members inquired about whether or not the girls or the boys are facing more stress or behavioral situations. Is there funding in the legislative agenda for Maryland State Department and do we have that funding in our plans? The statement was made that when they do the assessments to not only look at the data for race, school academics, but also look at the sex (boy or girl). The question was asked, “How can we provide these services, so they do not negatively impact the workload of teachers and administrators? Mr. Crawford stated that it is so important for the public to know what is going on in our school systems and what is working.

*ACTION: None. For information and discussion.*

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

### **2022 Legislative Session**

*(Presenter: Ary Amerikaner, Chief of Staff)*

#### **MSDE and State Board Flexibility:**

- Senate Bill 794 – State Department of Education – Procurement and Personnel Actions (**MSDE Position: Letter of Support**)

#### **Child Care**

- House Bill 376 – Outdoor Preschool License Pilot Program – Establishment (**MSDE Position: No Position**)
- House Bill 993 – Child Care Capital Support Revolving Loan Fund – Established (**MSDE Position: Resume Later**)
- House Bill 995 – Early Childhood Development – Child Care Scholarship Program – Alterations (**MSDE Position: Resume Later**)

#### **Curriculum**

- House Bill 489 – Commission on History, Culture, and Education (**MSDE Position: No Position**)
- House Bill 630 – Public High Schools – Financial Literacy Pilot Program – Establishment (**MSDE Position: Letter of Information**)
- House Bill 950 – Public Schools – Civics Education and Award Program (**MSDE Position: No Position**)
- House Bill 985 – Education – Public High Schools – Financial Literacy Curriculum and Graduation Requirement (**MSDE Position: Letter of Information**)
- House Bill 1190 – Calvert County – Civic Education – Standards and Curriculum (Social Studies Literacy Act (**MSDE Position: No Position**))
- Senate Bill 699 – Public High Schools – Financial Literacy – Curriculum, Graduation Requirement, and Professional Development (**MSDE Position: Letter of Information**)

#### **Virtual Schools**

- Senate Bill 362 – Primary and Secondary Education – Virtual Schools – Revisions (**MSDE**



**Position: Support with Amendments)**

- House Bill 1163 – Primary and Secondary Education – Virtual Education Requirements (**MSDE Position: Still Analyzing the Bill**)

**Parental involvement**

- House Bill 618 – Maryland Parental Rights Act (**MSDE Position: No Position**)
- House Bill 938 – Education – School Accountability – Parent Empowerment and Choice (**MSDE Position: No Position**)
- House Bill 953 – Parent and Guardian Rights – Education, Health, and Upbringing of Children (**MSDE Position: No Position**)

**Certification**

- House Bill 467 – Education – Teacher Certification – Montessori Schools (**MSDE Position: No Position**)

**Other Bills**

- House Bill 472 – Primary and Secondary Education – Title IX – Policies and Procedures (Hear Our Voices Act of 2022) (**MSDE Position: No Position**)
- House Bill 547 – Local School Systems – Equivalent Access Standards – Digital Tools (Nonvisual Access Accountability Act for K-12 Education) (**MSDE Position: No Position**)
- House Bill 832 – Education – Maryland Homeschool Advisory Council – Establishment (**MSDE Position: No Position**)
- House Bill 1235 – Youth Sports Safety Advisory Committee (**MSDE Position: No Position**)
- House Bill 1258 – Primary and Secondary Education – Educational Options – Established (**MSDE Position: No Position**)
- House Bill 1268 – Education – Reporting Arrests of Students – Alterations (**MSDE Position: No Position**)
- House Bill 1342 – Cannabis – Legalization and Regulation (Cannabis Legalization and Equity Act) (**MSDE Position: No Position**)
- Senate Bill 379 – Caroline County, Charles County, and Prince George’s County Board of Education – Removal of member (**MSDE Position: No Position**)

**Previously Reviewed Bills:**

**Curriculum**

- House Bill 47 – Public Schools – Expanded American History – Development of Content Standards and Implementations (**MSDE Position: Letter of Information**)
- House Bill 165 – Education – Sexual Abuse and Assault Awareness and Prevention Program – human and Sex Trafficking (**MSDE Position: Letter of Information**)
- House Bill 200 – Education – Public Middle and High Schools – Financial Literacy Curriculum and Graduation Requirements (**MSDE Position: Letter of Information**)
- Senate Bill 116 – Public Schools – Inclusive and Diverse English Language Arts – Development of Content Standards and Implementation (**MSDE Position: letter of Information**)
- Senate Bill 162 – Public Schools – Cyber Safety Guide and Training Course – Development, implementation, and Reporting (**MSDE Position of Information**)
- Senate Bill 237 – Education – Curriculum – Unit of Instruction on September 11, 2001, Terrorist Attacks (**MSDE Position: No Position**)
- Senate Bill 304 – Education – Public Schools – Asian American History Curriculum Requirement (**MSDE Position: Letter of Information**)

### **Certification**

- House Bill 37 – Education – Educational Interpreter – Certification Requirements (**MSDE Position: No Position – Monitor**)

### **School Health**

- House Bill 56 – Commission on Student Behavioral Health and Mental Health Treatment (**MSDE Position: Letter of Information**)
- House Bill 118 – Public Schools – Student Attendance – Excused Absences for Mental Health Needs (**MSDE Position: No Position**)

Ms. Amerikaner informed the State Board members that three bills have passed and have been sent to the Senate.

- House Bill 165 – Education -Sexual Abuse and Assault Awareness and Prevention Program
- House Bill 37 -- Education – Educational Interpreter – Certification Requirements
- House Bill 118 -- Public Schools – Student Attendance – Excused Absences for Mental Health Needs

*ACTION: None. For information and discussion.*

### **Code of Maryland Regulations (COMAR)**

#### **COMAR 13A.06.03 interscholastic Athletics in the State – Permission to Publish**

*(Presenter: Andy Warner, MPSSAA Executive Director/MSDE Coordinator of Athletics)*

Request for permission to publish amendments regulations. The proposed amendments address calendar year opportunities that enable local school systems to administer equitable participation for the benefit for student enrichment.

The regulations that govern interscholastic athletics provide for equity of competition and participation opportunities throughout the State. As such, regulations are the result of a collaborative process between the MPSSAA, local superintendents, the State Superintendent, and the State Board of Education. The proposed changes are to amend the seasonal limitations to expand equitable opportunities of student athletes under the umbrella of the local school system.

A member of the State Board expressed their concern, especially with interscholastic for girls, who are competing against transgender boys. A motion was made and seconded to amend that participation will be limited to biological gender at birth. A suggestion was made, that if we split these issues into two, and task the department to see how this issue is handled around the country. The Board member rescinded their motion and will wait until the department comes back with research on how it is handled around the country. The Athletic department will come back to the Board on this issue.

*ACTION: Upon motion by Ms. Morrow, and seconded by Ms. McCusker, the State Board granted permission to publish the amendments to the regulations. (In Favor:14; Opposed: 0; Abstained: 0)*

**COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland -- PERMISSION TO PUBLISH**

*(Presenter: Dr. Jennifer Judkins, Assistant State Superintendent for the Division of Assessment, Accountability, and Performance Reporting)*

Request for permission to publish amendments to regulations. The proposed amendments are needed due to the legislation around statewide assessments for high school mathematics and English language arts to meet the College and Career Readiness (CCR) standard found in the Blueprint for Maryland’s Future. The amendments also remove the end of course requirement for the mathematics and English language arts assessments in high school. The assessments in science and government will remain end of course assessments. Additional amendments are included to align the regulation with the change in the end of course assessments.

***ACTION:** Upon motion by Mr. Dashiell, and seconded by Mr. Bokoum, the State Board granted permission to publish the amendments to the regulations. (In Favor: 14; Opposed: 0; Abstained: 0).*

**COMAR 13A.05.01.03 Definitions; 13A.05.01.08 Individualized Education Program (IEP) Team Responsibilities; and 13A.05.01.09 Individualized Education Program Document – Adoption**

Request for permission to adopt amendments to regulations. These amendments to regulations are in response to Senate Bill 300/House Bill 714 from the 2021 legislative session. The proposed amendments include:

- Addition of the terms “Emergency Conditions” and “Learning Continuity Plan” to COMAR 13A.05.01.03 Definitions.
- Addition of planning for emergency conditions to the IEP Review requirements under COMAR 13A.05.01.08 Individualized Education Program (IEP) Team Responsibilities.
- Addition of the learning continuity plan to the IEP Content and a new section describing the implementation and notification process under COMAR 13A.05.01.09 Individualized Education Program Document.

The State Board reviewed COMAR 13A.05.01.03 Definitions, COMAR 13A.05.01.08 Individualized Education Program (IEP) Team Responsibilities, and COMAR 13A.05.01.09 Individualized Education Program Document at the October 26, 2021, State Board meeting and granted permission to publish.

The proposed regulations were published in the Maryland Register on December 17, 2021. During the thirty-day comment period, the MSDE received one (1) public comment. The commenter was in support of IEP teams planning for emergency conditions but had two (2) concerns about the regulations. First, the commenter was concerned that parents will have been deemed to have waived the right for compensatory education if the Learning Continuity Plan is implemented and the parent Members of the State Board of Education February 22, 2022, has not challenged it. However, under the proposed regulations, during an emergency school closure, the education agency must contact the parent to ensure the learning continuity plan in the IEP is still appropriate. An IEP, including the learning continuity plan, is appropriate if it is drafted to provide a free appropriate public education (FAPE) to the individual student. If the learning continuity plan is not written to provide FAPE, or if the local school system is unable to implement the learning continuity plan, the MSDE would expect the local education agency to discuss compensatory education as a remedy for any failure to provide FAPE. This was the MSDE’s expectation throughout extended school closures and the MSDE will continue to make this requirement clear in guidance and

technical assistance to the locals.

Second, the commenter was concerned about language in the statute and regulation regarding “a documented reasonable attempt” to notify parents if the Learning Continuity Plan is going into effect. The MSDE is interpreting the requirement in the proposed regulation for the local education agency to make reasonable attempts to notify the parent to be consistent with the existing regulatory requirement for the local education agency to notify the parent of their requested participation in the IEP meeting. Under existing regulation, to meet reasonable efforts, the local education agency must document its attempts to obtain parental consent using the procedures in 34 C.F.R. § 300.322(d). It requires that school systems/public agencies to keep a record of their attempts, such as:

- Detailed records of telephone calls made or attempted and the results of those calls.
- Copies of correspondence sent to the parents and any responses received.
- Detailed records of visits made to the parent’s home or place of employment and the results of those visits.

The MSDE will ensure that guidance and technical assistance to the locals on implementation of the new regulations will include this information and expectation. Based on a thorough review of the comment, the MSDE recommends no changes to the language of the regulation.

***ACTION:** Upon motion by Gen. Sumpter, and seconded by Ms. Morrow, the State Board granted permission to adopt the amendments to the regulations. (In Favor: 14; Opposed: 0; Abstained: 0).*

### **COMAR 13A.07.11 Student Suicide Prevention and Safety Training - Adoption**

Request for permission to adopt amendments to regulations. The proposed amendments define, update, and clarify the requirements for student suicide prevention and safety training to reflect the newly legislated mandate to remove certain language in COMAR 13A.07.11.03 (2) with expanded language that requires in-service training to enable educators to recognize student behavioral health issues, recognize students experiencing trauma or violence out of school, refer students to behavioral health services, and if the school is a community school address support for any students needing the services at a community school.

***ACTION:** Upon motion by Mr. Dashiell, and seconded by Ms. Bates, the State Board granted permission to adopt the amendments to the regulations. (In Favor: 14; Opposed: 0; Abstained: 0).*

### **Criminal Procedure-Registered Sex Offenders-Entry onto School Property**

Request to approve the *Criminal Procedure-Registered Sex Offender-Entry onto School Property* model policy, which repeals the discretion of the local school systems to authorize students who are registered sex offenders to enter onto real property used for public or nonpublic elementary or secondary education under certain circumstances, and provides educational options.

Maryland Annotated Code Article §11-722(e)(3) Criminal Procedure-Registered Sex Offenders-Entry onto School Property requires that the State Board develop and adopt a model policy to assist a county board with the development of a local policy generally relating to registered sex offenders on school property.

The Maryland State Department of Education (MSDE) developed the attached model policy in consultation with stakeholders from the Maryland Department of Juvenile Services, the Maryland Office of the Public

Defender, local school safety administration, and the Attorney General's Office.

*ACTION: Upon motion by Ms. Bates, and seconded by Gen. Sumpter, the State Board approved the referenced model policy. (In Favor: 14; Opposed: 0; Abstained: 0).*

### **College and Career Readiness Interim Standard**

As set out in Education Article §7-205.1(d), it is the goal of the State that students enrolled in public school shall meet the CCR standard before the end of the 10th grade and no later than the time the student graduates from high school. Beginning with the 2021-2022 school year, all students shall be assessed no later than 10th grade by a method adopted by the State Board to determine whether the student is College and Career Ready (CCR). The law further requires that meeting the CCR standard shall initially require a student to achieve "the equivalent of a score of 4 or 5 in the mathematics and English portions of the Partnership for Assessment for Readiness for College and Career grade 10 assessments or the Maryland Comprehensive Assessment Program grade 10 assessments or any successor assessments."

MSDE is working to develop and propose a long term CCR standard that relies on more than a standardized test score, including by commissioning two empirical studies, in consultation with the Accountability and Implementation Board and from outside experts.

Request to approve the new College and Career Ready (CCR) Interim Standard. Under the interim CCR standard, a student will be designated as "College and Career Ready" if they meet at least one of the standards listed below for English and one of the standards listed below for Math:

- English (any one of the below options)
  - Score 4 or 5 on the Partnership for Assessment of Readiness for College and Careers (PARCC) English 10; or
  - Score 2 or 3 on early fall Maryland Comprehensive Assessment Program (MCAP) English 10; or
  - Score 3 or 4 on fall or spring MCAP English 10
- Math (any one of the below options)
  - Score 4 or 5 on the PARCC Algebra I, Algebra II, or Geometry; or
  - Score 2 or 3 on early fall MCAP Algebra I, Algebra II, or Geometry; or
  - Score 3 or 4 on fall or spring MCAP Algebra I, Algebra II, or Geometry; or
  - Score of 520 on the Math SAT. A score of 520 on the Math SAT is considered an "equivalent" of a score of 4 or 5 under the Blueprint's requirement based on an equivalency study completed by the Maryland Assessment Research Center (MARC) at the University of Maryland College Park.

*ACTION: Upon motion by Ms. Halle, and seconded by Mr. Dashiell, the State Board approved the Blueprint College and Career Readiness Interim Standard. (In Favor: 14; Opposed: 0; Abstained: 0).*

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

Mr. Charles Dashiell informed the State Board members that MSDE has been very helpful in putting together some round tables and listening sessions. He stated that he had the opportunity to host a session, introduce some folks and the listening session.

Mr. Dashiell asked the Board members to encourage folks to complete the survey. The numbers are

climbing and please get information to MSDE to provide stakeholders.

### **Executive Session II**

Pursuant to § 3-305(b)(7) of the General Provisions Article, Annotated Code of Maryland, and upon motion of Mr. Bokoum, seconded by Dr. Mele-McCarthy and with unanimous approval of the 12 present members, the Maryland State Board of Education met in closed session on Tuesday, February 22, 2022, in Conference Room #6, 8<sup>th</sup> Floor, at the Nancy S. Grasmick Building. All board members were present except Mr. Bartley and Dr. Greene. Also in attendance were Superintendent Choudhury, and Assistant Attorneys General, Elliott Schoen, and Jackie La Fiandra. The Executive Session commenced at 5:15 p.m.

At that time, the State Board reviewed and approved two Opinions

- *Anita Gboffueh v. Howard County Board of Education* – non-certificated employee termination – Opin. No. 22-05
- *In the Matter of Request for Removal of Local Board Member Corine Frank* – removal request – Opin. No. 22-06

The Executive Session ended at 5:45 p.m.

### **LEGAL OPINIONS AND ORDERS**

Mr. Schoen announced the following Opinions:

- *Anita Gboffueh v. Howard County Board of Education* – non-certificated employee termination – Opin. No. 22-05
- *In the Matter of Request for Removal of Local Board Member Corine Frank* – removal request – Opin. No. 22-06

With no further business before the Board, the meeting adjourned at 6:00 p.m.

Respectfully submitted,



Mohammed Choudhury  
Secretary/Treasurer

Date: March 22, 2022

***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, March 22, 2022.**

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: March 22, 2022  
 Time: 3:30 PM  
 Location: 200 W. Baltimore Street, Baltimore, MD 21201  
 Motion to close meeting made by: Kevin Bokoum  
 Seconded by: Gen. Sumpter  
 Members in favor: 11  
 Opposed: 0  
 Abstaining: 0  
 Absent: 3
  
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 Matter	State Board Executive Director applicants
§3-305(b)(7)	Legal Advice	3 Appeals
Administrative Function		Board Member introduction to BoardDocs

4. This statement is made by Charles Dashiell, Presiding Officer.