
R00A01

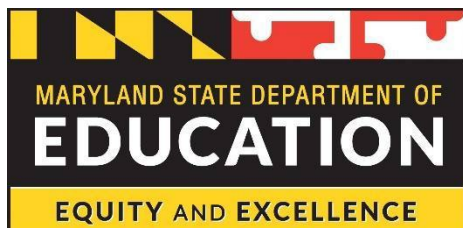
MSDE Headquarters

Maryland State Department of Education

Response to the Analyst's Review and Recommendations

House Education & Economic Development Subcommittee –
February 9, 2022

Senate Education, Business & Administration Subcommittee –
February 10, 2022



Mohammed Choudhury
State Superintendent of Schools

The Maryland State Department of Education (MSDE) welcomes this opportunity to share with the Committee some of its success stories and to address questions raised by the analyst.

Operating Budget Recommended Actions

1. Add the following language to the general fund appropriation:

, provided that \$100,000 of this appropriation may not be expended until the Maryland State Department of Education submits to the budget committees a report on personnel vacancies throughout the department and its independent units, along with efforts to hire personnel specifically for the fulfillment of Chapter 36 of 2021 requirements. This report should include: (1) an assessment of the primary factors contributing to the over 200 vacant positions throughout the department; (2) strategies for the recruitment, reclassification, or abolishment of positions to bring fiscal 2023 vacancies in line with budgeted turnover; (3) detail on personnel for Chapter 36 implementation by classification, salary, and program, along with information on how requirements are successfully being met with less staff than the estimated need identified at the time of legislative enactment; and (4) costs associated with these actions for fiscal 2022, 2023, and 2024. This report shall be submitted by October 1, 2022, and the budget committees shall have 45 days from the receipt of the report to review and comment. Funds restricted pending the receipt of a report may not be transferred by budget amendment or otherwise to any other purpose and shall revert to the General Fund if the report is not submitted to the budget committees.

Explanation: The Maryland State Department of Education (MSDE) is responsible for hiring personnel for MSDE Headquarters and independent units of the agency. In the past three years, MSDE has experienced a persistently high vacancy rate. In addition, MSDE is responsible for hiring personnel to facilitate Chapter 36 of 2021 implementation; however, only 10 of the 42 positions estimated to be required for successful implementation are funded in the fiscal 2023 allowance. The report will inform the legislature on MSDE’s efforts to lower vacancy rates and fulfill Chapter 36 requirements.

Information Request	Author	Due Date
Report and personnel and vacancies	MSDE	October 1, 2022

MSDE Response:

MSDE respectfully disagrees.

The MSDE respectfully disagrees with the analysis’ findings related to positions at the Department. Since July 2021, The MSDE has been working to maximize existing resources by examining long-term vacancies and identifying opportunities for reclassification, reorganization, and repurposing of positions. It is important to note that the Department’s efforts to create an infrastructure to support its internal and external customers is completely separate and distinct from the structure necessary to successfully implement a multi-billion-dollar world-class education reform initiative.

The FY 2023 allowance includes 10 positions. The MSDE would respectfully request that general funds not be restricted, and that the Department not be assigned new tasks over and above the additional requirements in the Blueprint legislation.

2. Adopt the following narrative:

Report on Accounting Practices: Due to recent audit findings, deficiency allocations, and other concerns about accounting practices, the budget committees request that by October 1, 2022, the Maryland State Department of Education (MSDE) submit a closeout report for fiscal 2022. This report should include:

- an explanation for encumbrances and reversions for all general, special, federal, and reimbursable funds for any amount that does not equal zero;
- allocations and expenditures by program, local education agency, and/or school for all grants administered by the Maryland Center for School Safety (MCSS);
- a detailed explanation of how MSDE, which serves as the fiscal agent for MCSS, assists MCSS to properly administrate grant funds; and
- an update on the Department of Rehabilitative Services fiscal 2021 closeout audit finding and steps taken by MSDE to remediate this issue.

Information Request	Author	Due Date
Report on accounting practices	MSDE	October 1, 2022

MSDE Response:
MSDE concurs.

3. Adopt the following narrative:

Report on State Education Agency Federal Stimulus Funds: Due to school closures prompted by the COVID-19 pandemic, the Maryland State Department of Education (MSDE) received \$302.9 million in State Education Agency (SEA) federal stimulus funds. To ensure proper monitoring of the use of these funds, the budget committees request that MSDE report by November 1, 2022, on all SEA program expenditures distributed in fiscal 2021, 2022 and 2023 as part of the Coronavirus Response and Relief Supplemental Appropriation, Elementary and Secondary School Emergency Relief (ESSER II) fund and the American Rescue Plan, ESSER III fund. This report should include:

- grant procedures for federal mandatory allocations to local education agencies (LEA) for learning loss, summer enrichment, and afterschool programs and grant expenditures by LEA, amount, and program;
- grant expenditures by school and program for State mandated funds allocated to the Maryland School for the Blind, Maryland School for the Deaf, and SEED School;
- grant procedures, allocations, and expenditures by program for all discretionary allocations;
- expenditures by MSDE department and object for administrative costs; and

- unexpended funds by program, reasons that funds were not allocated or expended, anticipated expenditures of those funds by program for future years, and funds that may have been cancelled.

Information Request	Author	Due Date
Report on SEA federal stimulus funds	MSDE	November 1, 2022

MSDE Response:
MSDE concurs.

4. Adopt the following narrative:

Report on Virtual Learning: Due to COVID-19 school closures in March 2020, the Maryland State Department of Education (MSDE) allowed local education agencies to implement virtual learning in place of in-person learning. To understand the impact and monitor the continued expansion of virtual learning across the State, the budget committees request that MSDE provide an updated report by December 1, 2022, on actions taken in calendar 2022 to facilitate virtual learning for teachers and students across the State. This report should have:

updated information on virtual learning and the activity of the Digital Learning Stakeholder Committee;

- costs for State virtual learning in fiscal 2021 and 2022, and anticipated expenditures in fiscal 2023 and 2024, by fund source and program; and
- detailed information on the status of virtual learning programs and activities, including but not limited to:
 - State Learning Management System implementation, including additional licenses, migration of courses, training, and information technology services;
 - Maryland Virtual Learning Opportunities courses and vendors;
 - professional development courses, training, and vendors;
 - development and implementation of e-communities and their anticipated impact on virtual learning; and
 - development and implementation of a State virtual school..

Information Request	Author	Due Date
Report on virtual learning	MSDE	December 1, 2022

MSDE Response:
MSDE concurs.

5. Adopt the following narrative:

Status Report on Maryland School for the Deaf (MSD): Despite significant progress on issues identified in a 2019 audit, the committees remain concerned that noncompliance remains with MSD’s development of measurable academic and functional Individual Educational Plan (IEP) goals, documentation of parent concerns, and other IEP meeting protocols. The committees are also concerned about the outdated memorandum of

understanding (MOU) between the Maryland State Department of Education (MSDE) and MSD. The committees request that MSDE and MSD submit an update by August 1, 2022, on progress by both agencies to resolve these remaining issues and update their MOU.

Information Request	Author	Due Date
Status Report on MSD	MSDE	August 1, 2022

MSDE Response:
MSDE concurs.

6. Adopt the following narrative:

Status Report on the Maryland Comprehensive Assessment Program (MCAP): The committees are concerned by the disruptions in administering MCAP resulting from the COVID-19 pandemic and are interested in better understanding impacts of these disruptions on learning loss, virtual learning, new assessment development, and increased costs for MCAP assessments in the next few years. The committees request that by November 1, 2022, the Maryland State Department of Education (MSDE) submit a status update on MCAP assessments and expenditures including, but not limited to:

a timetable for MCAP administration for all assessments for school years (SY) 2022 to 2023 and SY 2023 to 2024, including field testing and pilots for new assessments;

- details on MCAP measurement of student learning loss in SY 2021 to 2022 by local education agencies (LEA), subject area, grade level, and assessment, as well as additional steps taken, if any, by MSDE at the State level to measure student learning loss;
- details on MCAP administration in SY 2021 to 2022 for virtual school students by LEA, program, grade level, and assessment, including alternative assessments and Kindergarten Readiness; and anticipated changes, if any, to assessments for virtual school students in SY 2022 to 2023 and 2023 to 2024;
- expenditures in fiscal 2022 and 2023, and anticipated allowances for fiscal 2024, for each MCAP assessment and assessments under development; and
- contractual expenditures by vendor for fiscal 2022 and 2023, and anticipated contractual expenditures in fiscal 2024, for costs associated with assessment development and administration.

Information Request	Author	Due Date
Status report on MCAP	MSDE	November 1, 2022

MSDE Response:
MSDE concurs.