

Senate Budget and Taxation Committee

Senator Guy Guzzone, Chair

Senator James C. Rosapepe, Vice Chair

Senate Education, Health, and Environmental Affairs Committee

Education Subcommittee

Senator Paul G. Pinsky, Chair

Agenda

Maryland School for the Deaf (MSD)

October 8, 2020

Virtual Meeting

1:00 – 3:00 pm

CART Caption Services – Natalie Ennis
Certified ASL Interpreters – Joe Lucas and Kari Marcus

I. Opening Comments

II. Survivors Group/Parents

- **Catrina Register**, MSD Alumni
- **Catherine Griswold**, former parent and employee as a nurse
- **Maria Hourihan**, former employee
- **Eric Woods**, former employee
- **Sarah Rosen**, former parent
- **Jarlene Villalobos**, former parent of an alumni

III. MSD Board Members

Certified ASL Interpreters – Brenda Kelly-Frey and Becky Frey

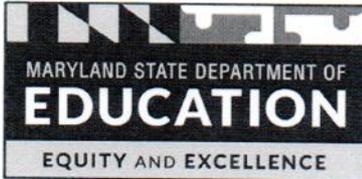
- **Stephen Hlibok**, *Acting Chairperson*
- **Kevin Strachan**, *Interim Superintendent*

Available for Questions

- **Monica Mitzel**, Esquire, Counsel for MSD, AAG, Office of the Attorney General
- **Christle Sheppard-Southall**, *Esquire*, AAG, Office of the Attorney General
- **Jennifer Yost Ortiz**, Interim Frederick Campus Principal/Dean of Student Affairs
- **Dawneila Patterson**, Assistant Superintendent/Columbia Campus Principal
- **Ann Miller**, Chief Financial Officer/Chief Operations Officer

- **Anny Currin**, Personnel Director
- **Shannon Negussie**, MSD's Six (6) Community Workgroups Lead and Search Committee Chair for the Diversity Officer position

IV. Public Witnesses



Karen B. Salmon, Ph.D.
State Superintendent of Schools

January 17, 2020

[REDACTED]

I am in receipt of your January 9, 2020 email asking a number of questions regarding the Maryland School for the Deaf and the Maryland State Department of Education. In response to your questions, I provide the following:

Question #1: The Maryland Office of the Attorney General provides an Assistant Attorney General (AAG) to advise the Maryland School for the Deaf (MSD) and its Board. Mr. Fields began his service in 2013 and is the AAG assigned to MSD and its Board. The AAG's role is independent of MSD. Mr. Fields' role is to provide knowledge and assistance when requested by the administration and Board of Trustees.

Question #2-7: The Maryland State Department of Education (MSDE) is a separate entity from the Maryland School for the Deaf, with separate governing Boards. Therefore, all questions related to the structure and governance of MSD should be directed to MSD and its Board of Trustees.

Question #8: The MSDE Office of the Ombudsman assists parents and other members of the public with their educational concerns. The contact information for the Ombudsman is:

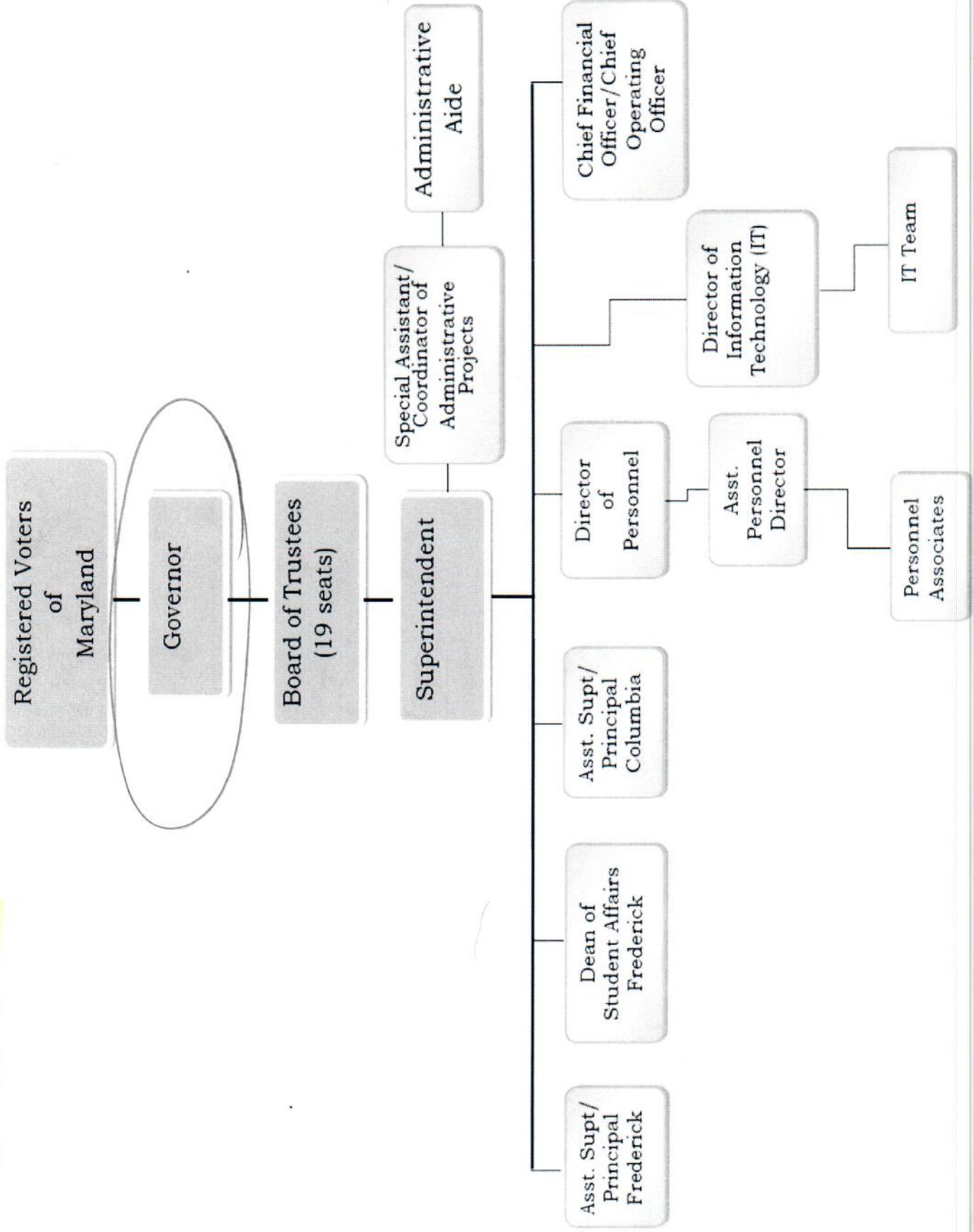
Teresa Dantzler, Ombudsman
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201
Email: teresa.dantzler1@maryland.gov
Phone: 410-767-0480

Thank you for your email. I hope you find this information helpful.

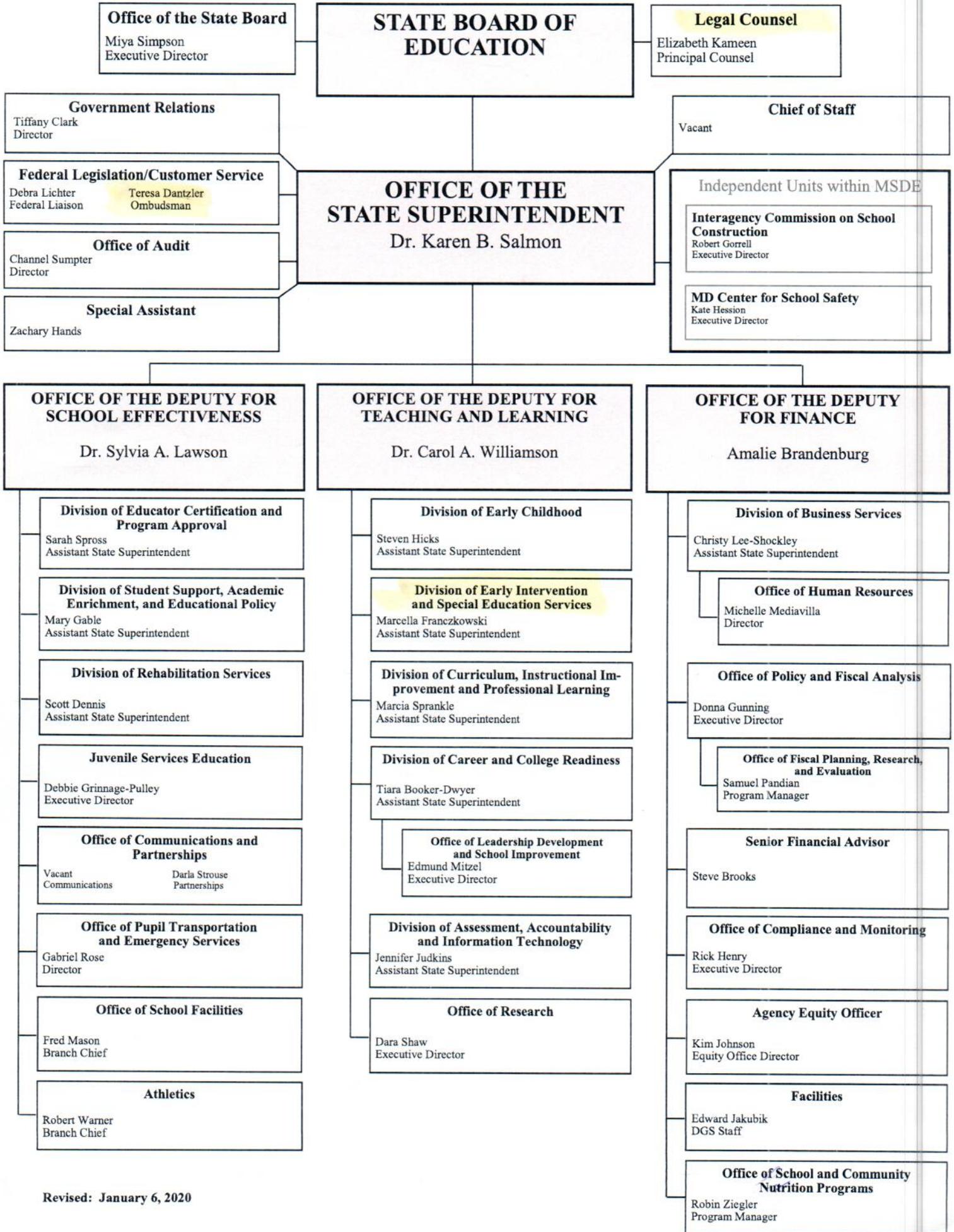
Sincerely,

Samantha Foley
Public Affairs Officer

Maryland School for the Deaf



MARYLAND STATE DEPARTMENT OF EDUCATION



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ASSISTANT ATTORNEY GENERAL

THE ATTORNEY GENERAL OF MARYLAND
OFFICE OF COUNSEL TO THE GENERAL ASSEMBLY

DAVID W. STAMPER
ASSISTANT ATTORNEY GENERAL

July 12, 2019

The Honorable Ronald N. Young
Maryland Senate
301 James Senate Office Building
Annapolis, Maryland 21401

Dear Senator Young:

You have inquired on behalf of a constituent whether the constituent's child's rights under § 8-3A-03 of the Education Article ("ED") have been violated because the Frederick County Public School system ("FCPS") "does not have a formalized dual-enrollment program" with the Maryland School for the Deaf ("MSD") in Frederick.

While our office can discuss the general application or requirements of the law at issue in response to an inquiry, our office typically does not reach factual conclusions with respect to the application of the law to a private organization or individual. A factual determination with respect to the legal rights of the constituent or the legal obligations of a State or local educational agency may best be addressed to the agency or to the constituent's personal attorney. An additional resource for a parent or guardian of a child with a disability who has a disagreement with the public school system's provision of educational services for the child, the parent or guardian may wish to explore their options under the Maryland State Department of Education's ("Department") "Parental Rights Maryland Procedural Safeguards Notice" (Revised March 2019).¹

With respect to the legal obligations of FCPS and MSD under ED § 8-3A-03, in my view there is no indication that the provision requires a specific educational plan or alternative to their existing legal obligation to provide a free and appropriate public education. As a result, ED § 8-3A-03 does not appear to require FCPS to have a "formalized dual-enrollment program" with MSD.

In general, the Maryland Constitution requires the General Assembly to establish by law, "a thorough and efficient System of Free Public Schools; and shall provide by taxation, or otherwise, for their maintenance." Md. Const. Art. VIII, § 1. Under § 7-101(a) of the Education

¹ See "<http://marylandpublicschools.org/programs/Documents/Special-Ed/mpsn/MDProceduralSafeguardsNoticeEnglish.pdf>"

The Honorable Ronald N. Young
July 12, 2019
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Article ("ED"), "[a]ll individuals who are 5 years old or older and under 21 shall be admitted free of charge to the public schools of this State."

Under 20 USC § 1400 *et seq.* and ED § 8-403, the State and each local school system is required to make a free appropriate public education available to each child with a disability, making special education and related services available to such a child from birth through the end of the school year in which the child turns 21 years of age. The State Board of Education is required to "adopt, as regulations, standards for the identification, evaluation, educational placement, and the provision of a free appropriate education" for a child with a disability. ED § 8-404. *See also* COMAR 13A.05.01.16.

The Maryland School for the Deaf is required to admit students free of charge who are bona fide State residents and meet the written admission standards of MSD. ED § 8-3A-04. Under ED § 8-3A-03, the Department, MSD, and each county school board of education "shall work together to meet the educational needs of deaf children." There is no indication in the statute or its legislative history that the requirement to "work together" under ED § 8-3A-04, mandates a particular course or action or educational program such as "dual-enrollment." *See* Bill Files for Senate Bill 422 of 2016 (Ch. 671 of the 2016 Laws of Maryland) and House Bill 709 (Ch. 672 of the 2016 Laws of Maryland).

The requirement that the Department, MSD, and local school board work together to meet the educational needs of deaf children under ED § 8-3A-04 likely means that those entities are required to work together to provide a free and appropriate public education for each deaf child. To the extent a parent or guardian of a deaf child is dissatisfied with the educational program offered to the child through her or his Individualized Education Program ("IEP"), or the placement of the child in a particular education program or school, the parent has recourse to challenge or seek alternative determinations regarding the child's educational program as addressed in the Department's "Parental Rights Maryland Procedural Safeguards Notice," or other procedural rights that may be afforded by the child's resident school system regarding the child's education program or placement. *See also* COMAR 13A.05.01.15 (Procedural Safeguards – State Complaints, Mediation, and Due Process).

If you have any questions or need any additional information, please feel free to contact me.

Sincerely,



Jeremy M. McCoy
Assistant Attorney General

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Established 1973

Maryland School for the Deaf
Written Testimony
Budget and Taxation Committee - Briefing
Education, Health, and Environmental Affairs Committee- Briefing
10/08/2020

Senator Pinsky, Senator Guzzone, and all distinguished members of both committees, thank you for the opportunity to discuss Maryland School for the Deaf (MSD) and the article about MSD that appeared in the *Baltimore Sun* on September 4, 2020.

I have spent the last 25 years at Maryland School for the Deaf ... first as a teacher, then as an assistant principal for the high school, then as principal for MSD's Frederick Campus. Our superintendent of 28 years, James E. Tucker, recently retired and I am serving as interim superintendent until a new superintendent is hired.

Though our name identifies us as a program for students with hearing loss, and we are, we are a school not focused on a disability but on a language and a culture. All of MSD's faculty and staff conduct their work in American Sign Language (ASL). Like scholars all over the world who become deep thinkers in Spanish and Arabic and French, so too can scholars be made through ASL ... a visual language, a very beautiful language. Our bilingual policy --- that is instruction through ASL and written English --- is a great part of our success.

Although we are a robust special education school, we see ourselves very much as a language institute. Eighty-four percent of our teachers are themselves deaf or hard of hearing; they are fluent in ASL and they are role models for the young children we are teaching and uplifting. MSD follows the Howard County curriculum and the majority of our students earn Maryland State diplomas. We offer students a variety of experiences ... school plays, athletics, student government, international travel, and on and on.

MSD has two campuses, one located in Columbia and one in Frederick. The Frederick campus, established in 1868, serves approximately 312 students from the age of infancy to the age of 22. The Columbia campus, established in 1972, serves approximately 152 students, from infancy generally through age 14. Students residing in parts of the state west of Route 97 attend the Frederick campus, while students who reside east of Route 97 attend the Columbia campus through 8th grade. The MSD high

school is located in Frederick. Students who attend the Columbia campus through 8th grade then transfer to the Frederick campus for high school.

For 152 years, MSD has been not just a leader in the state, or the nation; we are a world leader in the area of Deaf Education. Even in the unprecedented times of last spring when Maryland's schools closed due to the COVID-19 pandemic, Maryland School for the Deaf was online and teaching its students faster than most counties in the state.

Both of our campuses are currently closed and our students are getting their education via Distance Learning. We are deep in planning for the safe return of students and staff to in person schooling.

The murder of George Floyd in May rocked the world. Brave students and staff and families at MSD reached out and spoke up about experiences they had at MSD, and asked for redress, for change. MSD faced these conversations with open hearts and open minds, and we responded strongly to our community's stories with four main actions:

- MSD established six internal work groups led by BIPOC employees focused on the areas of cultural sensitivity training, curriculum, human resources, family engagement, school environment and student life. All together these groups are made up of 35 participants ... mostly staff from both campuses and some parent volunteers. They worked for two weeks last summer with a focus on two things: (1) identifying racism at MSD through stories, experiences, data, and policies, and (2) proposing recommendations on how to change and improve the system. The leaders of each group are currently working with the leadership of the school and creating an action plan to address the concerns that were identified.
- Maryland School for the Deaf created Black Lives Matter pages on our MSD website. This is a time for listening and learning in our society. The website helps define terms and clarify perspectives and is full of resources, in both English and ASL, for students and families and staff to learn more about discrimination and oppression in our society and in our systems. The site also includes a fascinating documentary made three years ago by our high school students and staff that narrates the history of the Maryland School for the Colored Deaf and Blind from its establishment in 1872 to its integration in 1956.
- MSD's Board of Trustees is in the process of hiring an independent consultant to do a full review of the school to identify any systems or practices that are contrary to our commitment to equity and inclusion, and to recommend change.
- And finally, MSD has created a new position of a Chief Diversity Officer (CDO) who will work at the highest level of school leadership and with the MSD community to promote a culture of inclusion where individuals of all backgrounds are able to learn and thrive. Three years ago, MSD created a Coordinator of Equity and Inclusion position, and two years ago, MSD created an additional Ombudsman position to ensure that members of our community had a safe place to report concerns and seek advice. The CDO position will not only report to the superintendent's leadership team; this person will be a sitting member of the team. He or she will work collaboratively to identify and develop plans to deal with diversity issues within Maryland School for the Deaf. This includes all

aspects of both school campuses: academics, residence halls, after school programs and activities, and employment. The CDO will develop and implement strategies and initiatives that advance a climate of equity and inclusion.

So in a nutshell: with our internal work groups, MSD is addressing immediate concerns; with our website we provided guidance and education, a place to learn and understand; with a deep assessment of our policies and systems by a neutral party, MSD will identify areas of the school past and present that may have been or may even now be hurtful to our BIPOC students and staff; and with a top level position of a Chief Diversity Officer, MSD is making equity and inclusion a priority moving forward.

As MSD listened and talked and responded with this decisive action, other voices joined the chorus. Some were very angry at MSD. Some were strangers, who as far as we can tell, have no connection to MSD. These voices, sometimes anonymous, sometimes on social media, confused the important work of addressing our community's concerns. They wrote numerous letters expressing anger at all structures of power: the leadership of MSD, MSD's governing Board of Trustees, MSD's alumni association, and even the Governor's Office of the Deaf and Hard of Hearing. Many unspecific accusations have been made. Individuals called for firings and demanded reform for vague and unsubstantiated claims. Many of these accusations were eventually the substance of the *Baltimore Sun* article of September 4, 2020 which understandably prompted today's briefing.

It is difficult to answer non-specific and unsubstantiated allegations. It is difficult to know what is an honest heartfelt concern and what is a dubious accusation. I can only attest that this picture of MSD is not the one that I know. I will however touch on a few of the allegations addressed in the *Baltimore Sun* article.

- The article said that one of our coaches referred to a former student with a racial slur which then led the team to use the slur. It was from the article that we first learned of this charge. This former student had already posted her grievances online in a video entitled "Black MSD Alumni" and over the summer she had multiple conversations with our Dean of Student Affairs Jennifer Ortiz to share her experiences at MSD. In neither this online video nor in her many conversations with Ms. Ortiz did she mention the use of a racial slur.
- The article spoke of locking students of color in dark rooms for hours at a time. The first we heard this charge was a bit before the *Sun's* article. There was a time that MSD, like many schools in Maryland, used timeout rooms, which were considered best practice at the time, and they were regularly inspected and approved by the state. We are aware of no incidents in which students were locked in the dark. In fact, current staff with whom I have spoken have never even heard the term "dark room" until this recent charge.
- The article stated that elite students receive preferential dormitory housing that is closer to student life activities. On the Frederick campus, we have a residence hall for boys and a residence hall for girls both of which are the same distance to the rest of the campus. At Columbia, which has dormitories for elementary and middle school students, there is a single dorm with boys and girls separated in opposite wings of the building. Therefore, this allegation is not even physically possible.

- The article alleged that students of color are placed into lower level classes and are denied access to AP and honors level courses. Students are placed in classes that match their academic level. Race is not a factor in that decision. When a student or parent requests for a change of class, we are very careful not to move students to less rigorous classes, and we are prone to say yes to a move to a more challenging class. When a change is proposed, we will talk with the student and his or her family to discuss if we are in agreement. We also propose these shifts to higher level classes when we see that they are ready. There have been times when we have not honored a request to change classes, especially mid-semester. End of semester and end of year shifts are more common. MSD does not prevent qualified students from participating in Advanced Placement and honors classes. In fact, as we closed last school year, at our National Honor Society ceremony 40% of our NHS scholars were students of color.
- The article also speaks of a divide within the deaf community. Like most schools we see students do cluster into bookworms and athletes and techies. And at MSD there can be a language or cultural divide. Many of our students have families, deaf and hearing, who expose their children to ASL from birth; like your children they start learning language from the first day they are born. But many deaf students have parents that do not learn to sign ... these parents struggle to hold a conversation with their own child. Some of these students spend years in schools that prioritize producing speech rather than literacy, or where qualified educational interpreters are hard to find. These students often struggle with learning and with self-identity. I have no doubt that for some of them, the journey is a hard one, and interacting with peers who acquired language from birth is a challenge. So, this is an additional unique dynamic in our community. More ASL fluent families live near the Frederick campus than our Columbia campus, so when Columbia students transfer to high school at Frederick, in addition to the pressures of going to a new school and of starting high school, they begin to interact with peers who are often more fluent in ASL.

I want to be very clear here. Just as subtle and pernicious racism exists within our society, I believe it can exist at MSD. MSD is wholly committed to identifying and addressing it wherever it lies. But charges of being hateful and abusive to students or staff ... this is not MSD.

MSD is an accredited school. Every round of the accreditation process is a deep dive into all aspects of the school: mission, governance and leadership, school improvement planning, finances, facilities, school climate and organization, health and safety, the education program, assessment and evidence of student learning, student services, student life and activities, and information resources.

Just three years ago we went through this process and MSD received the highest level of accreditation from the Middle States Association Commissions on Elementary and Secondary Schools. The process includes numerous interviews and anonymous surveys with all students grades 4 through 12, all families, and all staff asking for feedback on the strengths and shortcomings of a program. The student survey was signed in ASL, and the survey was translated for Spanish speaking families. And in all the hundreds of questions and comments throughout the accreditation process, charges of using racial slurs and draconian methods of discipline that were printed in the *Sun*

were never shared with us. Nor were such incidents reported seven years prior when MSD went through that round of the re-accreditation process.

The Maryland School for the Deaf is a proud part of the state of Maryland. MSD complies with Maryland State Department of Education for its coursework and its IFSPs and IEPs; with the Maryland Department of Health and the Department of Human Services for our residence halls; and with Maryland Department of Budget and Management for our personnel and spending. MSD's work is regularly reviewed by the state of Maryland; we have consistently maintained a school that is compliant with expectations and safe and good for children.

This is MSD's 153rd year. And it is a challenging one for all of us. We look forward to the day we can safely return and be together again. And we look forward to the important work ahead of hiring a new Chief Diversity Officer and a new Superintendent and continuing to lead the world in the area of Deaf Education.

A handwritten signature in blue ink that reads "Kevin Strachan". The signature is written in a cursive style with a large initial "K" and "S".

Kevin Strachan
Interim Superintendent
Maryland School for the Deaf