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State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: December 14, 2010
SUBJECT: COMAR 13A.05.11
Regulations for Juvenile Services Educational Programs
PERMISSION TO PUBLISH

PURPOSE:

To provide the State Board of Education with draft regulations for the Education Coordinating Council for Juvenile Services Educational Programs.

BACKGROUND:

At the present time, the Maryland State Department of Education (MSDE) provides education to detained and committed youth in six Department of Juvenile Services (DJS) residential facilities. By 2014, MSDE is required to assume educational programming in the remaining eight DJS facilities.

Education Article §22-305 established the Education Coordinating Council for Juvenile Services Educational Programs in the Maryland State Department of Education. The Council shall develop, recommend and approve an educational program that meets the special needs and circumstances of the children in each residential facility.

Education Article §22-306(b) directs the Education Coordinating Council for Juvenile Services Educational Programs to adopt regulations consistent with State Law for the conduct and management of the educational programs.

EXECUTIVE SUMMARY:

The Juvenile Services Education Program proposes the attached regulations that incorporate the input received from stakeholder groups in the Maryland State Department of Education and the Department of Juvenile Services. These regulations will guide the conduct, management, and consistent implementation of the Juvenile Services Education Program at various DJS facilities statewide. The regulations ensure that the MSDE Juvenile Services Education Program is in compliance with sections COMAR 13A regarding the education program, special education instruction and related services, and personnel requirements. In addition, it details reports, and respective due dates, that the Maryland State Department of Education shall provide to the Governor and General Assembly.

ACTION:

The Juvenile Services Education Program seeks State Board of Education approval to publish the proposed regulations for formal comment.

December 14, 2010	Request permission to publish regulations from the State Board of Education
December 17, 2010	Send regulations to AELR for review
January 28, 2011	Send reviewed documents to Division of State Documents to publish in the Maryland Register
February 28, 2011	End of the 30 day public comment period
March 22, 2011	Request permission to adopt regulations from the State Board of Education
April 8, 2011	Publish regulations in the Maryland Register
April 18, 2011	Regulations become effective

NSG:mm

Attachments

Title 13A
STATE BOARD OF EDUCATION

Subtitle 05 Special Instructional Programs

Chapter 11 Juvenile Services Education

Authority: Education Article, §§22-301-310, Annotated Code of Maryland

.01 Scope.

This chapter implements Education Article, Title 22, and Subtitle 3 for the conduct and management of the Juvenile Services Education Program in residential facilities of the Department of Juvenile Services (DJS) in order to meet the special needs and circumstances of the students in the residential facility.

.02 Definitions.

A. In this title the following words have the meanings indicated.

B. Terms Defined.

- (1) "Department" means the Maryland State Department of Education.
- (2) "Director" means the Director of Juvenile Services Educational Program.
- (3) "Facility" means a building or buildings and related physical infrastructure at a geographically distinct location at which the Department of Juvenile Services operates a program.
- (4) "Individualized education program (IEP)" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with 34 CFR §§300.320—300.324 and COMAR 13A.05.01.08 and .09.
- (5) "Program" means a discrete and defined grouping of services provided to youth in the custody of or under the supervision of the DJS to address educational needs.
- (6) "Residential facility" means a facility established under § 9-226 of the Human Services Article.
- (7) "Residential facility school" means the school located in a DJS residential facility.

.03 Education Program

- A. The Department shall provide a comprehensive education program for youth in DJS residential facilities to meet the public school standards set forth in COMAR 13A.01.04.
- B. The Program consists of instruction to allow students to achieve credit requirements and assessments necessary to progress towards the standards for graduation from a public high school in Maryland consistent with the requirements of COMAR 13A.03.02.

- C. The Program prepares students to successfully obtain a Maryland High School Diploma by examination.
- D. The Juvenile Services Education Program is a Local Education Agency as defined by 20 U.S.C. §7801(26) of the Elementary and Secondary Education Act and Public Agency as defined by COMAR 13A.05.01.03B(59).

.04 Administrative Practices

- A. The Program shall operate at least 220 school days and a minimum of 1,320 school hours during a 12-month period.
- B. The Program shall have a written calendar that states the specific days and total number of days for the implementation of its educational program.
- C. The Program shall have a written schedule for each school that states the beginning and end of the six-hour school day and the specific time periods during the school day when the areas of instruction are implemented.
- D. The Program shall provide unit based instructional services a minimum of six hours per week to students who are unable to attend the Residential Facility School because of illness or injury.

.05 Student Assessments

- A. Student academic achievement will be formally assessed upon intake into the education program to determine appropriate instructional placement.
- B. Student academic achievement will be formally assessed after 30 days of enrollment to determine academic gains in reading and math.
- C. Certificates of Achievement will be awarded to students based on demonstrated gains.

.06 Special Education Instruction and Related Services

Eligible students with disabilities will receive special education and related services as specified in an existing IEP or based upon the determination of eligibility as a student with a disability by the Residential Facility School IEP team in accordance with COMAR 13A.05.01 .

.07 Personnel Requirements

- A. Instructional personnel shall obtain and maintain a valid Maryland Educator Certificate in accordance with COMAR 13A.12.01 and 13A.12.02.
- B. Residential Facility School and Juvenile Services Education Program administrators shall obtain and maintain a valid Maryland Educator Certificate in accordance with COMAR 13A.12.01 and 13A.12.04.

C. Teacher Evaluation

- (1) Teachers will be evaluated in accordance with the established State Performance and Evaluation Program set forth in COMAR 17.04.03.21.
- (2) Evaluations will meet the requirements for Evaluation of Professional Certified Personnel set forth in COMAR 13A.07.04.02 and 13A.07.04.03.

.08 Interagency Cooperation

- A. The Department and DJS shall execute a Memorandum of Understanding outlining responsibilities of each agency in the provision of education to students in the Residential Facilities.
- B. All Residential Facility Schools shall incorporate and adhere to the Residential Facility behavior management program established by the DJS.

.09 Student Records

- A. The Juvenile Services Education Program will establish policies and procedures to obtain, maintain, and share student records as specified in the Program Policy and Procedure Manual and consistent with COMAR 13A.08.02.
- B. MSDE may transfer education records to DJS personnel who have been determined by MSDE to have legitimate educational interests.

.10 Education Coordinating Council for Juvenile Services Educational Programs

- A. Education Article §22-305 establishes an Education Coordinating Council for Juvenile Services Educational Programs within the Maryland State Department of Education.
- B. The Education Coordinating Council shall develop, recommend and approve an educational program for each residential facility to meet the special needs and circumstances of the children in DJS residential facilities in accordance with Education Article §22-306, Annotated Code of Maryland.
- C. The Council shall actively advocate and promote the interests of educational programs and opportunities in programs of the Department of Juvenile Services.
- D. On a regular basis the Council shall meet to review the effectiveness of the program of educational instruction.

IMPACT STATEMENTS

Part A

(check one option)

Estimate of Economic Impact

The proposed action has no economic impact.

or

The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

None

II. Types of Economic Impacts.

Revenue (R+/R-)

Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

Benefit (+)

Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

Part B
(check one option)

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

or

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

The proposed action has no impact on individuals with disabilities.

or

The proposed action has an impact on individuals with disabilities as follows:

Part C

(For legislative use only; not for publication.)

- A. Fiscal Year in which regulations will become effective: **FY 12**
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?
- Yes No, no funds are required
- C. If "yes," state whether general, special (exact name), or federal funds will be used:
- D. If "no," identify the source(s) of funds necessary for implementation of these regulations:
No funds are needed to implement these regulations.
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
These regulations are for the conduct and management of the Juvenile Services Education Program, an existing program in the Maryland State Department of Education.
- If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.
These regulations are for the conduct and management of the Juvenile Services Education Program, an existing program in the Maryland State Department of Education. There is no impact or involvement on small business.

Comparison to Federal Standards

(Check one option)

There is no corresponding federal standard to this proposed regulation.

or

There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

or

In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
- (2) Benefit to the public health, safety or welfare, or the environment:
- (3) Analysis of additional burden or cost on the regulated person:
- (4) Justification for the need for more restrictive standards: