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TO: Members of the State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: July 21, 2009

SUBJECT: Voluntary State Curriculum Renamed to the State Curriculum  
Permission to Publish Changes to COMAR  
Subjects: Social Studies, Science, Mathematics and Reading, English Language Arts

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**PURPOSE:**

The purpose of this item is to provide information and background for renaming the Voluntary State Curriculum as the State Curriculum and to provide proposed language for COMAR regulations applying to the specific subjects of Reading, Social Studies, Science, Mathematics and English Language Arts in conjunction with the renaming.

**HISTORICAL BACKGROUND:**

**Background:** In January 2002, the Visionary Panel for Better Schools, recommended that, “The state and local school systems must align every aspect of education – educators’ preparation and professional development, policy making, testing, curriculum, leadership, and funding—to support the classroom teacher and students.” To help schools, the State was to “provide a state-approved curriculum, fully aligned with state standards and assessments.” The definition of curriculum used by the Visionary Panel members, “what students should know and be able to do” was the definition used to guide the development of the Voluntary State Curriculum (VSC).

The Maryland VSC is a curricular framework that defines the minimum standards for all students. It defines what and when – what students should know and be able to do at which grade level—it does not define how teachers and schools will implement the curriculum or what materials will be used to support that implementation. The language and format of the VSC were designed to be consistent across all content areas. Each document consists of content standards, indicators, and objectives. The content standards provide the broad general statements of what students should know or be able to do. Indicator statements provide more specificity about what students should know or be able to do. Finally there are teachable ideas, or objectives. For those content areas with statewide assessments, specific assessment limits were developed that were tied directly to the curriculum objective that would be measured.



Using the talents of hundreds of Maryland's most knowledgeable pre-kindergarten through college educators, along with input from parents, business, and advocacy groups grade specific documents were developed in all content areas. Each curriculum was reviewed by outside experts for alignment to national standards, developmental appropriateness, clarity, specificity, logical progression, and both vertical and horizontal articulation before that document is scheduled for the State Board's review and acceptance. These VSC documents include, but are not limited to, reading, English/language arts, mathematics, science, social studies, fine arts, health, physical education, library/media, technology education, and technology literacy. Reading, English /language arts, mathematics, science and social studies have had COMAR revisions that incorporate the term Voluntary State Curriculum.

### **EXECUTIVE SUMMARY:**

Pursuant to the Authority set forth in the Annotated Code of Maryland, Education Article, § 2-205 (h), the Maryland State Department of Education has established standards for the schools and students of Maryland. Because the Voluntary State Curriculum and the state assessment system de facto create a required set of skills and knowledge for all students, the name should be changed from the Voluntary State Curriculum to the State Curriculum.

“Rising student mobility and a global economy driven by technology demand consistency in what students will know and be able to do by certain grades.” (Achievement Matters Most, January 2002) Every child in Maryland has the right to have access to the same high quality curriculum. The Voluntary State Curriculum establishes the floor for expectations and provides that desired level of consistency, while maintaining local authority over critical instructional decisions. Local systems have the authority to select the instructional materials, instructional strategies, and scope and sequence that will best address the needs of the students they are serving. This balance between State and local authority provides consistency with appropriate levels of flexibility to respond to the needs of differing populations.

### **ACTION:**

Rename the Voluntary State Curriculum as the State Curriculum. Grant permission to publish revised COMAR language for each of the affected curricular areas.

NSG/dls

Attachment

**.08 Requirements for Local School System Improvement and Corrective Action.**

A. Local School System Improvement.

(1) The State Board, upon the recommendation of the State Superintendent of Schools or upon its own motion, shall identify for improvement any local school system that for 2 consecutive years fails to make the annual measurable objectives in reading, mathematics, or as applicable, attendance rate, or graduation rate at each of the elementary school grades (3— 5), middle school grades (6—8), and high school grades (9—12).

(2) Before identifying a local school system for improvement, the State Board shall:

(a) Provide the local school system with an opportunity to review the data on which the proposed identification is based;

(b) Give the local school system an opportunity to provide supporting evidence if the system believes that the proposed identification is in error for statistically significant reasons; and

(c) Make a final determination of the status of the local school system with respect to identification not later than 30 days after it provides the system with the opportunity to review the data on which the identification is based.

(3) The State Board shall promptly provide parents of each student enrolled in the schools served by the local school system identified for improvement notice, the results of the review, the reasons for identification of the school system for improvement, and how parents can participate in upgrading the quality of the local school system.

(4) Within 3 months of identification, the local school system shall revise applicable components of the school system master plan to:

- (a) Incorporate scientifically based research strategies that strengthen the core academic program in the schools in the system;
- (b) Identify actions that have the likelihood of improving student achievement to meet the State's proficiency standards;
- (c) Address professional development needs of staff in schools not making AYP;
- (d) Include specific measurable achievement goals and targets for each of the subgroups of students;
- (e) Address the fundamental teaching and learning needs in schools and specific academic problems of low-achieving schools;
- (f) Incorporate as appropriate activities before school, after school, during the summer, and during an extended school year;
- (g) Specify the responsibilities of the local school system under the plan; and
- (h) Include strategies to promote effective parental involvement in the school.

(5) The local school system shall implement the plan not later than the school year following the year in which the school system was identified for improvement.

(6) Technical Assistance.

(a) The Department shall, if requested, provide technical assistance grounded in scientifically based research that better enables the local school system to develop and implement its plan and work with schools needing improvement.

(b) The Department may use an entity to provide the technical assistance.

B. Local School System Corrective Action.

(1) The State Board, upon the recommendation of the State Superintendent of Schools or upon its own motion, shall identify a local school system for corrective action if a local school system

does not make the system improvement performance targets in reading, mathematics, or as applicable, attendance rate or graduation rate for 2 consecutive years at each of the elementary school grades (3—5), middle school grades (6—8), and high school grades (9—12) after identification of the school system for system improvement.

(2) Before identifying a local school system for corrective action, the State Board shall:

(a) Provide the local school system with an opportunity to review the data on which the proposed identification is based;

(b) Give the local school system an opportunity to provide supporting evidence if the system believes that the proposed identification is in error for statistically significant reasons; and

(c) Make a final determination of the status of the local school system with respect to identification not later than 30 days after it provides the system with the opportunity to review the data on which the identification is based.

(3) For a local school system identified for corrective action, the State Board and the State Superintendent of Schools shall continue to make available technical assistance and shall take at least one of the following corrective actions:

(a) Defer, reduce, or redirect State and federal programmatic and administrative funds including per pupil funding;

(b) Order the local school system to institute and fully implement a new curriculum aligned with the [voluntary] State curriculum that is based on State and local academic content and achievement standards, including high quality professional development based on scientifically based research;

(c) Order the local school system to replace school principals and executive officers who are relevant to the failure to make AYP with qualified personnel approved by the State Board and the State Superintendent of Schools;

(d) Remove particular schools from the direct control of the local school board and establish alternative arrangements for public governance and supervision of such schools;

(e) Order a reorganization of the local school system as approved by the State Board and the State Superintendent of Schools that groups specified schools under the direct supervision of an executive officer approved by the State Superintendent of Schools who reports directly to the local school superintendent or chief executive officer;

(f) Through court proceeding, appoint a receiver or trustee to administer the affairs of the local school system in place of the superintendent and school board; or

(g) With legislative authorization, abolish or restructure the local school system.

(4) The State Board shall publish and disseminate to parents and the public information on any corrective action the State Board takes.

(5) The State Board may delay implementation of corrective action if a local school system makes the annual measurable objective for which it was identified for corrective action for 1 year or its failure to make the annual measurable objective is due to exceptional circumstances such as acts of nature or an unforeseen decline in financial resources beyond the control of the local school system. A period of delay under this subsection may not be taken into account in determining the number of consecutive years of failure to make AYP.

(6) If a local school system makes the annual measurable objective in the reported area in the elementary school grades (3—5), middle school grades (6—8), or high school grades (9—12) for 2 consecutive years and continues to meet objectives in other reported areas in the elementary

school grades (3—5), middle school grades (6—8), or high school grades (9—12) beginning after the date of identification, the State Board shall not identify the local school system for improvement or for corrective action for the succeeding school year.

(7) If, after 2 years in corrective action, the local school system continues to remain in corrective action, the State Board shall review the actions taken by the local school system and determine if modifications to the corrective action plan are appropriate.

### C. Hearings.

(1) If the State Superintendent of Schools recommends that a local school system be placed under corrective action, the State Superintendent of Schools shall provide a written explanation of the basis for the recommendation.

(2) Within 10 days of the date of the recommendation by the State Superintendent of Schools, the local board of education may file a written request for a hearing before the State Board. If a hearing is requested, the hearing shall be scheduled promptly.

(3) The hearing shall proceed in the following manner:

(a) The State Superintendent of Schools or designee shall describe the rationale for the recommendation and submit supporting documentation;

(b) The local board of education through a designee shall present the board's position with respect to the recommendation and submit supporting documentation;

(c) Members of the school community and parents of students in the school may file written comments regarding the recommendations;

(d) The State Board may ask questions during each presentation; and

(e) Counsel may be present and assist each board, but staff members shall make the presentations.

(4) The State Board shall determine by a preponderance of the evidence if the State Superintendent of Schools has provided a sufficient and reasonable basis to support the State Superintendent's recommendation.

D. Transition.

(1) For the 2003—04 school year, the State Board shall identify for corrective action any local school system that as of January 8, 2002, has had 25 percent or more of its schools under local or State reconstitution for more than 3 school years.

(2) For the 2003—04 school year, the State Board shall identify for improvement any local school system that as of September 1, 2003, has 25 percent or more of its schools newly identified for school improvement or corrective action.

13A.04.01.01

**.01 Requirements for Technology Education Instructional Programs.**

A. Each local school system shall offer a technology education program in grades 9—12 which shall enable students to:

- (1) Meet graduation requirements; and
- (2) Select advanced technology education electives.

B. Maryland Technology Education Program. The comprehensive instructional program shall:

- (1) Provide for the diversity of student needs, abilities, and interests in the high school learning years; and
- (2) Include the Maryland Technology Education Content Standards in §§C-G of this regulation.

C. The Nature of Technology. Students shall develop an understanding of the nature of technology through:

- (1) Its characteristics, scope, and core concepts;



- (2) The relationships among technologies; and
- (3) The connections between technology and other fields of study.

D. Impacts of Technology. Students shall develop abilities to assess the impacts of technology by:

- (1) Identifying its cultural, social, economic, political, and environmental effects; and
- (2) Understanding the role of society in the development and use of technology.

E. Engineering Design and Development. Students shall demonstrate knowledge of and apply the engineering design and development process through:

- (1) Research and development;
- (2) Invention and innovation;
- (3) Problem solving; and
- (4) Using and maintaining technological products and systems.

F. Core Technologies. Students shall demonstrate knowledge of and skills related to the core technologies (biotechnology, electrical, electronics, fluid, materials, mechanical, optical, structural, and thermal), the building blocks of the designed world, by studying their functions and applying them in common technology systems.

G. The Designed World. Students shall demonstrate knowledge of the major enterprises that produce the goods and services of the designed world, which include:

- (1) Medical, agricultural, and biotechnology;
- (2) Energy and power;
- (3) Information and communication;
- (4) Transportation; and
- (5) Manufacturing and construction technologies.

H. Maryland Advanced Technology Education Electives. An instructional program that meets the credit requirement specified in COMAR 13A.03.02.04 for advanced technology education in which students in the high school learning years shall develop in-depth skills and understanding related to one or more of the following:

- (1) Impacts of technology;
- (2) Technological issues; and
- (3) Engineering design.

I. Curriculum Documents. Consistent with Education Article, §4-111, Annotated Code of Maryland, each local school system shall provide technology education curriculum documents for the secondary schools under its jurisdiction that:

- (1) Include the content standards set forth in §§C—G of this regulation; and
- (2) Are aligned with the [Voluntary] State Curriculum, as developed by the Maryland State Department of Education in collaboration with local school systems.

J. Student Participation. Each student shall have the opportunity to participate in the technology education program required by this chapter.

13A.04.08.01

**.01 Requirements for Social Studies Instructional Programs for Grades Prekindergarten—**

**12.**

A. Each local school system shall:

- (1) Provide in public schools an instructional program in social studies each year for all students in grades prekindergarten—8; and
- (2) Offer in public schools a social studies program in grades 9—12 which enables students to meet graduation requirements and to select social studies electives.

B. Maryland Social Studies Program. The comprehensive instructional program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school learning years, and shall include the content standards set forth in §§C—H of this regulation.

C. Social Studies Processes and Skills. Students shall use reading, writing, and thinking processes and skills to gain knowledge and understanding of political, historical, and current events using chronological and spatial thinking, economic reasoning, and historical interpretations, by framing and evaluating questions from primary and secondary sources.

D. History. Students shall:

- (1) Examine significant ideas, beliefs, and themes;
- (2) Organize patterns and events; and
- (3) Analyze how individuals and societies have changed over time in Maryland, the United States, and the world.

E. Geography. Students shall use geographic concepts and processes to examine the role of culture, technology, and the environment in the location and distribution of human activities and spatial connections throughout time.

F. Economics. Students shall develop economic reasoning to understand the historical development and current status of economic principles, institutions, and processes needed to be effective citizens, consumers, and workers participating in local communities, the nation, and the world.

G. Political Science. Students shall understand the historical development and current status of the fundamental concepts and processes of government including authority, power, and influence, with particular emphasis on the democratic skills and attitudes necessary to become responsible citizens.

H. Peoples of the Nation and the World. Students shall understand the diversity and commonality, human interdependence, and global cooperation of the people of the United States and the world through a multicultural and a historical perspective.

I. Curriculum Documents. Consistent with Education Article, §4-111, Annotated Code of Maryland, each local system shall provide social studies curriculum documents for the elementary and secondary schools under its jurisdiction that:

- (1) Include the content standards set forth in §§C—H of this regulation; and
- (2) Are aligned with the [Voluntary] State Curriculum, as developed by the Maryland State Department of Education in collaboration with local school systems.

J. Student Participation. Each student shall have the opportunity to participate in the comprehensive social studies program required by this chapter.

13A.04.09.01

**.01 Science Instructional Programs for Grades Prekindergarten—12.**

A. Each local school system shall:

- (1) Provide in public schools an instructional program in science each year for all students in grades prekindergarten—8; and
- (2) Offer in public schools a science program in grades 9—12 which enables students to meet graduation requirements and to select science electives.

B. Maryland Science Program. The comprehensive instructional program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school learning years, and shall include the Maryland Science Content Standards set forth in §§C—H of this regulation.

C. Skills and Processes. Students shall demonstrate the thinking and acting inherent in the practice of science.

D. Earth/Space Science. Students shall use scientific skills and processes to explain the chemical and physical interactions, that is, natural forces and cycles and transfer of energy, of the environment, Earth, and the universe that occur over time.

E. Life Science including Biology. Students shall use scientific skills and processes to explain the dynamic nature of living things, their interactions, and the results from the interactions that occur over time.

F. Chemistry. Students shall use scientific skills and processes to explain the composition, structure, and interactions of matter in order to support the predictability of structure and energy transformations.

G. Physics. Students shall use scientific skills and processes to explain the interactions of matter and energy and the energy transformations that occur.

H. Environmental Science. Students shall use scientific skills and processes to explain the interactions of environmental factors, living and nonliving, and analyze their impact from a local to a global perspective.

I. Curriculum Documents. Consistent with Education Article, §4-110, Annotated Code of Maryland, each local system shall provide science curriculum documents for the elementary and secondary schools under its jurisdiction that:

- (1) Include the content standards set forth in §§C—H of this regulation; and
- (2) Are aligned with the [Voluntary] State Curriculum, as developed by the Maryland State Department of Education in collaboration with local school systems.

J. Student Participation. Each student shall have the opportunity to participate in the comprehensive science program required by this chapter.

13A.04.12.01

**.01 Mathematics Instructional Programs for Grades Prekindergarten—12.**

A. Each local school system shall:

(1) Provide in public schools an instructional program in mathematics each year for all students in grades prekindergarten—8; and

(2) Offer in public schools a mathematics program in grades 9—12 which enables students to meet graduation requirements and to select mathematics electives.

B. Maryland Mathematics Program. The comprehensive instructional program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school learning years. Each local school system shall include the content standards in §§C—I of this regulation in its curriculum.

C. Algebra, Patterns, and Functions. Students shall demonstrate knowledge of algebra, patterns, and functions by algebraically representing, modeling, or solving mathematical or real-world problems involving patterns or functional relationships, using technology when appropriate.

D. Geometry. Students shall demonstrate knowledge of geometry by applying the properties of one-dimensional, two-dimensional and three-dimensional geometric figures to describe, reason, or solve problems about shape, size, position, or motion of objects, using technology when appropriate.

E. Measurement. Students shall demonstrate knowledge of measurement by identifying attributes, units, or systems of measurement by applying a variety of techniques, formulas, tools, or technology.

F. Statistics. Students shall demonstrate knowledge of statistics by collecting, organizing, displaying, analyzing, or interpreting data to make decisions or predictions, using technology when appropriate.

G. Probability. Students shall demonstrate knowledge of probability by using experimental methods or theoretical reasoning to determine probabilities to make predictions or solve problems about events whose outcomes involve random variation, using technology when appropriate.

H. Number Relationships and Computation. Students shall demonstrate knowledge of number relationships and arithmetic/computation by describing, representing, or applying numbers and shall estimate or compute using mental strategies, paper/pencil, or technology.

I. Processes of Mathematics. Students shall demonstrate knowledge of the processes of mathematics by making connections and applying reasoning to solve problems and communicate their findings.

J. Curriculum Documents. Consistent with Education Article, §4-110, Annotated Code of Maryland, each local school system shall provide mathematics curriculum documents for the elementary and secondary schools under its jurisdiction that:

- (1) Include the content standards described in §§C—I of this regulation; and
- (2) Are aligned with the [Voluntary] State Curriculum as developed by the Maryland State Department of Education in collaboration with local school systems.

K. Student Participation. Each student shall have the opportunity to participate in the comprehensive mathematics program required by this chapter.

13A.04.14.01

**.01 Reading and English Language Arts Instructional Programs for Grades**

**Prekindergarten—12.**

A. Each local school system shall:

- (1) Provide in public schools an instructional program in reading and English language arts each year for all students in grades prekindergarten—5;
- (2) Provide in public schools an instructional program in English language arts each year for all students in grades 6—8;
- (3) Provide in public schools instruction in reading each year according to the identified needs of the students in grades 6—8; and
- (4) Offer an English language arts program in grades 9—12 which enables students to meet graduation requirements and to select English language arts electives.

B. The Maryland Reading and English Language Arts Program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school years, and shall include content standards set forth in §§C—I of this regulation.

C. General Reading Processes.

- (1) Phonemic Awareness. Students shall master the ability to hear, identify, and manipulate individual sounds in spoken words by the end of grade one.
- (2) Phonics. Students shall apply knowledge of letter and sound relationships and word structure to decode unfamiliar words by the end of grade four.
- (3) Fluency. Students shall read orally with accuracy and expression at a rate that sounds like speech.



(4) Vocabulary. Students shall use a variety of strategies and opportunities to understand word meaning and to increase vocabulary.

(5) Comprehension. Students shall use a variety of strategies to understand what they read (construct meaning).

D. Comprehension of Informational Text. Students shall read, comprehend, interpret, analyze, and evaluate informational texts.

E. Comprehension of Literary Text. Students shall read, comprehend, interpret, analyze, and evaluate literary texts.

F. Writing. Students shall compose effective expressive, informational, and persuasive writing.

G. Controlling Language. Students shall control language by applying the conventions of Standard English.

H. Listening. Students shall demonstrate effective listening to learn, process, and analyze information.

I. Speaking. Students shall communicate effectively in a variety of situations with different audiences, purposes, and formats.

J. Curriculum Documents. Consistent with Education Article, §4-110, Annotated Code of Maryland, each local school system shall provide Reading and English language arts curriculum documents for the elementary and secondary schools under its jurisdiction that:

(1) Include the content standards described in §§C—I of this regulation; and

(2) Are aligned with the [Voluntary] State Curriculum, as developed by the Maryland State Department of Education in collaboration with local school systems.

K. Student Participation. Each student shall have the opportunity to participate in the comprehensive Reading and English language arts program required by this chapter.

13A.06.02.02

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Bridge to Excellence Master Plan" means the comprehensive master plan required by Education Article, §5-401, Annotated Code of Maryland.
- (2) "Economically disadvantaged background" means a family whose income would make a child eligible for free or reduced price meals based on eligibility requirements established by the United States Department of Agriculture if the child were in kindergarten.
- (3) "Head Start" means a federally sponsored preschool program for children 3 years old to 5 years old from low income families that is licensed by Child Care Administration or administered by local boards of education.
- (4) "Qualified vendor" means a State or nationally accredited child care center or a nonpublic school approved by the Maryland State Department of Education to provide prekindergarten program services.
- (5) "State Content Standards" means measurable statements of what students should know and be able to do within a content area as defined in the [Voluntary] State Curriculum for Prekindergarten-Grade 8 developed by the Maryland State Department of Education in collaboration with local school systems.

13A.09.10.15

**.15 Type I Educational Program—Requirements for General Education Programs.**

A. Nursery School, Kindergarten, Elementary School, and Secondary School Program. A school providing one or a combination of these educational programs shall implement the Maryland

[Voluntary] State Curriculum, the general education curriculum of a local school system, or both, as applicable, for each subject or area of instruction at each grade level, as specified on its approval document.

B. Adult Basic Education Program. A school that provides an adult basic education program shall meet the following requirements:

(1) Establishment of written criteria for entry into the adult basic education program that include all of the following:

(a) Minimum skill levels in reading, writing, and mathematics below the sixth grade level as measured on a standardized test;

(b) Minimum age of 14 years; and

(c) A written statement that the GED TESTS will eventually be the appropriate means for earning a high school diploma; and

(2) Implementation of a written curriculum for each subject area that prepares a student for enrollment in a pre-GED program or a GED TESTS preparation program.

C. Pre-GED Program. A school providing a pre-GED program shall meet the following requirements:

(1) Establishment of written criteria for entry into the pre-GED program that include all of the following:

(a) Minimum sixth grade skill levels in reading, writing, and mathematics as measured on a standardized test;

(b) Minimum age of 14 years; and

(c) A written statement of determination for each student that the GED TESTS will eventually be the appropriate means for earning a high school diploma; and

(2) Implementation of a written curriculum for each subject area that prepares a student for enrollment in a GED TESTS preparation program.

D. GED TESTS Preparation Program. A school providing a GED TESTS preparation program shall meet the following requirements:

(1) Establishment of written criteria for entry into the GED TESTS preparation program that include the following requirements:

(a) Minimum ninth grade skill levels in reading, writing, and mathematics as measured on a standardized test;

(b) Minimum age of 16 years;

(c) Minimum 3-month residency in Maryland; and

(d) A written statement of determination for each student that the GED TESTS will be the appropriate means for earning a high school diploma;

(2) Determination of the appropriate placement of each student within each of the GED TESTS preparation program areas based on an assessment of the performance level of each student in the GED TESTS preparation program;

(3) Implementation of written curriculum designed to prepare a student for each of the current GED TESTS; and

(4) Administration of the GED practice test to determine student readiness to take the GED TESTS.

E. Career Development Program and Technology Educational Program.

(1) A school providing a pre-GED program or a GED TESTS preparation program, or both, as specified in §§C and D of this regulation, may also provide a noncredit granting program in career development or technology education, or both.

(2) A school providing a career development program or technology educational program, or both, shall meet all of the following requirements:

(a) Establishment of written criteria for entry into the career development program or technology educational program, or both, as appropriate; and

(b) Implementation of a written curriculum for each course provided.

(3) A career development program shall provide the following:

(a) Appropriate assessment for the identification of talents, interests, attitudes, and potential related to the world of work;

(b) An organized sequence of instruction in career exploration, career preparation, and job seeking and advancement; and

(c) An organized sequence of instruction in the proper use of tools, machines, processes, and products in one or more career preparation areas.

(4) A technology educational program shall provide instruction in the following:

(a) An organized sequence of instruction in the application of knowledge, tools, and skills to solve practical problems and extend human capabilities through technology; and

(b) An organized sequence of instruction in a variety of tools, machines, and computer systems and applications, or any one or combination of these.

13A.09.10.17

**.17 Type I Educational Program—Requirements for a Special Education Program.**

A. A school shall provide special education and related services, as applicable, consistent with each student's IEP developed through the local school system's IEP team.

B. A school shall provide special education and related services to include an organized program of instruction in English language arts, mathematics, science, social studies, and other curricular areas as appropriate.

C. A school that provides special education containing a pre-GED or GED TESTS preparation program, or both, as a part of the special education program, shall meet the requirements specified in Regulation .15C and D, and Regulation .15E if applicable, of this chapter for those educational programs.

D. Curriculum Guides.

A school that provides nursery school, kindergarten, grades 1—12, or any combination of these shall implement the Maryland [Voluntary] State Curriculum, the general education curriculum of a local school system, or both, as applicable, for each subject at each grade or age level as specified on its approval document.

E. Student-to-Teacher Ratio.

(1) A school shall provide sufficient teachers and other personnel to implement each student's IEP.

(2) Full-Day Special Education.

(a) The average class size may not exceed six students with disabilities per full-time certified teacher.

(b) If an aide is present in each class, the average class size may not exceed nine students with disabilities per full-time certified teacher.

(c) The average class size for students with significant orthopedic impairments may not exceed seven students with disabilities per full-time certified teacher when an aide is present in each class.

(3) Residential Special Education. A school providing residential special education services as specified on the approval document of the school shall meet the following student-to-teacher ratio for its entire special education program:

(a) The average ratio of students to qualified staff may not exceed an average of four students with disabilities per full-time certified teacher and, if applicable, full-time certified or licensed related services provider; or

(b) If an aide is present in every class, the average ratio of students to qualified staff may not exceed seven students with disabilities per full-time certified teacher and, if applicable, full-time certified or licensed related services provider.

#### F. Assessment.

(1) As a condition of admission, a school shall have on file assessments provided by the local school system for each student enrolled, as required by COMAR 13A.05.01.

(2) The assessments as required by COMAR 13A.05.01 shall document each student's eligibility for the special education and related services provided by the school in accordance with the student's IEP.

#### G. Individualized Education Program (IEP).

(1) As a condition of admission, a school shall have on file a copy of the IEP approved by the local school system for each student before implementing the student's educational program.

(2) A school shall implement the IEP approved by the local school system for each student enrolled for each year of the student's enrollment.

(3) The current IEP of each student shall be available in the classroom of each student.

(4) Documentation of Student Progress Toward IEP Goals.

(a) A school shall document student progress in the achievement of IEP goals as often as the progress of students without disabilities is documented.

(b) A school shall provide a copy of its IEP progress documentation to the local school system of each student.

(5) Documentation of Each Related Service.

(a) A school shall maintain documentation of each related services session provided as required by the IEP of each student enrolled.

(b) That documentation shall contain the following information:

(i) Student's first, middle, and last names;

(ii) Month, day, and year of each related services session;

(iii) Length of time of each related services session;

(iv) IEP goal or objective being implemented during each session and notes regarding progress;

and

(v) Signature and title of the related services provider.

(6) A school shall maintain policies and procedures approved by the placing local school system or systems that provide for notification to the local school system regarding related services specified on the IEP of a student that the school has not provided.

H. Administrative Practices.

(1) A school providing a special education program to students with disabilities not placed in the school by a local school system shall have:

(a) A written agreement with the local school system where the school is located that describes the local school system's responsibility for implementing the procedural safeguards of COMAR

13A.05.01 in cooperation with the school; or



(b) If no written agreement is developed, documentation of at least two attempts to enter into a written agreement with the local school system.

(2) A school shall have written policies and procedures for:

(a) Participating in the development of an IEP with the local school system that referred the student for placement; and

(b) Promptly notifying the local school system if the IEP needs to be revised after a student is enrolled.

(3) A school shall have written policies and procedures for dismissal of students, including:

(a) Promptly requesting that the responsible local school system that referred the student for placement conduct an IEP team meeting before a recommendation to dismiss a student is made; and

(b) Maintaining a student's placement during mediation or due process proceedings, unless the IEP provides for an alternative placement during due process proceedings and the parent has agreed to the alternative placement.

(4) In accordance with COMAR 13A.08.01 and 13A.08.03, a school shall have written policies and procedures for notifying the responsible local school system regarding either the removal of a student for more than 10 consecutive school days or a series of removals of a student that constitute a pattern because the removals cumulate to more than 10 school days in a school year.

I. Residential Special Education and Related Services. A school providing residential special education and related services:

(1) Shall provide documentation that it implements the residential component of the IEP for each student;

(2) Shall provide documentation of the integration of the day and residential programs;

- (3) Shall hold all licenses as required by State or local government, or both, to operate; and
- (4) May not be approved to operate in a private home.

13A.09.10.20

**.20 Type III Educational Programs.**

A. In a Type III educational program, the school shall provide a transitional instructional program to the residents of the licensed facility, not to exceed an average of 60 school days, in a facility licensed by a unit of State government.

B. A school may provide any one or combination of the following Type III educational programs:

- (1) Nursery school;
- (2) Kindergarten or grades 1—12, or any consecutive sequence of these that continues implementation of a student's public school program;
- (3) Diagnostic-prescriptive educational program;
- (4) Pre-GED program; or
- (5) GED TESTS preparation program.

C. Description of the Educational Program.

(1) A school shall have a written description of its educational program prepared as a single narrative that is distributed to the representatives of agencies placing students at the school.

(2) The written description referenced in §C(1) of this regulation shall include all of the following:

- (a) A statement of the purpose or goals toward which the educational program's efforts are directed;
- (b) The name of the legal authority;

- (c) Identifying information to include the name of the school, address of the school, and telephone number of the school;
- (d) Table of organization or organizational chart to include:
  - (i) The name of the legal authority;
  - (ii) The governing board of the educational program, if applicable;
  - (iii) The specific structure and components of the educational program; and
  - (iv) If applicable, any other program components governed and operated by the same legal authority at the same location;
- (e) Student enrollment capacity and characteristics including the age and gender of each student enrolled;
- (f) Educational program or programs provided, as specified in §B of this regulation;
- (g) Teacher or teachers employed to implement the educational program; and
- (h) Description of the physical facilities used by the educational program.

D. Admission of students with an IEP in a Type III Educational Program. A school shall maintain and implement policies and procedures for the admission of a student with an IEP or suspected disability into a general education program, as outlined in the Department's "Policies and Procedures for Educating a Student with an Individualized Education Program (IEP) in a Type I or Type III Nonpublic General Education Program Approved under COMAR 13A.09.10."

E. Acquisition of Previous Student Records.

(1) Within 5 school days of a student's placement, a school shall acquire all of the following educational information from an official of the previous school placement for a student in order to determine an appropriate educational program:

- (a) Student's previous grade placement;

- (b) Student's performance in each curricular area;
- (c) Student's high school credits earned to date, if applicable;
- (d) Student's IEP, if applicable;
- (e) Maryland assessment results, if applicable; and
- (f) Student's days of attendance in the current school year.

(2) The information in §D(1) of this regulation may be acquired by telephone or by electronic means.

(3) A school shall maintain a record of the information acquired in accordance with §D(1) of this regulation. This record shall include the month, day, and year of contact, and the name and title of the individual from whom the information was acquired.

(4) When a school does not have the previous student record of a student, a school shall document at least two attempts to acquire the previous student records within 5 school days of the student's placement to include the following information:

- (a) The month, day, and year of contact;
- (b) The name and title of the individual from whom the information was requested; and
- (c) The result of each attempt.

#### F. Personal Education Plan (PEP).

(1) Within 5 school days of entering a facility, a school shall develop a PEP for each student.

(2) The PEP shall include all of the following:

- (a) Student's first, middle, and last names;
- (b) Student's gender;
- (c) Month, day, and year of the student's birth;
- (d) Beginning month, day, and year for implementation of the PEP;

- (e) Grade level of student's performance in reading and mathematics;
- (f) Standardized tests or diagnostic tests, or both, used to determine the grade level of the student's performance in reading and mathematics, and the month, day, and year of administration;
- (g) Educational program or programs in which a student is enrolled as specified in §B of this regulation;
- (h) Student's educational plan with at least one goal for each area of instruction;
- (i) Schedule of student's classes and teachers;
- (j) Transition plan to prepare the student for specific further education or training, employment, or independent living, or any combination of these;
- (k) Month, day, and year of PEP development; and
- (l) Signature of individual who developed the PEP.

#### G. Student Progress Report.

- (1) When a student leaves a school, a progress report that includes all of the following information shall be prepared:
  - (a) Performance or grades, or both, in each curricular area;
  - (b) Code for the meaning of the performance information or grades, or both;
  - (c) Month, day, and year of entrance in the educational program;
  - (d) Month, day, and year of withdrawal from the educational program;
  - (e) Specific days of attendance in the educational program;
  - (f) Hours of instruction in each curricular area at the secondary level; and
  - (g) Recommendations for educational placement, including referral for special education services, if appropriate.

(2) The progress report and PEP of a student shall be given to the placing agency representative upon discharge from the facility.

#### H. Instructional Materials and Equipment.

(1) A school shall own instructional materials and equipment that include print, manipulative, audiovisual and electronic materials, and equipment in sufficient variety, quantity, and quality to implement the educational program.

(2) The instructional materials and equipment used by the local school system to implement the general education curriculum that is aligned with the [Voluntary] State Curriculum shall be used to implement the educational programs specified in §B(2) of this regulation.

#### I. Certificate for Teachers.

(1) With the exception of a teacher providing instruction in a GED TESTS preparation program, a teacher shall hold a valid Maryland teaching certificate.

(2) A teacher providing instruction in a GED TESTS preparation program shall hold at least one of the following credentials:

- (a) Bachelor's degree from an IHE;
- (b) 120 semester hours of college credit from an IHE; or
- (c) Bachelor's degree equivalent as determined by a Department designated independent agency authorized to evaluate foreign credentials.

J. Student-to-Teacher Ratio. The student-to-teacher ratio may not exceed ten students to one full-time certified teacher unless the Department approves a written justification for the increased number that is educationally sound.

K. Schedule of the School Day. A school shall:

- (1) Develop a written schedule of the school day including the beginning and end of the school day and other important periods;
- (2) Distribute the schedule of its school day to the representatives of agencies placing students in the school or to the parents of students enrolled, as applicable;
- (3) Operate for at least 3 clock hours a day exclusive of time scheduled for meals; and
- (4) Be in session 5 days a week except for holidays, vacations, and other pertinent events or activities.

L. Calendar of the School Year. A school shall:

- (1) Develop a written calendar of the school year that includes the month, day, and year for the opening and closing of the school, and the specific and total number of days of instruction;
- (2) Provide at least 180 days of instruction per year; and
- (3) Distribute the written calendar to the representatives of agencies placing students in the school or to the parents of students enrolled, as applicable.