



Bernard J. Sadusky, Ed.D.
Interim State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Bernard J. Sadusky, Ed.D. *BS*
DATE: August 30, 2011
SUBJECT: COMAR 13A.01.02.05
Facilities Required in Public Schools

ADOPTION

And

Physical Education Facilities Guidelines
for New Construction and Major Renovations

APPROVAL

PURPOSE:

The purpose of this item is to seek adoption of COMAR regulations pertaining to facilities required in public schools and to establish voluntary design guidelines for Physical Education facilities.

BACKGROUND:

Chapter 267, Acts 2010 amended §7-409 of the Education Article, *physical education program*, to require the Maryland State Department of Education to adopt regulations that require all new public schools and public schools that are completely renovated and occupied after January 1, 2013, to include a gymnasium and adequate support spaces for physical education instruction. The regulation must also include a waiver process.

The statute further requires the Department to adopt guidelines for facilities for physical education programs. The proposed guidelines have been developed by staff in consultation with local physical education coordinators and facilities planning directors. These guidelines can be found online at <http://www.marylandpublicschools.org/MSDE/newsroom/publications/>. The title of the publication is Physical Education Facilities Guidelines for New Construction and Major Renovations.

SUMMARY:

The first proposed action establishes a new general chapter on required public school facilities, referencing in Section A the existing, unchanged, regulation on facilities for school health services, COMAR 13A.05.05.10, and establishing in Section B, a new regulation, COMAR 13A.01.02.05 B for physical education program facilities. The physical education program facilities requirement will primarily affect construction projects at elementary schools. Currently new and renovated secondary

schools are almost invariably designed with a gymnasium and support spaces. The regulation was published in the Maryland Register on July 1, 2011. The public comment period ended August 1, 2011. No public comments were received.

The second proposed action fulfills the requirement in §7-409 of the Education Article for the Board to establish guidelines for facilities for physical education programs. (Under §2-205 of the Education Article, the Board has the power and duty to establish school construction guidelines upon the recommendation of the State Superintendent.) By approving these voluntary guidelines the Board has the opportunity to make a positive change in the learning environment for all children in Maryland by supporting efforts to enhance the facilities for physical education instruction in schools.

Today's physical education program is significantly more individualized, concept-centered, and technology-based than the traditional physical education program. Physical education can serve as a vehicle for helping students develop the knowledge, attitudes, motor skills, behavioral skills, and confidence needed to adopt, maintain, and make informed decisions about leading a physically active life. It is the vision of the Maryland State Department of Education that providing school facilities which encourage increased physical activity will enable our society to address the significant concern about childhood and adult obesity and lead to a healthier adult population.

ACTION:

I request that you:

1. Adopt *Facilities Requirements in Public Schools, COMAR 13A.01.02.05*, and
2. Approve Physical Education Facilities Guidelines for New Construction and Major Renovations, as a voluntary design guide.

Attachments

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.02 State Superintendent of Schools

Authority: Education Article, §§2-205(g), 2-303, 5-301, and 7-409, Annotated Code of Maryland

Notice of Proposed Action

[11-170-P]

The Maryland State Board of Education proposes to adopt new Regulation .05 under COMAR 13A.01.02 State Superintendent of Schools. This action was considered at the Maryland State Board of Education meeting held on April 26, 2011.

Statement of Purpose

The purpose of this action is to combine existing regulation on facilities for School Health Services (COMAR 13A.05.05.10) with a new section for Physical Education Programs. House Bill 334 requires the Maryland State Department of Education to adopt regulations to require all new schools and schools that are completely renovated and occupied after January 1, 2013, to include a gymnasium and support spaces for physical education instruction.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Revenues are not affected. The action does not alter total State funding for school construction but may reduce the number of school construction projects funded in order to accommodate the State share of construction costs for gymnasiums. Rather than increase local capital expenditures to fund the potential increase in local costs, some local jurisdictions may opt to fund fewer school construction and renovation projects.

II. Types of Economic Impact.	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Varies
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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

C. Secondary schools have long included gymnasiums. All school systems are now including separate gymnasiums in new elementary schools and major renovation projects, so there is no additional, unanticipated construction cost.

As of 2010, there were 191 elementary schools with multipurpose rooms only and no separate gymnasiums. The law does not require school systems to add gymnasiums to each of these existing schools. Only the schools identified by the school system for a major renovation would now be required to provide a separate gymnasium. The estimated construction cost of an elementary gymnasium addition of 6,500 gross square feet to an existing school is between \$1.5 and \$2 million.

While the construction cost of an individual school with a gymnasium is greater than a school without, the total amount of funding spent on school construction by a school system is unlikely to change.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

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

The construction or addition of gymnasiums to all public schools will have a positive impact on individuals with disabilities by supporting the integration of persons with disabilities in general physical education and recreation programs and by supporting the development of adapted physical education programs.

Opportunity for Public Comment

Comments may be sent to Barbara Bice, School Facilities Branch Chief, Business Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0097 (TTY 410-333-6442), or email to bbice@msde.state.md.us, or fax to 410-333-6522. Comments will be accepted through August 1, 2011. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on August 30—31, 2011, at 200 West Baltimore Street, Baltimore, Maryland 21201.

.05 Facilities Required in Public Schools

A. School Health Services. School health services shall be provided in designated health facilities consistent with COMAR 13A.05.05.10.

B. Physical Education Program.

(1) Scope. This section applies only to schools:

(a) Built and occupied, or renovated and occupied, after January 1, 2013; and

(b) For which a request for proposal for the selection of an architectural and engineering design consultant for construction or renovation was initiated after July 1, 2010.

(2) Purpose of Facilities. The facilities required in this section are to support the Physical Education instructional program required in COMAR 13A.04.13.

(3) Design Guidelines. The design of facilities required in this section shall be based on voluntary guidelines approved by the State Board of Education for physical education programs.

(4) The following minimum spaces are required:

(a) Gymnasium;

(b) Teacher office or planning area;

- (c) Equipment storage area or areas;
- (d) Outdoor instructional playing field; and
- (e) Outdoor instructional hard surface area.

(5) Waiver.

(a) The local superintendent of schools may request a waiver of all or part of this section based on design constraints due to:

- (i) Size of the school site;
- (ii) Configuration of the school site; and
- (iii) Zoning.

(b) The State Superintendent of Schools may waive all or part of this section.

(c) The waiver decision of the State Superintendent of Schools may be appealed to the State Board of Education.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

Authority: Education Article, §§2-205, 2-303(g), 6-121, and 6-701—6-705, Annotated Code of Maryland

Notice of Proposed Action

[11-164-P]

The Professional Standards and Teachers Education Board proposes to adopt new Regulation .27 under COMAR 13A.12.02 Teachers. This action was considered at the Professional Standards and Teacher Education Board meeting held on April 7, 2011

Statement of Purpose

The purpose of this action is to allow individuals who possess a unique career skill set to enter the teaching profession.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Jean Satterfield, Assistant State Superintendent, Certification and Accreditation, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0385 (TTY 410-333-6442), or email to jsatterfield@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through August 1, 2011. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Professional Standards and Teacher Education Board during a public meeting to be held on September 1, 2011 at 9:00 A.M., at 200 West Baltimore Street, Baltimore, MD 21201.

.27 Specialized Professional Areas (Grades 7—12).

A. To receive certification in specialized professional areas (grades 7—12), the applicant shall:

- (1) Earn a secondary school diploma/high school equivalency;

(2) Present official verification of 5 years of satisfactory career professional experience in the area to be taught; and

(3) Meet the professional education coursework as required in §B(2) of this regulation.

B. Professional Education Courses.

(1) The applicant for specialized professional areas shall complete the professional education course work, as provided in §B(2) of this regulation, from an IHE or through Department-approved Continuing Professional Development credits.

(2) The professional education course work shall include the following topics:

- (a) Lesson planning and delivery of instruction;
- (b) Assessing instruction;
- (c) Diversifying instruction to accommodate special needs;
- (d) Managing the instructional environment; and
- (e) Providing literacy instruction relevant to the specialized professional area.

C. Special Provisions.

(1) Department-recognized specialized certifications from appropriate professional organizations may be used in lieu of 2 years of career professional experience.

(2) This certification is not transferable to corresponding disciplines in a comprehensive school.

(3) A list of specialized professional areas and approved professional organizations will be maintained by the Department.

NANCY S. GRASMICK
State Superintendent of Schools

Title 13B

MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 02 ACADEMIC REGULATIONS

Notice of Proposed Action

[11-159-P]

The Maryland Higher Education Commission proposes to:

(1) Amend Regulations .04, .05, .07, and .08 under COMAR 13B.02.01 Requirements for Authorization of Out-of-State Degree-Granting Institutions to Operate in Maryland;

(2) Amend Regulations .04 and .06 under COMAR 13B.02.02 Minimum Requirements for In-State Degree-Granting Institutions;

(3) Adopt Regulation .02-1 under COMAR 13B.02.03 Academic Programs — Degree-Granting Institutions; and

(4) Amend Regulation .03 under COMAR 13B.02.04 Exemption Procedures for Religious Educational Institutions and Religious Institutions.

This action was considered by the Maryland Higher Education Commission and approved at its meeting on May 18, 2011, notice of which was given pursuant to State Government Article, §10-506, Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend and adopt regulations to increase the fee for application for a certificate of approval from the Maryland Higher Education Commission and establish fees for applications for approval of academic program activities by the Maryland Higher Education Commission.