



Nancy S. Grasmick
State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: March 22, 2011

SUBJECT: COMAR 13A.05.11
Regulations for Juvenile Services Educational Programs
ADOPTION

PURPOSE:

The purpose of this action is to seek adoption of regulations for the Education Coordinating Council for Juvenile Services Educational Programs. (Attachment I)

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 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

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is in compliance with 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.

Opportunity for comment was provided. One comment was received by the Maryland Disability Law Center. The attached chart summarizes those comments and the staff's response.

ACTION:

I request that you adopt Regulations .01 through .10 under COMAR 13A.05.11.

NSG:mm
Attachments- Proposed Regulations and Comments

PROPOSED ACTION ON REGULATIONS

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(d) Commercial license[.]; or

(e) Moped permit.

(3) "Identification document" means [a moped permit or] an identification card issued by the Administration.

.03 Use of the Social Security Number.

A. The Administration may use the social security number for the following purposes:

(1)—(2) (text unchanged)

(3) Verifying the [identity of a person when two individuals have the same name and the same date of birth;] data provided through the Social Security Administration Database.

(4)—(11) (text unchanged)

B. (text unchanged)

JOHN T. KUO

Administrator

Motor Vehicle Administration

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.11 Juvenile Services Education

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

Notice of Proposed Action

[11-069-P]

The Maryland State Board of Education proposes to adopt new Regulations .01 — .10 under a new chapter, COMAR 13A.05.11 Juvenile Services Education. This action was considered at the December 14, 2010, meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to adopt new regulations to be in compliance with Education Article §§22-305 and 22-306(b).

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 an impact on individuals with disabilities as follows:

It is consistent with the federal and State requirements to provide special education and related services to students with disabilities.

Opportunity for Public Comment

Comments may be sent to Mark Mechlinaki, Director, Juvenile Services Educational Program, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0500, or email to mmechlinaki@msde.state.md.us, or fax to 410-333-2570. Comments will be accepted through February 28, 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 March 22 and 23, 2011, at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Scope.

This chapter implements Education Article, Title 22, Subtitle 3, Annotated Code of Maryland, for the conduct and management of the Juvenile Services Educational 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 the 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 Human Services Article, §9-226, Annotated Code of Maryland.

(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 Educational 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 6-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 6 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 Educational 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 Educational 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. The Department may transfer education records to DJS personnel who have been determined by the Department to have legitimate educational interests.

.10 Education Coordinating Council for Juvenile Services Educational Programs.

A. Education Article, §22-305, Annotated Code of Maryland, 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.

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 12 CERTIFICATION

13A.12.02 Teachers

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

Notice of Proposed Action
[11-068-P]

The Professional Standards and Teacher Education Board proposes to amend Regulations .06, .08, .13, .14, .16, and .17 under COMAR 13A.12.02 Teachers. This action was considered at the December 2, 2010, meeting of the Professional Standards and Teacher Education Board.

Statement of Purpose

The purpose of this action is to align the number of credit hours required for course work, from 36 to 30, with other sections in this chapter, as well as in COMAR 13A.12.01. Additionally, existing language for Work-Based Learning Coordinator is changed to clarify that this area may be added only to an existing professional certificate.

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, Maryland 21201, or call 410-767-0385, or email to jsatterfield@msde.state.md.us, or fax to 410-333-8963. Comments will be accepted through February 28, 2011. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Professional Standards and Teacher Education Board during a public meeting to be held on March 3, 2011, at 200 West Baltimore Street, Baltimore, MD 21201.

.06 Certification in General Secondary Academic Areas (Grades 7—12).

A. To receive certification in the areas of agriculture (agribusiness and renewable natural resources), biology, business education, chemistry, computer science, earth/space science, English, foreign language—classical, foreign language—modern, geography, history, mathematics, physical science, physics, speech communication, and theater, the applicant shall:

- (1) Complete one of the following options:
 - (a) (text unchanged)

COMMENTS RECEIVED FROM THE MARYLAND DISABILITY LAW CENTER
ON THE PROPOSED COMAR REGULATIONS
FOR THE JUVENILE SERVICES EDUCATION PROGRAM

Regulation	MDLS Comment	MSDE Response
<p>13A.05.11.06 Special Education Instruction and Related Services</p> <p>Eligible students with disabilities will receive special education and related services as specified in an existing IEP or based on the determination of eligibility as a student with a disability by the Residential Facility School IEP team in accordance with COMAR 13A.05.01.</p>	<p>1. We support the requirement that eligible students with disabilities receive special education and related services specified in an existing IEP. MDLC is concerned about the ability of Residential Facility Schools to meet the requirements of certain IEP's, and the incentive this creates to modify the IEP to include fewer or less-intensive services and accommodations.</p>	<p>1. MSDE provides a full continuum of services which allows JSE to implement IEP's for students with identified disabilities inside and outside the general education setting. MSDE is required to convene an IEP team meeting to conduct annual reviews of a student's IEP or revise an IEP under circumstances identified in COMAR 13A.05.01 and the IDEA. MSDE disagrees that the regulation creates an incentive to include fewer or less-intensive services and accommodations.</p>
	<p>2. Prior to a student with disabilities being placed in a residential placement, a determination must be made as to whether the Residential Facility School is able to implement the existing IEP. If the IEP cannot be implemented, then the placement may not be appropriate.</p>	<p>2. MSDE does not determine the placement of youth in DJS residential facilities. DJS places youth in detention or committed programs.</p>
	<p>3. When an IEP meeting is held at the Residential Facility School, MDLC believes it is important to include members of the IEP team from the student's home school whenever possible.</p>	<p>3. MSDE agrees that it is beneficial for individuals who know the educational needs of the student to participate in the Residential Facility IEP meeting.</p>

<p>Section 13A.05.11.04 Administrative Practices</p> <p>A. The Program shall operate at least 220 school days and a minimum of 1,320 school hours during a 12 month period.</p> <p>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.</p> <p>C. The Program shall have a written schedule for each school day 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.</p> <p>D. The Program shall provide unit based instructional services a minimum of six hour per week to students who are unable to attend the Residential Facility School because of illness or injury.</p>	<p>We support the requirement that Residential Facility Schools shall provide unit-based instructional services a minimum of 6 hours per week for youth unable to attend school; however we believe such language could be strengthened by specifying that the unit-based instruction means direct instruction provided by a certified teacher. Based on experience, MDLC is concerned that Residential Facilities provide more than just educational work packets to students who are unable to attend due to injury or illness.</p>	<p>The regulation ensures that students receive educational instruction consistent with Maryland law who are to unable to attend school due to injury or illness, Certified teachers are assigned to provide those direct services in the facility infirmary.</p>
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