



Nonpublic School Approval: Soup to Nuts

Navigating an Onsite Monitoring Visit

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September 15, 2016

Website

[Division of Educator Effectiveness](#)

Nonpublic School Approval
Certification

Teacher Preparation and Program Approval

Amendments/Annual Reports

- Approval Document
 - Post conspicuously
 - Must not operate outside of specifications (exception-disabilities served)
- Amendments
 - Must be completed if changing the approval document
 - Notify MSDE at least 60 days in advance
 - May not amend if an area of noncompliance is outstanding
- Annual Report

Nonpublic School Programs

Type I

A Type I educational program is one or a combination of the following instructional programs provided by a school, on the grounds of the school, on a full-time basis to students who are enrolled in the instructional program of the school:

- (1) Nursery school, kindergarten, elementary school, secondary school, or a consecutive sequence of these;*
- (2) Adult basic education;*
- (3) Pre-GED program;*
- (4) GED TESTS preparation program;*
- (5) Career development educational program;*
- (6) Technology educational program;*
- (7) Special education and related services.*

Nonpublic School Programs Type II

In a Type II educational program, instruction shall be provided by a nonpublic school and public school either on the grounds of the nonpublic school and the grounds of the public school, or solely on the grounds of the public school, with the primary goal of integrating students into the public school instructional program to the greatest extent appropriate.

Nonpublic School Programs

Type III

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.

Certifications of Compliance

- Criminal Convictions (Education Article, §2-206.1)
- Criminal Background Check (Family Law Article, Title 5, Subtitle 5)
- Reporting Suspected Child Abuse and Neglect (Family Law Article, Title 5, Subtitle 7)
- Nondiscrimination (Education Article, §2-206(e)(3))

Criminal Background Check Family Law §§ 5-560 – 5-568

- Effective October 1, 1986
- Requires the Nonpublic School to Apply for a Criminal History Background Check for
 - Each Employee and Employer (including temporary employees and contractors)
 - On or Before their First Day of Actual Employment

Criminal Background Check Education Article §2-206.1

- Effective July 1, 2006
- Amended October 1, 2010
- Applies to each nonpublic school subject to the State Board of Education Approval
- The Law Prohibits a Nonpublic School from:
 - Hiring or retaining any employee who works with or has access to students; and
 - Who the schools knows has been convicted of a specific crime

FOR MSDE USE:

Date of Monitoring: _____

Date of Previous Monitoring: _____



Division of Educator Effectiveness
 Nonpublic School Approval Branch
 200 West Baltimore Street
 Baltimore, Maryland 21201
 (410) 767-0409

Criminal History Records Check Documentation in Nonpublic Schools

A nonpublic school is required to produce documentation verifying that a criminal history records check has been applied for on or before the first day of actual employment for each school employee and employer whose employment at the school began on or after October 1, 1986 as required by Annotated Code of Maryland, Family Law Article, Title 5, Part VI., §5-562 (a)(1)-(2). Furthermore, as stated in Education Article §2-206.1, a nonpublic school may not hire or retain any employee who works with or has access to students who the school knows has been convicted of a crime involving an offense under §3-307, child sex abuse under §3-602, or a crime of violence as defined in §14-101 of the Criminal Law Article regardless of the employee's date of hire.

Directions: The school is required to complete this form and compile documentation verifying the criminal history records check (CHRC) information requested below. The school is required to have that documentation available at the school in one consecutive alphabetical order that corresponds to the names of the employees and employers that are provided below. This form applies to all employees, including those that are not assigned to the educational program, who work with or have access to students.

Name of Employee*/Employer**	Position Title	Date of Employment	Date Application for Criminal History Records Check was Submitted	Documentation of Verification of Criminal History Records Check on File (indicate #1, #2, or #3***)	Date Federal CHRC results were received by the employer	Date State CHRC results were received by the employer	Results are in compliance with Education Article §2-206.1 (yes or no ****)	FOR MSDE USE CHRC Application date (C or NC)	FOR MSDE USE Date and initials of reviewer
		Click here to enter a date.	Click here to enter a date.		Click here to enter a date.	Click here to enter a date.			
		Click here to enter a date.	Click here to enter a date.		Click here to enter a date.	Click here to enter a date.			
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CHRC Monitoring

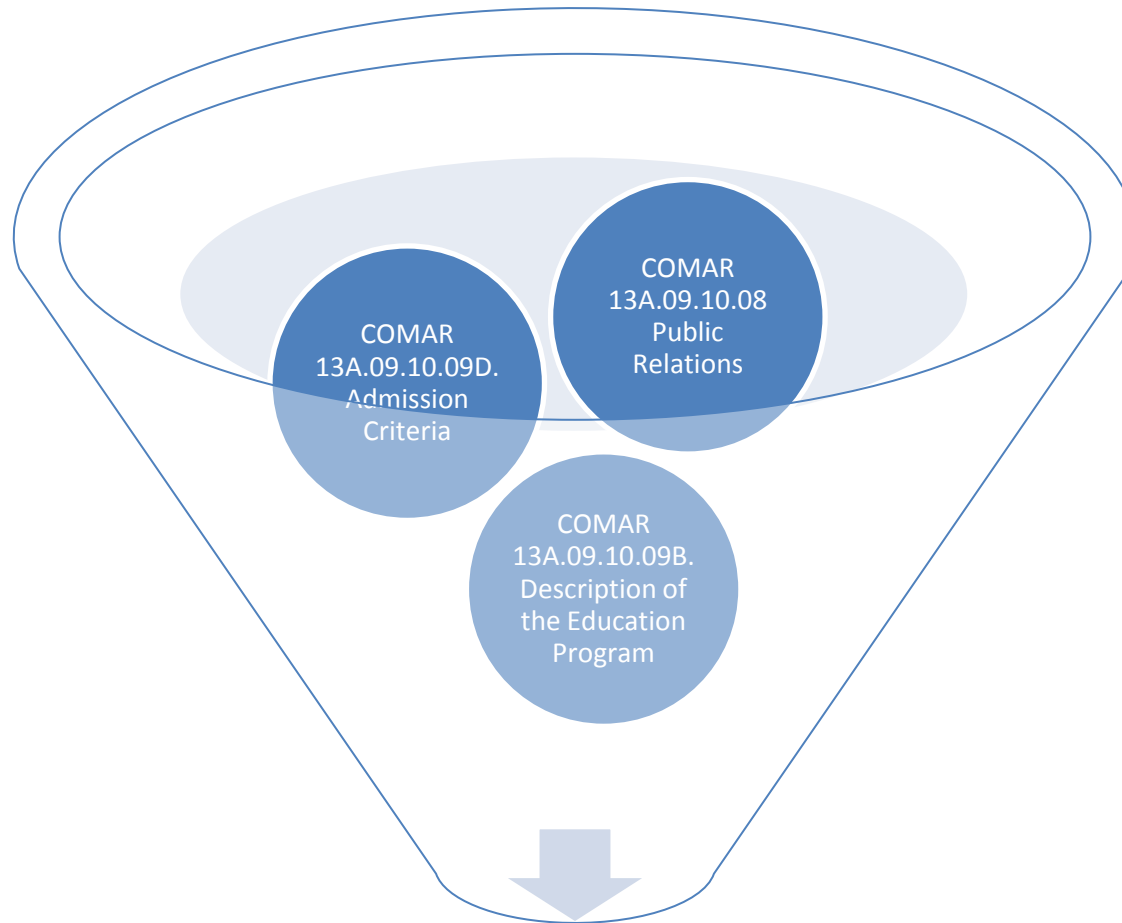
Acceptable Documentation

- The original or a copy of completed Disclosure Section of the Application for Criminal History Records Check
- The original or a copy of the completed Acknowledgement of Receipt of an Application for a Criminal History Records Check
- A copy of the completed 180-day waiver application

Common Errors

- All employees and employers are not included
- School does not use an approved agency to conduct CHRC
- School verifies compliance without both the Federal and State Results having been received
- Form not signed by the Chief Officer of the Legal Authority
- Incorrect use of #1, #2, or #3 as identified on the form
- Results are submitted as documentation
- Inconsistencies/errors in hire and application date

Regulations that Guide Student Referrals & Admission



Referral Of Student

Public Relations

- Regulations require that PR Materials by whatever means provided shall be accurate and may not be misleading by actual statement, omission or inference
 - Public Relations Materials may include:
 - Brochures;
 - Websites;
 - Handouts;
 - Radio and TV Advertisements; and
 - Calendars.

Description of the Education Program- Type I, and III

- Distributed annually to placing agencies
- Description must include:
 - Purpose or goals of the educational program
 - Name of Legal Authority
 - Identifying school information (name of school, address, telephone)
 - Table of Organization
 - Student enrollment capacity and characteristics including age, gender, and disability
 - Education program(s) provided
 - Staff positions employed to implement educational program
 - Description of the physical facilities.

Description of Education Program- Type II

- Distributed annually to placing agencies
- Description must include:
 - Purpose or goals of the educational program
 - The name of the legal authority
 - Identifying school information (name of school, address, telephone)
 - Table of organization
 - Student enrollment capacity and characteristics including the age, gender, and, if applicable, disability
 - Educational program/s provided by the nonpublic school
 - Instruction provided by the public school to students who are also enrolled in the nonpublic school
 - Staff employed by the nonpublic school to implement the educational program, including related services
 - Description of the physical facilities used by the school.

Admissions Criteria- Type I and II

- Distributed annually to placing agencies
- Written admissions statement must include:
 - Age
 - Gender
 - Disability(ies)
 - Academic performance levels
 - Behavioral characteristics
 - Behavior or other characteristics that would preclude admission
 - Grade(s)

Admissions Criteria- Kindergarten Type I and II

- A child who will be 5 years old or older on September 1 is age eligible for enrollment in a kindergarten program
- A school may adopt policies and procedures permitting a 4-year-old child to be admitted to kindergarten, upon the request of the parent or guardian, if the school determines that the child demonstrates capabilities warranting early admission

Admission of Students with an IEP in a General Education Program (Type I, II,III)

A school shall maintain and implement policies and procedures for the admission of a student with special education needs 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"

Common Errors

- PR Materials
 - PR materials do not match the program description
 - The various types of PR Materials have inconsistencies
 - Website is usually more current than print materials
- Program Description
 - Student enrollment capacity
 - Table of Organization and written description do not match
 - Table of Organization does not include all elements of the Legal Authority
- Admission Criteria
 - Noncompliant behavioral characteristics that would preclude admission have been omitted

Student Records



Student Records

- Before enrolling a student, the school shall review the record of the most recently attended school to determine appropriate grade or program placement;
- If the previous student record is not available before enrollment, the school shall document at least 2 attempts within 5 days to obtain the record
- Upon discharge, the school shall give a copy of the complete record to the placing agency

Type I and II

- A school shall maintain student record information on a standard form for each student, which includes:
 - School name
 - School address
 - School telephone #
 - Student name (first middle and last)
 - Student birth date
 - Student home address
 - Enrollment date
 - Withdrawal date (or blank space)

Type I and II

- A school shall maintain student record information in a standard format for each student, which includes:
 - Student attendance
 - Student performance information on IEP, grades, or both
 - Code for the meaning of the performance information, grades, or both
 - Student IEP or PEP, or both
 - Student grade placement

Type III

- Within 5 days of placement, a school shall acquire the following student information via telephone or electronically:
 - Previous grade placement
 - Performance in each curricular area
 - High school credits earned to date
 - IEP (if applicable)
 - MD assessment results
 - Days of attendance in the current SY

Type III

- When the record is unavailable, the school shall document at least 2 attempts to acquire within 5 school days to include:
 - Month, day and year of contact
 - Name and title of individual from whom the info was requested
 - Result of each attempt

**REVIEW OF STUDENT RECORD
COMAR 13A.09.10. Onsite Monitoring**

MSDE USE ONLY

Reviewer Identification Information:

School Name: _____

Date of Record Review (m/d/y): _____

Name and Agency of Reviewer: _____

Student Record Components (Type I / Type II General and/or Special Education)

Access log with required components in student record (yes/no): <input type="checkbox"/> Student's name (f,m,l) <input type="checkbox"/> Name of Reviewer <input type="checkbox"/> Date of Review (m/d/y) <input type="checkbox"/> Purpose of Review	
Student's first, middle and last names (indicate initials only here):	
Student's DOB (m/d/y):	
Student's home address in student record (yes/no):	
Date of enrollment (m/d/y):	
Student's Grade Placement:	
Date of withdrawal (m/d/y) or space on the record form for date of withdrawal (yes/no):	
School's name/location address/phone number in student record (yes/no):	
Specific days of attendance in student record (yes/no):	
Student performance information (grades) in student record for general education students (yes/no/NA):	
Code for the meaning of performance or grades or both (yes/no):	
Student's PEP or IEP, or both, as applicable (yes/no):	
Previous school record in student record (yes/no): <input type="checkbox"/> IEP, <input type="checkbox"/> Report Card, <input type="checkbox"/> Assessments, <input type="checkbox"/> demographic info, <input type="checkbox"/> other _____	
If the previous record is not available before enrollment, documentation of at least 2 attempts to acquire previous student records within 5 days of placement (yes/no):	
Other student name(s) identified in this student's record (yes/no):	
+Secondary school transcript with all required components (yes/no/NA): <input type="checkbox"/> Student's name (f,m,l) <input type="checkbox"/> Student's DOB <input type="checkbox"/> Student's home address <input type="checkbox"/> Date of enrollment in school's secondary program <input type="checkbox"/> Date of withdrawal <input type="checkbox"/> School's name/address/phone number <input type="checkbox"/> Credits earned <input type="checkbox"/> Grades earned <input type="checkbox"/> Code for grading system <input type="checkbox"/> Transfer credits <input type="checkbox"/> School originally granting transfer credit <input type="checkbox"/> Total days of attendance each school year <input type="checkbox"/> summary of state test requirements <input type="checkbox"/> Summary of service learning hours	

Common Errors

- Middle name missing on “access log”
- Student record not in a "standard format“
- Assessments are unsigned
- No documentation of attempts to gain previous records (Type I and II) or documentation incomplete (Type III)
- Attempts to gain previous records documented after 5 days from enrollment
- IEP has not been amended to reflect current placement

PEPs

- *A written description of a student's general education program and includes an IEP for an identified student with a disability or disabilities*
- Type I: A Personal Education Plan (PEP) shall be developed for each student who is enrolled in an educational program that is not a full-day or residential special education program.
- Type II: A PEP shall be developed for each student enrolled in a general education program
- Type III: Within 5 school days of entering a facility, a school shall develop a PEP for each student
- The PEP shall be available in the classroom/s of each student

Type I and II- PEP

- PEP shall include:
 - Student name (FML)
 - Student gender
 - Student birth date
 - Projected beginning month, day, and year of implementation
 - Ending month and year of implementation
 - Grade level of student's performance in reading and math
 - Standardized tests or diagnostic tests, or both, used to demonstrate grade level of reading and math (must include administration dates)

Type I and II- PEP

- Educational program/s in which a student is enrolled (specified in COMAR.09.10.09A)
- Schedule of student's classes and teachers (Type II- designation of nonpublic or public school teacher for each)
- Specific secondary credits earned
- Summary of MD test requirements
- Transition plan
- Month, day, and year of PEP development
- Signature of preparer
- IEP of student, if applicable

Type III- PEP

- PEP shall include:
 - Student name (FML)
 - Student gender
 - Student birth date
 - Beginning month, day, and year of implementation
 - Grade level of student's performance in reading and math
 - Standardized tests or diagnostic tests, or both, used to determine the grade level in reading and math (must include administration dates)

Type III- PEP

- Education program/s in which a student is enrolled (specified in COMAR 13A.09.10.20B)
- Student's educational plan with a least one goal for each area of instruction
- Schedule of student's classes and teachers
- Transition plan
- Month, date, and year of PEP development
- Signature of developer/s

Common Errors

- No middle name
- Date PEP developed missing
- Signature of preparer missing
- Implementation date vs. date of development
- Educational program in which student is enrolled missing
- Schedule of classes missing

Behavior Management

COMAR 13A.09.10.11



Behavior Management

- General educational program shall maintain a comprehensive document that includes a statement of the school's behavior management policies and procedures
- Special education program shall develop and maintain policies and procedures that include:
 - Use, documentation, and monitoring of restraint, exclusion, and seclusion
 - Compliance with COMAR 13A.08.04

Type I General/Special Ed

- Must adhere to the more prescriptive of the two regulations (COMAR 13A.08.04)

unless

- The programs are completely separate

COMAR 13A.08.04

- Applies to public agencies and nonpublic schools approved to provide special education and related services under COMAR 13A.09.10
- Addresses Exclusion, Seclusion, and Restraint

Exclusion

“Removal of a student to a supervised area for a limited period of time during which the student has an opportunity to regain self-control and is not receiving instruction including special education, related services, or support”

Exclusion-Criteria for Implementation

- The student's behavior unreasonably interferes with learning (themselves or others)
- The student's behavior constitutes an emergency and exclusion is necessary to protect the student or others AND other, less intrusive interventions have failed or been deemed inappropriate
- Requested by the student
- Supported by the student's behavior intervention plan
- No specific regulations for schools' documentation for use of exclusion in 13A.08.04 however 13A.09.10.11C states that schools must document student behavior interventions that are implemented

Exclusion- Setting

- School personnel has the ability to see the student at all times
- Adequate lighting, ventilation and furnishings
- Unlocked and free of barriers to egress

Exclusion- School Personnel

- Must provide an explanation of the behavior that resulted in the removal
- Instruct student on the behavior required to return to the learning environment
- Ensure that each period of exclusion is appropriate to the developmental level of the student and severity of the behavior

****No period of exclusion should exceed 30 minutes****

Seclusion

“The confinement of a student alone in a room from which the student is physically prevented from leaving.”

Seclusion- Criteria for Implementation

- Emergency situation and seclusion is necessary to protect a student or another person after other less intrusive interventions have failed or are deemed to be inappropriate
- Student's IEP or BIP describes the specific behaviors and circumstances in which seclusion may be used
- Student's parents have provided written consent for the use of seclusion while a BIP is being developed

Seclusion- Setting

- Free of objects and fixtures that could be used to inflict bodily harm
- Adequate view of the student from an adjacent area
- Adequate lighting and ventilation

Seclusion- Implementation

- Only implemented by school personnel trained in the appropriate use consistent with COMAR 13A.08.04.06C
- Appropriate to student's developmental level and severity of behavior
- May not restrict the student's ability to communicate distress

*****May not exceed 30 minutes*****

Seclusion- Documentation

Shall Include:

- Less intrusive interventions attempted
- Precipitating event immediately preceding the seclusion
- Behavior that prompted use of seclusion
- Names of the personnel who observed the behavior prompting the seclusion
- Names and signatures of the staff members implementing and monitoring the seclusion
- Justification for initiating seclusion
- Length of time
- Student's behavior and reaction to seclusion
- Name and signature of the Administrator informed of the seclusion

Seclusion- Documentation

- Maintained in student record and available for inspection by parent/legal guardian
- Notification of parent within 24 hours unless otherwise provided for in BIP or IEP
- If student's IEP or BIP does not include the use of seclusion, the IEP team shall meet within 10 business days of the incident
- If the IEP or BIP includes use of seclusion, it shall specify how often the IEP team shall meet to review or revise

Common Errors

- Length of time greater than 30 minutes
- Omission of name(s) and signature(s) of staff
- Missing explanation of student behavior that prompted seclusion
 - **Behavior**: Clearly observable manner in which student conducts himself
- School's form to document seclusion includes more than is required by the regulation and those areas are left blank

Restraint

“The use of physical or mechanical restraint”

- Physical restraint [COMAR 13A.08.04.02(11)]
 - *The use of physical force, without the use of any device or material, that restricts the free movement of all or a portion of a student’s body.*
- Mechanical restraint [COMAR 13A.08.04.02(8)]
 - *Any device or material attached or adjacent to the student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.*

Physical Restraint

Is NOT:

- Briefly holding a student to calm or comfort
- Holding a student's hand or arm to escort the student safely from one area to another
- Moving a disruptive student who is unwilling to leave the area if other methods such as counseling have been unsuccessful
- Intervening in a fight in accordance with Education Article §7-307

Physical Restraint- Criteria for Implementation

- Emergency situation and physical restraint is necessary to protect the student or others from imminent, serious, physical harm after less intrusive, nonphysical interventions have failed or are deemed inappropriate
- The student's BIP or IEP describes specific behaviors and circumstances
- Parent has provided written consent while a BIP is being developed

Physical Restraint- Implementation

- Only implemented by school personnel trained in the appropriate use consistent with COMAR 13A.08.04.06C
- Only use reasonable force as necessary to protect a student or other person from imminent, serious, physical harm
- Removed as soon as the student is calm

****May not exceed 30 minutes****

Physical Restraint- Implementation

School personnel may NOT:

- Place a student in a face down position
- Place a student in a position that will obstruct the airway or impair the ability to breathe
- Obstruct the view of a student's face
- Restrict the ability to communicate distress
- Place pressure on a student's head, neck or torso
- Straddle a student's torso

Mechanical Restraint

- Is prohibited unless the school is certified by and meets the requirements of the Joint Commission for the Accreditation of Health Care Organizations
- Does not include protective or stabilizing devices
 - Prescribed by a health professional
 - Documented on the IEP or BIP

Restraint- Documentation

Shall include:

- Less intrusive interventions attempted
- Precipitating event immediately preceding the restraint
- Behavior that prompted use of restraint
- Names of the personnel who observed the behavior prompting the restraint
- Names and signatures of the staff members implementing and monitoring the restraint
- The type of restraint
- Length of time
- Student's behavior and reaction to restraint
- Name and signature of the Administrator informed of the restraint

Restraint- Documentation

- Must be maintained in the student's record and available for inspection by the parent/legal guardian
- Parent shall be notified within 24 hours, unless otherwise provided for in a student's BIP or IEP
- If student's IEP or BIP does not include the use of restraint, the IEP team shall meet within 10 business days of the incident
- If the IEP or BIP includes use of restraint, it shall specify how often the IEP team shall meet to review or revise

Common Errors

- Length of time greater than 30 minutes
- Omission of name(s) and signature(s) of staff **implementing** and **monitoring** restraint
- School's form to document restraint includes more than is required by the regulation and those areas are left blank
- Missing explanation of student behavior **and** reaction during restraint
 - **Behavior**: Clearly observable manner in which student conducts himself
 - **Reaction**: A response to a specific stimulus; in this case restraint
- Undocumented parent notification

Policies and Procedures

- Must address:
 - A continuum of positive behavioral interventions, strategies of supports
 - The prevention of self-injurious behaviors
 - Methods for identifying and defusing potentially dangerous behavior
 - The use and documentation of exclusion
 - The use of restraint and seclusion
- Must be updated annually and provided to parents and school personnel

NSAB Student Behavior Intervention Monitoring Form



Division of Educator Effectiveness
Nonpublic School Approval Branch
200 West Baltimore Street
Baltimore, Maryland 21201
(410) 767-0409

NONPUBLIC SCHOOL APPROVAL BRANCH MONITORING FORM COMAR 13A.08.04 Student Behavior Interventions (Effective October 5, 2009)

School Name: _____ **Phone:** _____
School Location Address: _____
Date of Policies/Procedures Reviewed by School: _____
Date Reviewed by NSAB: _____
Signature of School Reviewer: _____ **Signature of NSAB Reviewer** _____
Date of NSAB's Review of School's Documentation _____

C= Compliance NC= Noncompliance NA= Not Applicable

.04A., B., C, D., and G. Exclusion.

_____ School's policies and procedures state that school personnel may use exclusion if the student's behavior unreasonably interferes with student's learning or learning of others; **Page #** _____

_____ School's policies and procedures state that school personnel may use exclusion if the student's behavior constitutes an emergency and exclusion is necessary to protect a student or other person from imminent, serious, physical harm after other less intrusive, non-physical interventions have failed or been determined inappropriate; **Page #** _____

_____ School's policies and procedures state school personnel may use exclusion if requested by the student; or **Page #** _____

_____ School's policies and procedures state school personnel may use exclusion if supported by the student's behavior intervention plan. **Page #** _____

_____ School's policies and procedures state school personnel shall ensure each period of exclusion:

Common Errors

- Not completed
- Page numbers are not indicated
- Forms required by the school's policies and procedures are not included
- School procedures do not include:
 - Each specific activity to implement policies
 - Staff position(s) responsible for specified activities
 - When the activity is to be done
 - How it is to be done (verbally, written notice, etc.)
 - Copies of specific notices and forms

Professional Development

- At the beginning of each school year, the school shall identify school personnel authorized to serve as a school-wide resource to assist with implementing:
 - Exclusion
 - Restraint
 - Seclusion
- Personnel identified must receive training in:
 - Positive behavior supports and strategies
 - FBA and BIP planning
 - Exclusion
 - Restraint and alternatives to restraint
 - Seclusion
 - Symptoms of physical distress and positional asphyxia
- Must include a written exam and physical demonstration of proficiency

Common Errors

- Dates of training documents do not match dates on the monitoring form
- Training agenda does not clearly identify each of the required areas
- Test documentation does not clearly identify each of the required areas
- Crisis Management organization does not cover all topics and school does not supplement

Privacy



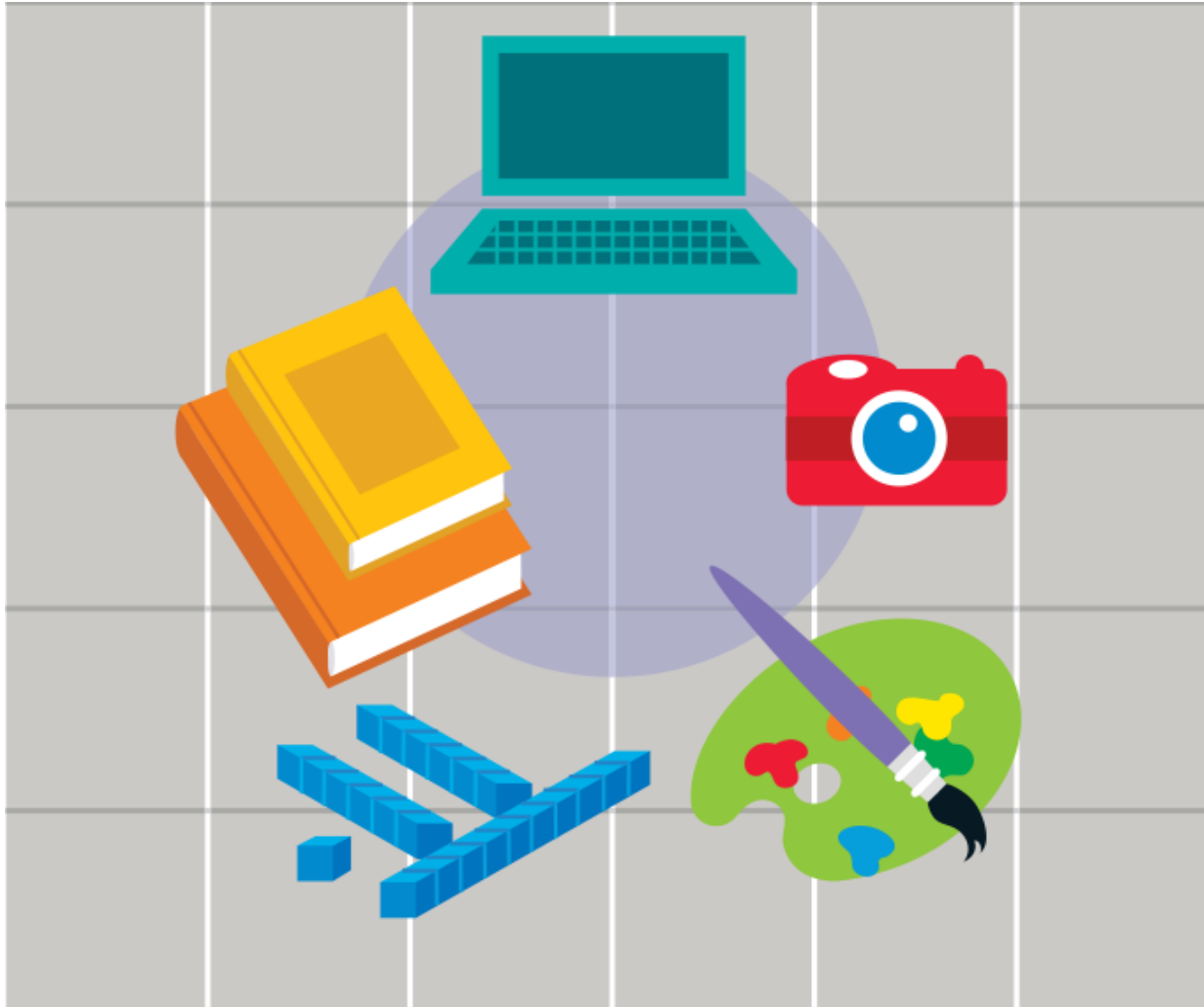
Privacy Policy

- A school shall have written policies and procedures on protecting the right of privacy of students and their parents relative to access to, and release of records, which include:
 - Statement assuring that all records pertaining to a student are available to the parent for review
 - Procedure to be followed by parent who requests to review records

Privacy Policy

- Statement assuring that the school may not disclose personally identifiable information without prior written consent of the parent unless otherwise allowed by law
- Procedures by which the school shall maintain a written record of requests for, and disclosure of, personally identifiable information from a student's record that includes the first, middle, and last name of student, the name of the reviewer, the month, day and year of review, and the purpose of review (ex.- access log)
- Procedures for informing the parent of these policies and procedures

Instructional Materials/Library Media



Instructional Materials- Type I

- Maintain sufficient variety, quantity, and quality to include print, manipulative, audiovisual, and electronic
- Appropriate range of reading levels to implement educational program in each curricular area for each age and grade
- Written inventory
- Property of school
- Written policies and procedures for continual upgrading

Instructional Materials- Type II

- Use the same instructional materials and equipment as those used by the public school
- May have additional materials

Instructional Materials- Type III

- 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.
- The instructional materials and equipment used by the local school system to implement the general education curriculum

Library Media- Type I

- Sufficient variety, quantity, and quality of print and nonprint items, including electronic materials and related equipment
- Appropriate range of reading levels to support and supplement educational program in each curricular area for each age and grade
- Property of the school
- Classify and catalogue the library media collection in a manner that is appropriate for student use, and so that each item can be located and returned to the collection
- Maintain a written inventory

Library Media- Type I

- Maintain written policies and procedures for continual upgrading
- Maintain a minimum quantity of library media materials and equipment based on its current enrollment as follows:
 - Ten different items per student for a nursery school or kindergarten educational program, or both;
 - 500 different items for a school with 24 or fewer students;
 - 750 different items for a school with 25 to 75 students, or 20 items per student, whichever is greater; and
 - 1,500 different items for a school with more than 75 students, or 20 items per student, whichever is greater.

Library Media- Type II

- A school shall use the library media service of the public school
- May have additional materials

Calendar and Schedule



School Calendar- Type I

- Must include:
 - Name
 - Address
 - Telephone number
 - Month, day, and year for the opening and closing of school
 - Specific and total number of days of instruction
 - Total number of hours a school is open for student attendance
 - Holidays, vacations, and other pertinent events or activities in the schedule for the year
- Distribute its written calendar annually to placing agencies and parents
- Provide at least 180 days of instruction per year
- A school shall be open for student attendance for a minimum of:
 - 1,080 hours in a school year for elementary schools and nongraded educational programs; and
 - 1,170 hours in a school year for secondary schools.
- The Department may grant a waiver of the length of the school year for natural disasters, civil disasters, or severe weather conditions.

School Calendar- Type II

- A school shall develop a written calendar of the school year that includes the same days in the school year that the local school system is open and may include additional days.
- A school shall distribute the calendar of its school year annually to the parents and representatives of the placing agency or agencies of the students enrolled.

School Calendar- Type III

- Includes the month, day, and year for the opening and closing of the school, and the specific and total number of days of instruction
- Provide at least 180 days of instruction per year
- Distribute the written calendar to the representatives of agencies placing students in the school or to the parents of students enrolled, as applicable

Schedule of the School Day- Type I

- The schedule must include beginning and end of the school day
- Distribute annually to placing agencies and parents
- A school providing a general education program shall provide instruction at least 4 hours a day, Monday through Friday, exclusive of holidays, vacation days, and any other pertinent events or activities
- In a school providing a special education program, the total hours in a school week shall be sufficient to implement each student's IEP
- In a nursery school providing an educational program, other than a special education program, the length of the school day may not exceed 6 hours.

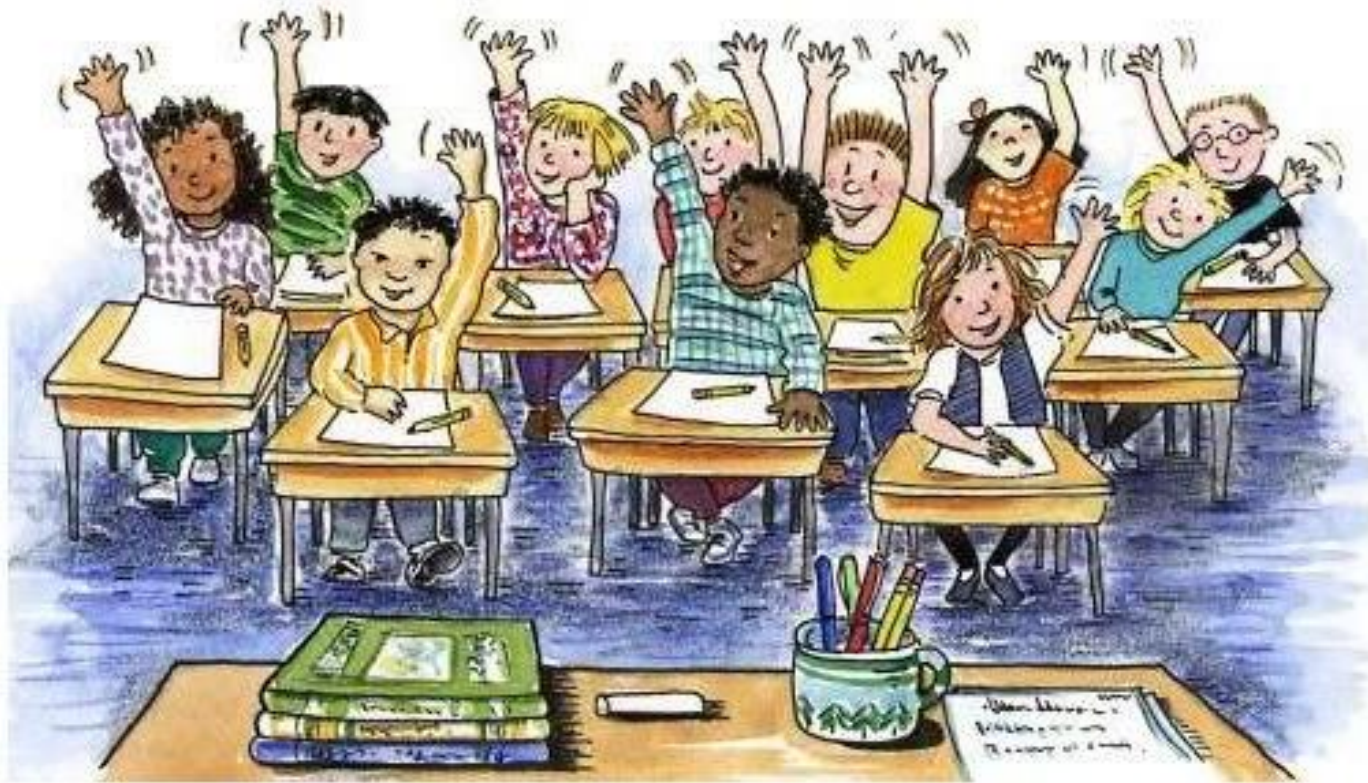
Schedule of the School Day- Type II

- The hours of the school day shall be the same as that of the public school.
- A school shall develop a written schedule of the school day, including the beginning and end of the school day, and other important periods.
- A school shall distribute the schedule of its school day annually to the parents and representatives of agencies placing students in the school.

Schedule of the School Day- Type III

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

Class Size



Student to Teacher Ratio

- Type I, II, III General Education: 10:1
- Type I General Education: A school shall assign a full-time aide to each class of students enrolled in a nursery school or kindergarten
- Type I, II Special Education: A school shall provide sufficient teachers and other personnel to implement each student's IEP
- Type I, II Special Education: 6:1 (without aide)/ 9:1 (with aide)/ 7:1 (significant orthopedic impairments with aide)
- Residential Special Education: 4:1 (without aide)/ 7:1 (with aide)

Secondary School Requirements



Diplomas

- Public
 - A school providing a secondary school program in any one or a consecutive sequence of grades 9—12 shall offer a secondary school program that meets the requirements of COMAR 13A.03.02 for the issuance of a Maryland high school diploma
- Private
 - The secondary school diploma issued by a nonpublic school to students whose placement is paid for with private funds shall meet the enrollment, credit, and student service requirements specified in COMAR 13A.03.02

Diplomas- Private

- The secondary school diploma of the school:
 - Shall state the name of the school
 - Shall state the name of the legal authority
 - Shall state the month, day, and year of issuance of the diploma
 - May not imply that the requirements for graduation from a Maryland public high school have been met
 - May state that the school holds approval from the State Board

Transcripts

- A secondary school shall be prepared to present as a separate document a current and cumulative transcript of the secondary record of each student for each year of enrollment.
- A secondary school shall permanently maintain the original or a legible copy of the secondary school transcript for each student who has been enrolled in the school.
- Before a secondary school ceases operation, the legal authority shall file with MSDE, in alphabetical order, the original or legible copy of the transcript for each student enrolled.

Type I and II- Transcripts

- Transcripts must include:
 - School name
 - School address
 - School telephone #
 - Student First, Middle and Last name
 - Student birth date
 - Student home address
 - Credits and grades earned in each subject area in each grade
 - Code of the meaning of grading system

Type I and II- Transcripts

- Designation of transfer credits and name of school originally granting credits
- Date of enrollment in secondary school program
- Date of withdrawal or graduation
- Total days of attendance during each school year
- Summary of service learning hours completed
- Summary of state testing requirements*

*Transcript Disclaimer

"This transcript may not be disseminated to any individual other than the student's legal guardian, service school system, which is ensuring the provision of FAPE, and the resident school system."

Type III Student Progress Report

- When a student leaves a Type III program, a progress report that includes the following shall be prepared:
 - Performance or grades, or both for each curricular area
 - Code for the meaning of the performance/grade
 - Date of entry
 - Date of withdrawal
 - Specific days of attendance
 - Hours of instruction in each curricular area at the secondary level
 - Recommendations for placement, including referral to spec. ed. if appropriate

Common Errors

- Missing middle name
- Transcript of previous school only
- Enrollment into secondary program confused with enrollment into school
- Days of attendance missing
- Name of transferring school missing
- Disclaimer missing
- Test Scores missing

Unit of Credit Policy- Type I

- Written policy defining a unit of credit/partial unit of credit based on one or more of the following methods:
 - Clock Hours
 - Successful Demonstration of Learning Outcomes
 - Credit by Exam
 - College Credit

Unit of Credit Policy- Type II

- A school granting secondary school credit and any partial unit of credit shall meet the requirements of the local school system where the public school is located

Special Education Requirements



Curriculum- Type I

- A school that provides nursery school, kindergarten, grades 1—12, or any combination of these shall implement the Maryland 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.
- When a Maryland State Curriculum is not available, the school **MUST** use the local school system curriculum (most subjects do not have a Maryland State Curriculum at this time)
- Teachers are expected to be familiar with the Maryland College and Career Ready Standards (MCCRS)
- Frameworks/Standards are not curricula

Curriculum- Type II

- Implement the same curriculum as that implemented by the public school in each grade and subject in which it provides instruction to students

Common Mistakes

- Local School System curriculum is not available
- Local School System curriculum is out of date
- School is using standards or a framework as a curriculum
- Teachers cannot identify how to locate the Maryland Career and College Ready Standards (MCCRS)
- Teachers do not know the difference between the Common Core State Standards and the MCCRS

Assessments

- 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
- 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

Individualized Education Programs (IEPs)

- As a condition of admission, schools shall have a copy of the student's IEP on file before implementing the student's educational program
- Available in the classroom of each student
- School shall provide special education and related services consistent with each student's IEP developed through the Local School System's (LSS's) IEP team
- School shall maintain policies and procedures approved by the placing LSS regarding related services that were not provided as specified on the IEP

IEPs

- Provide special education and related services to include an organized program of instruction in English language arts, math, science, social studies, and other curricular areas, as appropriate.
 - *Special Note about Physical Education:* Federal regulation, 34C.F.R §300.108 states, “Physical Education services, specially designed if necessary, must be made available to every child with a disability receiving a free and appropriate public education.”

Common Errors

- Service provided by a service provider not indicated on the IEP
- Service school is incorrect
- IEP requires some services to be implemented in general education setting
- Related service hours and Special Education service hours do not = total hours available in school week
- Students enrolled with IEP services that the school is unable to provide
- Documentation is not reported to the LSSs

Related Services Documentation



Key Information

- Regulations Require:
 - The school to provide special education and related services, as applicable, consistent with each student's IEP developed through the local school system (LSS)
 - The school is to implement the IEP approved by the LSS for each student enrolled for each year
- What does this mean:
 - IEP must be developed in collaboration with the LSS
 - IEP must be current and establish frequency, duration, and provider for related services
 - Services must be provided and documented as per the IEP

Key Information

- Regulation Requires:
 - A school to document student progress in the achievement of IEP goals as often as the progress of student without disabilities is documented
 - A school must provide a copy of its IEP progress documentation to the LSS for each student enrolled
- What does this mean:
 - IEP progress notes must be done in accordance with the LSS schedule
 - The nonpublic school must provide a copy of the progress notes as required by the LSS

Required Documentation

Must Include:

- Student's First, Middle, and Last Name
- Month, Day, and Year of Session
- Length of Time
- IEP Goal or Objective Implemented
- Progress for Each Goal or Objective Referenced
- Provider Signature and Title on Each Page

Make-Up Services

Required

- LSS Closed; Non Public School Open
- LSS Open; Nonpublic Closed
- Missed Service within school's control (provider unavailable, student on field trip)
- Missed Service within the LSS's control (transportation)
- Missed Service due to State testing

Not Required

- Nonpublic Open; student absent for illness, family plans
- Nonpublic school granted a waiver of a school day

How the NSAB Monitors Related Services

- Randomly select 20% of student records
- Review a six week period of time for related services
- Use three forms to record regulatory compliance for each related service provided
 - Review of Student Record Form (back page)
 - Review of Related Services Form
 - Review of 1:1 Services Form (as needed)

REVIEW OF RELATED SERVICES
 Type I Special Education/Type II Special Education
 COMAR 13A.09.10. Onsite Monitoring

MSDE Use Only:
 + _____
 - _____

School Name: _____

Name and Agency of Reviewer: _____

Date of review (m/d/y): _____ Student's initials: _____

IEP related service:
 Type of Service: _____ Amount: _____ Frequency: _____

Students receiving appropriate IEP instructional hours: ___yes ___no

Record:

1. Record M/D/Y of each related service session- *If Student Absent, record M/D/Y*
2. Length of time of each related service session
3. Indicate "Yes" or "No" that the documentation of each related service session includes the following information:
 - Student's first, middle and last names
 - IEP goal or objective implemented during the related service session
 - Notes regarding progress
 - Signature and title (credential) of the service provider
 - If make-up session indicate the date

±

WEEK OF:	Student Absent:				
M/D/Y					
Length					
F/M/L					
Goal					
Progress					
Sig/Title					

±

WEEK OF:	Student Absent:				
M/D/Y					
Length					
F/M/L					
Goal					
Progress					
Sig/Title					

Common Errors

- Proofreading Errors
 - Full name of student not on each page (F, M, L)
 - Provider signature not on each page
 - Provider title omitted
- IEP Related Errors
 - IEP goals not related to current IEP
 - Length of time does not correspond IEP
 - Frequency does not correspond with IEP
 - Service provider is not the identified individual in IEP
 - Make-Up services are not clearly delineated
 - Make-Up services not provided according to school's own P&P timeline

Related Services Policies and Procedures

- Each School Must Maintain Policies and Procedures that:
 - Notify the placing LSS of missed related service sessions
 - Are approved by each LSS that places students at the school

Common Errors

- Missed service notification is only provided to the county in which the school is located
- No documentation available regarding the LSS approval
- Notification Policies and Procedures do not clearly
 - Identify who is responsible for notifying LSS
 - How the LSS will be notified
 - Include a copy of the written notice to LSS

Administrative Policies and Procedures



Procedural Safeguards

- A school providing a special education program to students with disabilities **not placed in the school by a local school system** shall have:
 - 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
 - If no written agreement is developed, documentation of at least two attempts to enter into a written agreement with the local school system.

IEP Development

- Participating in the development of an IEP with the local school system that referred the student for placement
- Promptly notifying the local school system if the IEP needs to be revised after a student is enrolled

Dismissal of Students

- 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
- 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

Removal of a Student

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

Personnel Requirements



Certification Regulations & Policies

- Regulations
 - 13A.09.10.18
 - 13A.12.01-.04
- General Education vs. Special Education certification requirements
- Memos
 - Substitutes
 - Art, Music, Physical Education, Health
 - Submitting application for certification

Personnel Requirements

Type I and II

- Administrative Head
 - Responsible for the day-to-day administration of the school
 - Administrative head of a school, hired on or after September 1, 2001, shall hold a bachelor's degree

Personnel Requirements

Type I and II

- Education Director
 - Responsible for the coordination and supervision of the educational program
 - Full Time
 - Partial day and Gen Ed programs may utilize a teacher who has time to perform the duties of a director
 - Must notify MSDE in writing within 10 days of a change
 - The duties and responsibilities of the education director and administrative head may be assigned to the same individual

Personnel Requirements

Type I and II

- Gen Ed K-12 Requirements
 - Maryland professional certificate in admin I or admin II; or
 - Maryland professional teaching certificate in elementary or secondary education AND 3 years of satisfactory teaching experience
- Gen Ed Nursery and Kindergarten ONLY Requirements
 - Maryland professional certificate Maryland professional certificate in admin I or admin II; or
 - Maryland professional teaching certificate in early childhood education AND 3 years of satisfactory teaching experience

Personnel Requirements

Type I and II

– SpEd PreK-12 Requirements

- Maryland professional certificate in special education supervisor *or* admin I/II and generic special education; or
- Maryland professional teaching certificate in generic special education AND 3 years of satisfactory teaching experience

– Gen Ed/SpEd Combined Requirements

- Must meet both Gen Ed and SpEd certification requirements *or* have 2 directors, one for SpEd and one for Gen Ed

Personnel Requirements

- Teachers
 - A teacher shall hold the certificate as provided for in COMAR 13A.12.02
 - A teacher providing instruction in an Adult Basic Education or Pre-GED program, or both, shall hold a valid certificate
 - A teacher providing instruction in a GED TESTS preparation program shall hold at least one of the following:
 - Bachelor's degree OR
 - 120 semester hours of college credit OR
 - Bachelor's degree equivalent determined by foreign evaluation

Personnel Requirements

- A teacher providing instruction in a career development educational program* or a technology educational program* shall hold:
 - A high school diploma; and
 - A minimum of 5 years of documented experience in the trade in which instruction is provided

**Career Development Educational programs and Technology Education Programs mean an organized program of instruction consisting of a sequence of noncredit courses with an industry focus and is provided by a teacher to students in a school that holds an approval document authorizing operation of a pre-GED program or a GED TESTS program or both*

Personnel Requirements

- A school shall have a written position description that states the qualifications, duties, responsibilities, and supervision of a teacher.
- A school shall maintain a written schedule that provides each teacher with sufficient time scheduled within each work week to prepare for the implementation of the teacher's instructional duties and responsibilities.

Personnel Requirements

- Related Services
 - Professionals who provide related services specified in an IEP shall hold all licenses or certificates, or both, that are required by the State Board, or another State licensing agency, or both
 - School Social Worker
 - School Counselor
 - School Psychologist

Certification Point of Contact

- Works directly with the assigned certification specialist on behalf of school educators
- Provides assistance to educators at the school level
- Provides required certification documentation in a complete packet

Questions

