



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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**TO:** Members of the State Board of Education  
**FROM:** Karen B. Salmon, Ph.D.  
**DATE:** August 27, 2019  
**SUBJECT:** COMAR 13A.04.14  
*Program in English Language Arts/Literacy*  
**ADOPTION**

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**PURPOSE:**

The purpose of this action is to request that the State Board adopt amendments to COMAR 13A.04.14 *Program in English Language Arts/Literacy*.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review Committee (AELR) for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, the Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, the MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during the process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

COMAR 13A.04.14 *Program in English Language Arts/Literacy* requires local school systems to use curriculum that is aligned to Maryland College and Career Ready Standards for English Language Arts/Literacy. Once every five years, each local superintendent is required to certify to the State Superintendent of Schools that instructional programming within grades prekindergarten-12 meet all requirements in COMAR 13A.04.14, which include alignment of curriculum to standards.

**EXECUTIVE SUMMARY:**

The amendments to COMAR 13A.04.14 strengthen the regulation to require each local school system superintendent or chief executive officer to provide evidence of alignment to standards for curriculum. The current regulation does not require evidence of alignment to standards.

**Current Regulation:**

By September 1, 2005 and each 5 years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming within grades prekindergarten—12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

**Revised Regulation:**

- A. By September 1, 2020 and thereafter, upon adoption of new State standards, local school system curricula, or curriculum support materials, each local superintendent of schools or chief executive officer shall certify to the State Superintendent of Schools that the instructional programming for English language arts meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.
- B. The superintendent or chief executive officer shall provide evidence of meeting requirements. Acceptable forms of evidence include:
  - (1) Maryland State Department of Education Curriculum Vetting Report demonstrating that the reviewed curriculum has earned an acceptable rating as determined by the agency on all sections for English language arts for the identified grade level(s) or course(s);
  - (2) A curriculum vetting report produced by a nationally recognized external party that demonstrates alignment to Maryland College and Career Ready Standards for the identified grade level(s) or course(s); or
  - (3) Documentation of national ratings to demonstrate an alignment to Maryland College and Career Ready Standards and strong (level 1) or moderate (level 2) evidence, as defined under §8101(21)(A)(i)(I) and §8101(21)(A)(i)(II) of the Every Student Succeeds Act, for all third-party curriculum and curriculum support materials in use.

The State Board reviewed the amended regulation and granted permission to publish at the April 23, 2019 State Board meeting. The regulation was published in the Maryland Register from June 24, 2019 to July 22, 2019. No comments were received. The Division of State Documents recommended punctuation and style revisions to the final regulation that are different from the regulation published in the Maryland Register. Counsel has advised that the edits are non-substantive.

**ACTION:**

Request adoption of amendments to COMAR 13A.04.14 *Program in English Language Arts/Literacy*.

**Attachment:**

COMAR 13A.04.14 *Program in English Language Arts/Literacy*

prekindergarten—12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.]

A. By September 1, 2020 and thereafter, upon adoption of new State standards, local school system curriculum, or curriculum support materials, each local superintendent of schools or chief executive officer shall certify to the State Superintendent of Schools that the instructional programming for mathematics courses aligned to the Maryland College and Career Ready Standards meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

B. The superintendent or chief executive officer shall provide evidence of meeting the requirements. Acceptable forms of evidence include:

(1) A Maryland State Department of Education Curriculum Vetting Report demonstrating that the reviewed curriculum has earned an acceptable rating as determined by the agency on all sections for mathematics for the identified grade level(s) or course(s).

(2) A curriculum vetting report produced by a nationally recognized external party that demonstrates alignment to Maryland College and Career Ready Standards for the identified grade level(s) or course(s).

(3) Documentation of national ratings to demonstrate an alignment to Maryland College and Career Ready Standards and strong (level 1) or moderate (level 2) evidence, as defined under §8101(21)(A)(i)(I) and §8101(21)(A)(i)(II) of the Every Student Succeeds Act, for all third-party curriculum and curriculum support materials in use.

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State Superintendent of Schools

## Subtitle 04 SPECIFIC SUBJECTS

### 13A.04.14 Program in English Language Arts/Literacy

Authority: Education Article, §§2-205(c) and (h), 7-202, and 7-205.1, Annotated Code of Maryland

#### Notice of Proposed Action

[19-122-P]

The Maryland State Board of Education proposes to amend Regulation .02 under COMAR 13A.04.14 Program in English Language Arts/Literacy. This action was considered at the April 23, 2019, meeting of the State Board of Education.

#### Statement of Purpose

The purpose of this action is to define the process that local school systems must use to demonstrate evidence of alignment of curriculum to Maryland College and Career Ready Standards.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

**I. Summary of Economic Impact.** The proposed amendments require local school system leaders to provide evidence that the curriculum being implemented in English language arts is aligned to state standards. There are three methods of demonstrating alignment:

1. A curriculum vetting report produced by the Maryland State Department of Education.

2. A curriculum vetting report produced by a nationally recognized third party.

3. Documentation of national ratings to demonstrate an alignment to standards and strong (level 1) or moderate (level 2) evidence for all third-party curriculum and curriculum support materials in use.

All options will have an economic impact at either the state or local level.

II. Types of Economic Impact.	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	(E+)	Unknown
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Unknown
	Benefit (+) Cost (-)	
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.)

A. The Maryland State Department of Education (MSDE) has allocated funds to support curriculum vetting. This includes hiring a Coordinator to oversee curriculum vetting and hiring consultants to vet curriculum.

C. There will be an expense on local government if school system leaders decide not to have the MSDE vet their curriculum. The expense would be for local school system leaders to have their curriculum vetted by a nationally recognized external party. There will be an expense on local government if a school system has to replace or revise curriculum if it is determined that the curriculum is not aligned to standards.

#### 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 Tiara Booker-Dwyer, Executive Director, Office of Leadership Development and School Improvement, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-3676 (TTY 410-333-6442), or email to tiara.booker-dwyer@maryland.gov. Comments will be accepted through July 22, 2019. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on August 27, 2019, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

#### .02 Certification Procedures.

[By September 1, 2005 and each 5 years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming within grades prekindergarten—12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.]

A. By September 1, 2020 and thereafter, upon adoption of new State standards, local school system curriculum, or curriculum support materials, each local superintendent of schools or chief executive officer shall certify to the State Superintendent of Schools that the instructional programming for English language arts meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

B. The superintendent or chief executive officer shall provide evidence of meeting requirements. Acceptable forms of evidence include:

(1) Maryland State Department of Education Curriculum Vetting Report demonstrating that the reviewed curriculum has earned an acceptable rating as determined by the agency on all sections for English language arts for the identified grade level(s) or course(s).

(2) A curriculum vetting report produced by a nationally recognized external party that demonstrates alignment to Maryland College and Career Ready Standards for the identified grade level(s) or course(s).

(3) Documentation of national ratings to demonstrate an alignment to Maryland College and Career Ready Standards and strong (level 1) or moderate (level 2) evidence, as defined under §8101(21)(A)(i)(I) and §8101(21)(A)(i)(II) of the Every Student Succeeds Act, for all third-party curriculum and curriculum support materials in use.

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State Superintendent of Schools

## Title 13B

# MARYLAND HIGHER EDUCATION COMMISSION

### Notice of Proposed Action

[19-120-P]

The Maryland Higher Education Commission proposes to:

(1) Amend Regulations .02 and .24 under **COMAR 13B.02.03 Academic Programs—Degree-Granting Institutions;**

(2) Amend Regulation .04 under **COMAR 13B.06.01 Public Institutions of Higher Education;** and

(3) Adopt new Regulation .01 under a new chapter, **COMAR 13B.06.02 Requirements for Articulation Agreements.**

This action was considered and approved at a public meeting of the Commission held on April 24, 2019.

#### Statement of Purpose

The purpose of this action is to:

(1) Under COMAR 13B.02.03, define the term "articulation agreement," and alter certain degree and articulation requirements, including requirements for Bachelor of Technical Studies and Bachelor of Professional Studies programs;

(2) Under COMAR 13B.06.01, amend certain requirements related to the transfer of educational credit from one institution to another; and

(3) Under COMAR 13B.06.02, provide for requirements of articulation agreements.

#### 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 Emily A.A. Dow, Ph.D., Assistant Secretary of Academic Affairs, Maryland Higher Education Commission, 6 N. Liberty St., 10th Floor, Baltimore, MD 21201, or call 410.767.3041, or email to emily.dow@maryland.gov. Comments will be accepted through July 22, 2019. A public hearing has not been scheduled.

## Subtitle 02 ACADEMIC REGULATIONS

### 13B.02.03 Academic Programs — Degree-Granting Institutions

Authority: Education Article, Titles 11 and 16, Annotated Code of Maryland

#### .02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) (text unchanged)

(1-1) "Articulation agreement" means a signed written agreement between institutions of higher education regarding the transfer of academic credits from one institution to the other.

(2)—(3) (text unchanged)

#### .24 Degree Programs.

A.—C. (text unchanged)

D. An institution may award an Associate of Art in Teaching (A.A.T.) degree that:

(1)—(3) (text unchanged)

(4) If achieved, transfers up to [64] 70 credit hours, satisfying all lower-division teacher education program outcomes without further review by in-State 4-year public and independent institutions.

E.—H. (text unchanged)

I. Bachelor of Technical Studies (B.T.S.) or Bachelor of Professional Studies (B.P.S.).

(1) An institution may award a Bachelor of Technical Studies (B.T.S.) or Bachelor of Professional Studies (B.P.S.) degree of at least 120 credit hours awarded for the successful completion of an A.A.S. degree, an advanced program of study in the designated area of concentration, and a *minimum* three-credit hour internship related to the program.

(2) Under an articulated agreement, students who have completed an A.A.S. degree may obtain a Bachelor of Technical Studies or a Bachelor of Professional Studies in a related, specialized area of concentration at an institution with degree-granting authority in this State. The area of concentration shall be specified by the institution granting the Bachelor of Technical Studies or Bachelor of Professional Studies. The receiving institution shall accept not less than 60 credit hours and not more than [64] 70 credit hours for the Associate of Applied Science (A.A.S.) degree.

(3) The Commission shall provide information on technical or professional fields that have graduated significant numbers of students and for which one or more community colleges request an articulated bachelor of technical or bachelor of professional studies degree. Institutions that wish to participate in developing a Bachelor of Technical Studies or Bachelor of Professional Studies shall meet and develop [a memorandum of understanding. Participating