

13A.01.04.00

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

Chapter 04 Public School Standards

Authority: Education Article, §§2-205, 2-206, 2-303, 5-201—5-206, 7-202, 7-203, 7-205, 7-301, and 8-404, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. §6301 et seq.; Federal Regulatory Reference: 34 CFR 200

13A.01.04.01

.01 Scope.

A. This chapter applies to all public school students, all public schools, all local public school systems in Maryland, alternative education programs and schools operated by local school systems, juvenile institutions, public charter schools, nonpublic schools, the Maryland School for the Blind, and the Maryland School for the Deaf, which public school students are attending.

B. In addition to maintaining standards of proficient or better in all student performance areas as described in this chapter, each public school shall:

- (1) Meet the requirements of other chapters in this title that apply to public schools; and
- (2) Maintain documentation of inspections for compliance with applicable health, fire safety, and zoning regulations.

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.02 Definitions.

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

B. Terms Defined.

(1) "Approved advanced technology credit" means credit earned consistent with the guidelines developed by the Department.

(2) "AYP" means adequate yearly progress as specified in the No Child Left Behind Act, 20 U.S.C. §6301 et seq., and as implemented by the Department.

(3) "Career and technology education program requirements" means completion of four occupational course credits in a planned, sequential program of study that integrates academic, technical, and workplace readiness skills.

(4) "Core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

(5) "Department" means the State Department of Education.

(6) "Executive officer" means a principal's supervisor who evaluates the principal.

(7) "Free and reduced price meals" means services funded by meeting income eligibility guidelines of the United States Department of Agriculture.

(8) "Gifted and talented" means opportunities for students identified by professionally qualified individuals as having outstanding abilities in the area of general intellectual capabilities, specific academic aptitude, or the creative, visual, or performing arts under guidelines developed by the Department.

(9) "High quality professional development" means professional development consistent with the requirements specified in the No Child Left Behind Act, 20 U.S.C. §6301 et seq. and as approved in the State plan.

(10) "Highly qualified teacher" means a teacher with qualifications consistent with the requirements specified in the No Child Left Behind Act, 20 U.S.C. §6301 et seq., and as implemented by the Department.

(11) "Limited-English proficient (LEP)" means a student 3 years old through 21 years old enrolled in an elementary school or secondary school:

(a) Who:

(i) Was not born in the United States or whose native language is a language other than English;

(ii) Is a Native American or Alaska Native, or a native resident of the outlying areas, and who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) Is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(b) Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student the:

(i) Ability to meet the State's proficient level of achievement on State assessments described in Regulation .05C of

this chapter;

(ii) Ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) Opportunity to participate fully in society.

(12) "Local reconstitution" means the process used before the 2003—04 school year for school improvement, corrective action, and restructuring, that included changing one or more of a school's administration, staff, organization, or instructional programs.

(13) "Local school superintendent" means the superintendent of a local school system and includes the chief executive officers of local school systems.

(14) "Per pupil expenditure" means the average total cost of providing education to each student attending a public school in a local school system, excluding capital expenditures.

(15) "Public charter school" means a school operated as a public charter school consistent with the requirements of State law and regulation.

(16) "Public school student" means a student enrolled in a local public school system and attending a public school, an alternative education program, or alternative school operated by a local school system, a public charter school, a juvenile institution, nonpublic school, the Maryland School for the Blind, or the Maryland School for the Deaf.

(17) "Special education" means services for a student with disabilities as defined by the Individuals with Disabilities Education Act, 20 U.S.C. §1400 et seq.

(18) "State Board" means the Maryland State Board of Education.

(19) "State reconstitution" means the process used before the 2003—04 school year for school restructuring that included contracting with a third party to operate the school.

(20) "Title 1" means services funded in whole or in part by Title 1 of the federal Elementary and Secondary Education Act (ESEA), as amended, 20 U.S.C. §6301 et seq.

(21) "University of Maryland System course requirements for admission" means four credits of English, three credits of social studies/history, three credits of science (laboratory), three credits of mathematics (algebra/geometry/algebra II), two credits of foreign languages or advanced technology, and six credits of academic electives.

(22) "Wealth per pupil" means the taxable wealth of a local jurisdiction as defined by Education Article, §5-202, Annotated Code of Maryland, in relation to the September 30 enrollment of the local school system.

13A.01.04.03

.03 School Safety.

All students in Maryland's public schools, without exception and regardless of race, ethnicity, region, religion, gender, sexual orientation, language, socioeconomic status, age, or disability, have the right to educational environments that are:

- A. Safe;
- B. Appropriate for academic achievement; and
- C. Free from any form of harassment.

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.04 Data-Based Areas.

A. Student Performance Areas. The following data-based areas shall be measured by the standards in Regulation .05 of this chapter and reported annually as provided in Regulation .06 of this chapter to assess school and student performance:

- (1) Maryland School Assessment results in reading and mathematics and Maryland High School Assessment results in algebra/data analysis and in English;
- (2) Average daily attendance rate of students in grades 1—12; and
- (3) Yearly high school graduation rate.

B. Supporting Information. The following data-based areas shall be reported to provide contextual information:

- (1) Students enrolled in grades Prekindergarten—2, including preschool special education;
- (2) Student mobility—entrants and withdrawals;
- (3) Yearly dropout rate of students in grades 9—12;
- (4) Norm-referenced test scores in reading and mathematics in grades 3—10;
- (5) Maryland High School Assessment test scores in English, algebra/data analysis, biology, and government;
- (6) Students participating in highly rigorous courses such as advanced placement, International Baccalaureate, and honors courses;
- (7) The rate of students receiving services in special education, limited-English proficiency, Title 1, and free and reduced price meals;
- (8) Wealth per pupil;
- (9) Per pupil expenditure;
- (10) Instructional staff, professional support staff, and instructional assistants per 1,000 students;
- (11) Length of the school year;
- (12) Length of the school day;
- (13) The number of documented decisions of grade 12 students:
 - (a) Expecting acceptance at a 4-year college, a 2-year college, or a specialized school; or
 - (b) Planning to accept employment related to preparation, employment unrelated to preparation, or the military;
- (14) A description of opportunities for gifted and talented students;
- (15) High school completion of University System of Maryland course requirements for admission, career and technology education program requirements, or four of the following six performance indicators:
 - (a) Two or more credits in foreign language with a grade of B or better;

- (b) Two or more credits of approved advanced technology with a grade of B or better;
 - (c) Mathematics courses beyond algebra II and geometry with a grade of B or better;
 - (d) Four credits of science with a grade of B or better;
 - (e) Score of 1,000 or higher on SAT-1, or 20 or higher on ACT, or both; and
 - (f) A cumulative grade point average of 3.0 or higher on a 4.0 scale;
- (16) The number of students with disabilities who receive the Maryland High School Certificate;
- (17) The number of candidates who successfully complete the General Educational Development (GED) Tests;
- (18) The percentage of :
- (a) Teachers holding professional certificates;
 - (b) Highly qualified teachers;
 - (c) Teachers with conditional credentials; and
 - (d) Classes in the State not taught by highly qualified teachers, in the aggregate and disaggregated by high-poverty compared to low-poverty schools; and
- (19) The number of teachers participating in high quality professional development.

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.05 Standards That Apply to Student Performance Areas.

A. The attendance rate represents the average daily attendance rate of students in grades 1—12, including special education students. Summer school attendance is excluded. The proficient standard is 94 percent and the advanced standard is 96 percent.

B. The high school graduation rate represents the percentage of students who graduate from high school with a regular diploma, but does not include students who successfully complete the GED tests or students with disabilities who receive Maryland High School Certificates.

C. Student Achievement Rates.

(1) The student achievement rates represent the percentage of students who achieve at the basic, proficient, and advanced performance levels on the:

- (a) Maryland School Assessments in reading and in mathematics;
- (b) Maryland High School Assessment in algebra/data analysis and in English; and
- (c) Science assessments to be developed before the beginning of the 2007—08 school year.

(2) The State Board shall establish the basic, proficient, and advanced student performance levels for reading and for mathematics for:

- (a) Grades 3, 5, 8, and 10 by September 1, 2003; and
- (b) Grades 4, 6, and 7 by September 1, 2004.

(3) The State Board shall establish the graduation rate standards by September 1, 2003.

(4) By September 1, 2003, the State Board shall establish AYP for schools, school systems, and the State for:

- (a) Reading;
- (b) Mathematics; and
- (c) Graduation.

(5) The State Board shall establish the basic, proficient, and advanced student performance levels for science by September 1, 2008.

(6) The State Board shall review and revise as appropriate AYP by September 1, 2008.

13A.01.04.06

.06 Reporting Requirements.

A. Maryland School Performance Report.

(1) Annually before the beginning of the school year, the Department shall publish the Maryland School Performance Report for the State, school systems, and schools.

(2) Annually, each local school system shall publish the Maryland School Performance Report for the school system, schools, and students.

B. Contents of Report.

(1) Each report shall include student performance data, school performance data, and supporting information, and shall be available in multiple formats.

(2) Student performance data shall be reported with percentages in both summary form and disaggregated by race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged.

(3) Data from a public school student attending for less than a full academic year an alternative education program or school operated by a local school system, a juvenile institution, a public charter school, a nonpublic school, the Maryland School for the Deaf, or the Maryland School for the Blind shall be included in the performance report of the local school system in which the student was last enrolled.

(4) Data from a public school student attending for a full academic year an alternative education program or school operated by a local school system, a juvenile institution, a public charter school, a nonpublic school, the Maryland School for the Deaf, or the Maryland School for the Blind shall be included in the performance report of the alternative school attended by the student and in the performance report of the local school system in which the student was last enrolled.

13A.01.04.07

.07 School Improvement, Corrective Action, and Restructuring—Local School Systems.

A. School Identified for Improvement.

(1) Before the beginning of school year 2003—04 and annually by July 1 thereafter, each local school system shall identify for school improvement each elementary or secondary school that has not made AYP in reading, in mathematics, or as applicable, in the attendance rate or in the graduation rate for 2 consecutive years.

(2) To insure that all students reach the State's proficient level in reading, mathematics, and science by 2013 —14, within 3 months or sooner after identification, each identified school shall develop a 2-year school improvement plan that:

- (a) Focuses on strengthening core academic subjects;
- (b) Incorporates strategies based on scientifically based research that will strengthen core academic subjects;
- (c) Includes funds for high quality professional development; and
- (d) Has specific measurable objectives for each student subgroup.

(3) Each local school system within 45 days of receiving a plan shall:

- (a) Establish a peer review process to assist with review of the plan;
- (b) Promptly review the plan;
- (c) Work with the schools as necessary; and
- (d) Approve the school plan if the plan meets the requirements of all applicable federal and State laws and regulations.

(4) The school improvement plan shall be implemented the school year following identification except for school year 2003—04 when the plan shall be implemented as soon as practicable during the 2003—04 school year.

(5) Each local school system shall provide a school identified for improvement with technical assistance grounded in scientifically based research that includes the following:

- (a) Assistance in analyzing data from the State assessment system, and other examples of student work, to:
 - (i) Identify and develop solutions to problems in instruction;
 - (ii) Increase parental involvement;
 - (iii) Improve professional development; and
 - (iv) Implement the school plan;

(b) Assistance in identifying and implementing professional development and instructional strategies and methods that have proved effective, through scientifically based research, in addressing the specific instructional issues that caused the local school system to identify the school for improvement; and

(c) Assistance in analyzing and revising the school's budget so that the school allocates its resources more effectively to the activities most likely to increase student academic achievement and remove the school from school improvement

status.

B. School Identified for Corrective Action.

(1) Before the beginning of school year 2003—04 and annually by July 1 thereafter, each local school system shall place a school in corrective action if a school has not made AYP in reading, in mathematics, or as applicable, in the attendance rate or in the graduation rate after 2 years or more under local reconstitution or after 2 years in school improvement.

(2) For a school under corrective action, each local school system shall continue to provide technical assistance as required under §A(5) of this regulation and shall take at least one of the following corrective actions:

(a) Replace the school staff who are relevant to the failure to make adequate yearly progress;

(b) Institute and fully implement a new curriculum, including providing high quality professional development for all staff who are relevant to the failure to make AYP, that is based on scientifically based research and offers substantial promise of improving educational achievement for low-achieving students and enabling the school to make AYP;

(c) Significantly decrease management authority at the school level;

(d) Appoint an outside expert to advise the school on its progress toward making AYP based on its school plan;

(e) Extend the length of the school year or school day for the school; or

(f) Restructure the internal organizational structure of the school.

C. School Identified for Restructuring.

(1) Before the beginning of school year 2003—04 and annually by July 1 thereafter, a local school system shall identify a school for restructuring if after 1 full year of corrective action the school does not make AYP in reading, in mathematics, or as applicable, in the attendance rate or in the graduation rate.

(2) The local school system shall prepare a plan for alternative governance and implement the alternative governance arrangement not later than the beginning of the next school year.

(3) One of the following alternative governance arrangements shall be implemented consistent with State law and as approved by the State Superintendent of Schools and the State Board:

(a) Reopening the school as a public charter school consistent with the requirements of State law and regulation;

(b) Replacing all or most of the school staff including the principal who are relevant to the failure to make AYP;

(c) Entering into a contract with an entity, such as a private management company, with a demonstrated record of effectiveness, to operate the public school; or

(d) Any other major restructuring of the school's governance arrangement that makes fundamental reform such as significant changes in the school's staffing and governance to improve academic achievement in the school and that has substantial promise of enabling the school to make AYP.

D. General Requirements for School Improvement, Corrective Action, or Restructuring.

(1) Before identifying a school for school improvement, corrective action, or restructuring, a local school system shall provide the school with an opportunity to review the school-level data, including academic assessment data, on which the proposed identification is based.

(2) Supporting Evidence.

(a) If the principal of a school that a local school system proposes to identify for school improvement, corrective action, or restructuring believes, or a majority of the parents of the students enrolled in the school believe, that the proposed identification is in error for statistically significant reasons, the principal may provide supporting evidence to the local school system.

(b) The local school system shall consider the evidence referred to in §D(2)(a) of this regulation before making a final determination.

(c) The local school system shall submit its final determination to the Department for its review and approval.

(3) The local school system shall make public a final determination of the status of the school with respect to identification not later than 30 days after it provides the school with the opportunity to review the data on which the proposed identification is based.

(4) Each local school system shall provide to parents of each student enrolled in a school identified for improvement, corrective action, or restructuring, notice and an explanation of what the identification means, the reasons for the identification, what the school is doing to address the problem of low achievement, how parents can become involved in addressing the academic issues, and any other information required by applicable federal or State law or regulation.

(5) If a school makes AYP for 1 year or has extenuating circumstances beyond its control, such as an act of nature or an extraordinary fiscal constraint beyond its control, a local school system may delay for 1 year identification of a school for school improvement, corrective action, or restructuring; but no such period of delay shall be taken into account in determining the number of consecutive years of failure to make AYP .

(6) If any school identified for school improvement, corrective action, or restructuring makes AYP for 2 consecutive years, the local school system may not subject the school to the requirements of school improvement, corrective action, restructuring or identify the school for school improvement for the succeeding year.

(7) A school receiving funds under Title I of the No Child Left Behind Act must comply with all applicable State and federal requirements for schools identified for improvement, corrective action, and restructuring.

(8) If the State Board determines that a local school system has failed to fulfill its responsibilities as set forth in this regulation, the State Board shall take appropriate corrective action, including withholding or redirection of State and federal funding.

E. Schools Previously Identified for Improvement, Corrective Action, or Reconstitution.

(1) A school in the first or second year of school improvement under Title I on January 8, 2002, shall be treated by the local school system as a school in the first or second year of school improvement for the 2002—03 school year.

(2) A school in the first or second year under local reconstitution on January 8, 2002, that is not also a school under Title I, shall be treated as a school in the first or second year of school improvement for the 2002—03 school year.

(3) A school in school improvement under Title I for 3 or more consecutive school years preceding January 8, 2002, shall be treated by the local school system as a school under corrective action for the 2002—03 school year.

(4) A school under local reconstitution for 3 or more consecutive school years preceding January 8, 2002, that is not also a school under Title I, shall be treated by the local school system as a school under corrective action for the 2002—03 school year.

(5) Any school that was in corrective action on January 8, 2002 shall be treated by the local school system as a school requiring restructuring for the 2003—04 school year.

13A.01.04.08

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

A. Local School System Improvement.

(1) The State Board, upon the recommendation of the State Superintendent of Schools or upon its own motion, shall identify for improvement any local school system that for 2 consecutive years fails to make AYP in reading, in mathematics, or as applicable, in the attendance rate or in the graduation rate.

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

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

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

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

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

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

(a) Incorporate scientifically based research strategies that strengthen the core academic program in the schools in the system;

(b) Identify actions that have the likelihood of improving student achievement to meet the State's proficiency standards;

(c) Address professional development needs of staff in schools not making AYP;

(d) Include specific measurable achievement goals and targets for each of the subgroups of students;

(e) Address the fundamental teaching and learning needs in schools and specific academic problems of low-achieving schools;

(f) Incorporate as appropriate activities before school, after school, during the summer, and during an extended school year;

(g) Specify the responsibilities of the local school system under the plan; and

(h) Include strategies to promote effective parental involvement in the school.

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

(6) Technical Assistance.

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

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

B. Local School System Corrective Action.

(1) The State Board, upon the recommendation of the State Superintendent of Schools or upon its own motion, shall identify a local school system for corrective action if a local school system does not make AYP in reading, in mathematics, or as applicable, in the attendance rate or in the graduation rate for 2 consecutive years after identification of the school system for school improvement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) If a local school system makes AYP for 2 consecutive years beginning after the date of identification, the State Board shall not identify the local school system for improvement or for corrective action for the succeeding school year.

C. Hearings.

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

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

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

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

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

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

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

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

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

D. Transition.

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

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

13A.01.04.09

.09 State Board of Education Review and Recognition.

A. The State Board and the State Superintendent of Schools shall annually review the progress of each local school system to determine if the school system is making AYP in reading and in mathematics and shall publicize the results of the review to each local school system, teachers, staff, and the community and include statistically sound disaggregated results.

B. The State Board, upon the recommendation of the State Superintendent of Schools, may make monetary or nonmonetary rewards to schools, school systems, or both, that significantly close the achievement gap between subgroups or exceed their AYP in reading or in mathematics for 2 or more consecutive years and designate certain schools as distinguished schools that have made the greatest gains in closing the achievement gap or exceeding AYP.