



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: September 24, 2013
SUBJECT: Emergency Regulation to Address State Aid for Students Dually Enrolled But Attending An Institution of Higher Education Full Time

PURPOSE:

To seek approval of an emergency regulation that will address full FTE in State Aid for certain dually enrolled students.

EXECUTIVE SUMMARY:

With the recent passage of SB740, the College and Career Readiness and College Completion Act of 2013, some local school systems are planning to establish early college public school programs in which a student will be dually enrolled in the public school and an institution of higher education (IHE). Unlike most other dual enrollment programs in which the student takes courses at both the high school and the IHE, this dually enrolled student will attend the public school early college program full time and will take all his/her courses in that program.

The student's full time enrollment in the public school early college program raised questions about full FTE State Aid payment to the local school system for that student. Specifically, under COMAR 13A.02.06.03A, the Maryland State Department of Education required a school system to show that a dually enrolled student was taking at least one course at the public high school in order to receive a full FTE State Aid payment for that student.

If no change is made to the regulations to allow full FTE State Aid Payment for such dually enrolled students, the development of robust public school early college programs would be restrained for lack of resources. This would be contrary to the intent of SB740.

Local school systems must begin their planning now if such programs are to come to fruition in the 2014-2015 school year. Both MSDE and the LEAs interested in establishing these public school early college programs believe they will be of high value to students and in line with the intent and purpose of SB740. This amendment to the State Aid regulations will open the door to their development.

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ACTION:

I seek approval of the emergency regulation, with emergency status to begin on October 1, 2013 and end on March 1, 2014. A permanent regulation will be proposed and in effect by that time.

Attachments



MARYLAND REGISTER

Emergency Action on Regulations

TO BE COMPLETED BY AELR COMMITTEE	EMERGENCY Transmittal Sheet	TO BE COMPLETED BY DSD
Date Received by AELR Committee		Date Filed with Division of State Documents
Emergency Status Approved _Yes _No		Document Number
Emergency Status Begins On		Date of Publication in MD Register
Emergency Status Ends On		
Name of AELR Committee Counsel		

1. COMAR Codification

Title Subtitle Chapter Regulation

13A 02 06 03

2. Name of Promulgating Authority

Maryland State Department of Education

3. Name of Regulations Coordinator

Charlene L Necessary

Telephone Number

410-767-0467

Mailing Address

200 W. Baltimore Street

City State Zip Code

Baltimore MD 21201

Email

cnecessary@msde.state.md.us

4. Name of Person to Call About this Document

Steve Brooks

Telephone No.

410-767-0011

Email Address

steve.brooks@msde.state.md.us

5. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

6. Date Requested for Emergency Status to Begin: 10/1/2013

Date Requested for Emergency Status to Expire: 3/28/2014

7. Agency Will Take the Following Action on These Regulations

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126

- Allow them to expire

8. Is there proposed text which is identical to emergency text:

- Yes - No

9. Check the following item if it is included in the attached document:

- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

10. Reason for Request for Emergency Status

With the recent passage of SB740, the College and Career Readiness and College Completion Act of 2013, some local school systems are planning to establish early college public school programs in which a student will be dually enrolled in the public school and an institution of higher education (IHE). Unlike most other dual enrollment programs in which the student takes courses at both the high school and the IHE, this dually enrolled student will attend the public school early college program full time and will take all his/her courses in that program.

The student's full time enrollment in the public school early college program raised questions about full FTE State Aid payment to the local school system for that student. Specifically, under COMAR 13A.02.06.03, the Maryland State Department of Education required a school system to show that a dually enrolled student was taking at least one course at the public high school in order to receive a full FTE State Aid payment for that student.

If no change is made to the regulations to allow full FTE State Aid Payment for such dually enrolled students, the development of robust public school early college programs would be restrained for lack of resources to do so. This would be contrary to the intent of SB740.

Local school systems must begin their planning now if such programs are to come to fruition in the 2014-2015 school year. Both MSDE and the LEAs interested in establishing these public school early college programs believe they will be of high value to students and in line with the intent and purpose of SB740. This amendment to the State Aid regulations will open the door to their development.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elizabeth M. Kameen, Assistant Attorney General, (telephone #410-576-6465) on . A signed copy of the approval is on file at this agency.

Name of Authorized Officer

Charlene L. Necessary

Title

Regulations Coordinator

Date

September 24, 2013

Telephone No.

410-767-0467

Title 13A
A STATE BOARD OF EDUCATION
Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.06 General Financial Aid to Local School Systems

Authority: Education Article, §§2-205 and 5-202, Annotated Code of Maryland

Notice of Emergency Action

□

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .03 under COMAR 13A.02.06 General Financial Aid to Local School Systems.

Emergency status began:

Emergency status expires:

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Estimate of Economic Impact

The emergency action has no economic impact.

Economic Impact on Small Businesses

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

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2014

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:
General funds.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The proposed regulation will have no fiscal impact on the Maryland State Department of Education. It will not increase State Aid that the Local Education Agencies are receiving for students who attend their high schools but who now will attend the public school early college program. If the public school early college program attracts students currently attending private schools to enroll in the public school, an increase in total State Aid payments would ensue. The extent of that increase, if any, is not predictable.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Response to small business worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

Chapter 06 General Financial Aid to Local School Systems

Authority: Education Article, §§2-205 and 5-202, Annotated Code of Maryland

.03 State Financial Assistance under the Foundation Program.

A. For the purpose of calculating State aid under the foundation program, a student, who is a bona fide resident of Maryland and who has age appropriate immunizations, may be included in the enrollment count of the local school system under the following circumstances:

(1)—(8) (text unchanged)

(9) *A student may be counted as one full-time equivalent student if the student:*

(a) Is between age 5 and age 21;

(b) Is dually enrolled in an early college public school program, grades 9-12, located on the campus of an institute of higher education or on the public school campus;

(c) Is attending the early college public school program full-time;

(d) Is taking four or more credit bearing courses in the early college public school program; and

(e) Is under the supervision of the public school for the purposes of:

(i) Assuring that all graduation requirements are met;

(ii) Planning the dual enrollment course work of the student; and

(iii) Providing and supervising participation in extracurricular activities at the public school, if appropriate.

B.—D. (text unchanged)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools