



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

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: January 28, 2014
SUBJECT: COMAR 13A.02.06.03, Extension of Emergency Regulation, State Aid For Students Enrolled In "Early College Programs."

PURPOSE:

To seek approval to extend the time period of the above referenced emergency regulation. The emergency status of this regulation terminates in March 1, 2014.

BACKGROUND:

In September, the State Board approved Emergency Regulations at COMAR 13A.02.06.03. At that time, the Board was provided with the following information:

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.

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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.

EXECUTIVE SUMMARY:

At the State Board meeting on December 16, 2014, this Board voted to publish as a proposed regulation the above referenced emergency regulation (Attached). Thereafter, we received comments from the AELR Committee concerning the need for a definition of “early college program” in the proposed regulation.

Because developing such a definition in conjunction with all the relevant stakeholders will take some time, we need to request the AELR Committee to approve an extension of the emergency regulation.

ACTION:

I ask the Board to request the ALER Committee to approve an extension of the emergency status from March 1, 2014 to September 1, 2014. A draft letter is attached.

Attachments (2)

Title 13A 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 [13-388-E]

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: November 7, 2013.
Emergency status expires: March 28, 2014.

Comparison to Federal Standards

There is no corresponding federal standard to this emergency action.

Economic Impact on Small Businesses

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

.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)—(6) (text unchanged)

(7) A student may be counted as a 1/4 full-time equivalent student for each course taken carrying one unit of credit or fraction of a unit of credit up to a maximum of one full-time student if the student:

(a) — (c) (text unchanged)

(d) Is present at least 1 day in September and has not been determined to have withdrawn on or before September 30; [and]

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

(a) — (b) (text unchanged)

(c) Has received at least 1 day of service in September and has not been determined to have withdrawn on or before September 30; and

(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

Title 36 MARYLAND STATE LOTTERY AND GAMING CONTROL AGENCY

Notice of Emergency Action [13-362-E]

The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to:

(1) Amendments to Regulation .29 under COMAR 36.03.10 Video Lottery Facility Minimum Internal Control Standards;

(2) Amendments to Regulations .02, .03, .06, and .13 under COMAR 36.05.04 Blackjack Rules; and

(3) Amendments to Regulations .02, .03, .04, and .05 and new Regulation .12 under COMAR 36.05.05 Craps Rules.

Emergency status began: November 7, 2013.

Emergency status expires: April 4, 2014.

Editor's Note: The text of this document will not be printed here because it appeared as a Notice of Proposed/Emergency Action in 40:23 Md. R. 1990—1996 (November 15, 2013), referenced as [13-362-P].

STEPHEN L. MARTINO
Director

Maryland State Lottery and Gaming Control Agency

January 28, 2014

Re: Extension of Emergency Status of COMAR 13A.02.06.03

Dear Senator Pinsky and Delegate Rosenberg:

At the State Board meeting on December 16, 2014, this Board voted to publish as a proposed regulation the above referenced emergency regulation. Thereafter, we received comments from the AELR Committee concerning the need for a definition of "early college program" in the proposed regulation.

Based on discussions with legislative staff concerning the need to develop a definition of "early college program" and given the fact that developing such a definition in conjunction with all relevant stakeholders will require additional time and discussion, I am requesting an extension of the emergency status of the attached regulation for an additional 180 days from March 1, 2014 to September 1, 2014.

Thank you for your consideration of this request.

Sincerely,

Charlene M. Dukes, Ed.D.
President
Maryland State Board of Education