



Nonpublic School Approval: Soup to Nuts

Navigating an Onsite Monitoring
Visit

2018-2019 School Year

Nonpublic School Approval Branch

Website

Division of Educator Certification and Program Approval

Nonpublic School Approval
Certification

Teacher Preparation and Program Approval

Behavior Management

COMAR 13A.08.04



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

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

CHRC Monitoring

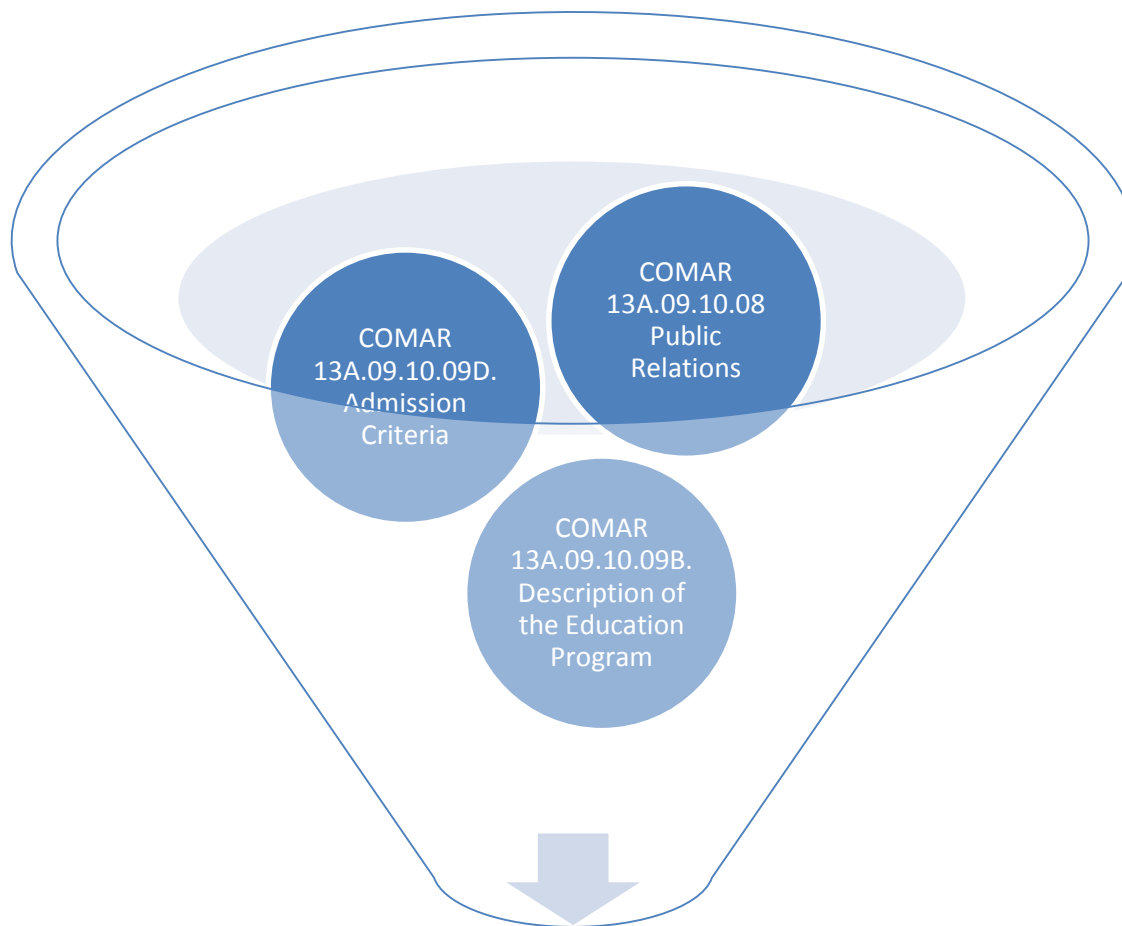
Acceptable Documentation

- 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 365-day waiver application
- Form available on the website: Criminal History Records Check Documentation in Nonpublic Schools

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)

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
- Manner in which information is distributed to parents or legal guardians

Student Records

13A.09.10.10



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

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

Privacy
13A.09.10.12

CONFIDENTIAL

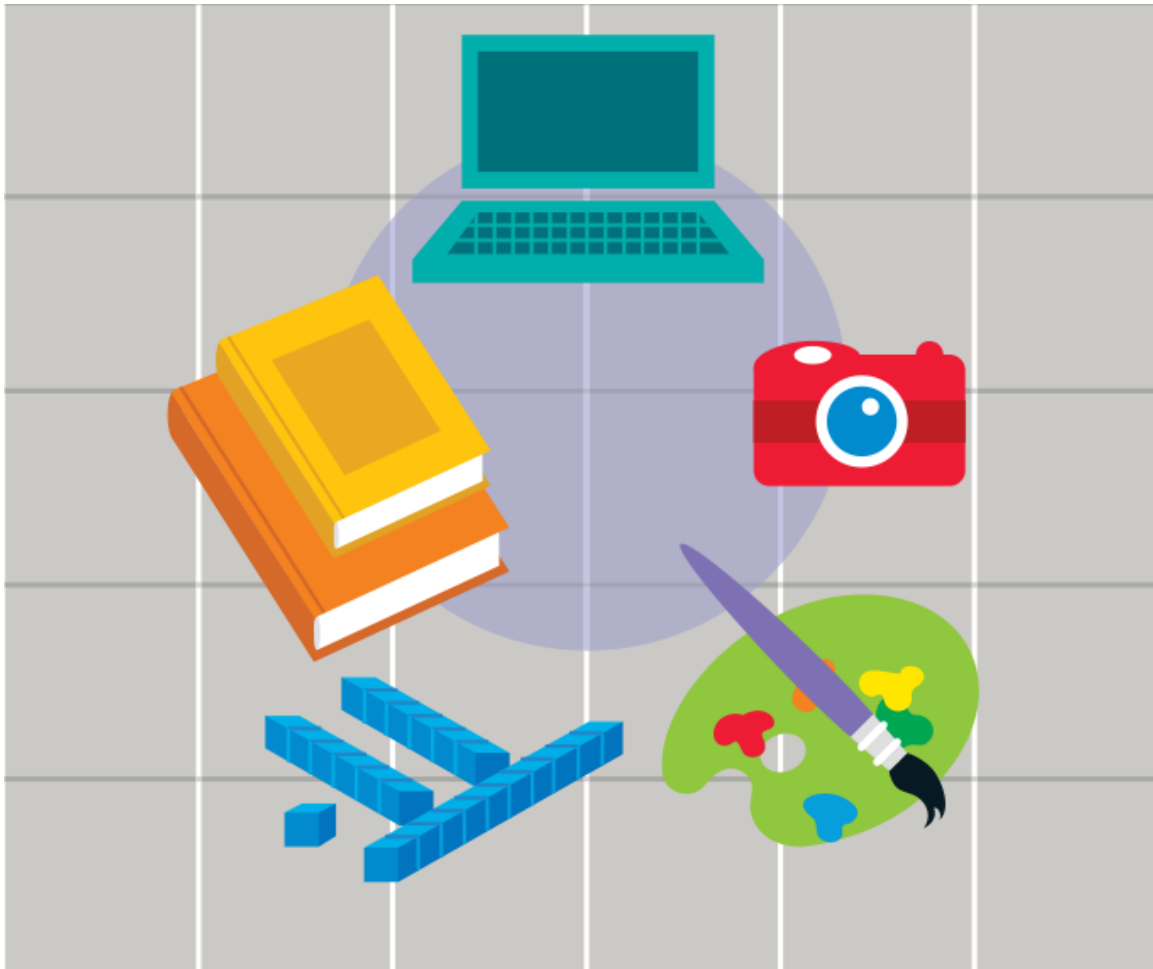
Privacy Policy

- 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 COMAR 13A.09.10.13



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 non-print 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

COMAR 13A.09.10.14



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.

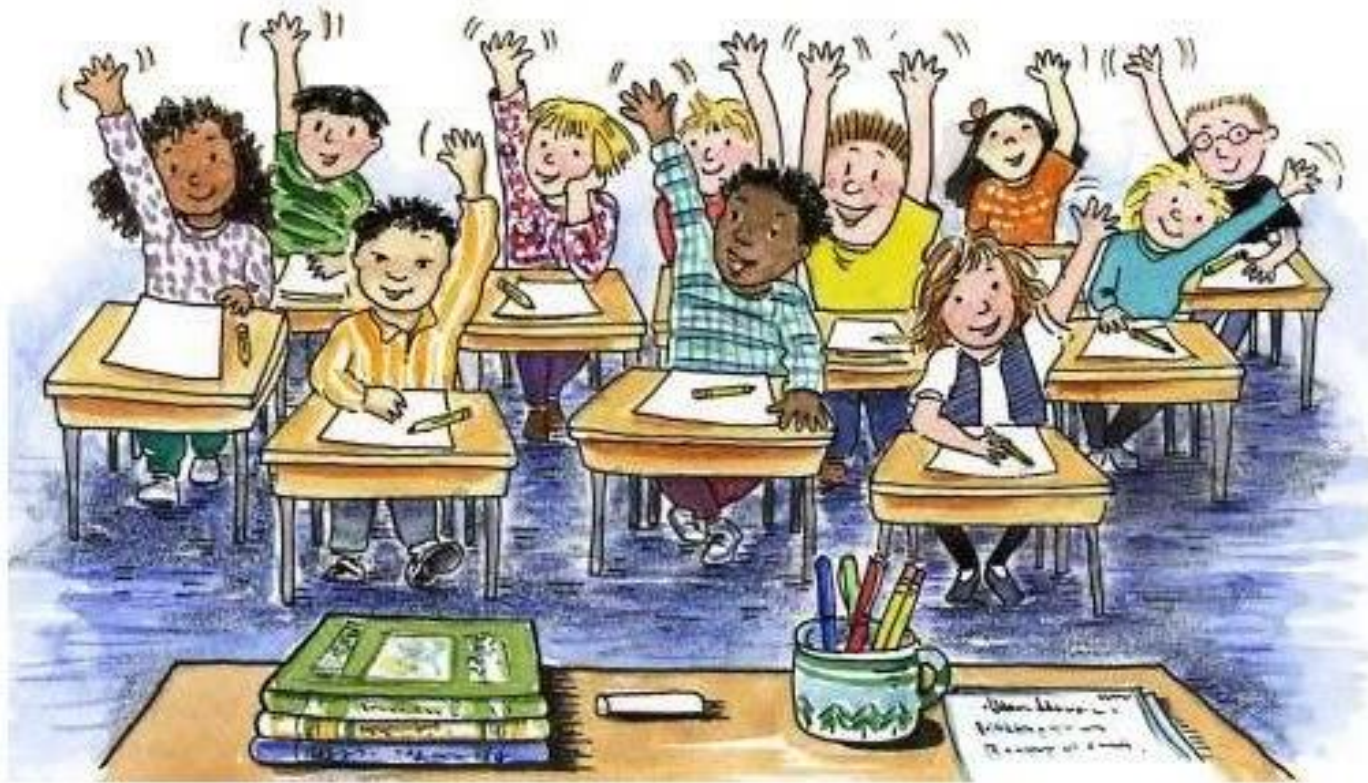
Schedule of the School Day- Type II

- 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

COMAR 13A.09.10.16



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

Special Education Requirements

COMAR 13A.09.10.17



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)

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
- 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

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

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

COMAR 13A.09.10.18



Certification Regulations & Policies

- Regulations
 - 13A.09.10.18
 - 13A.12.01
- 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
- SpEd PreK-12 Requirements
 - Maryland professional certificate in Special Education Supervisor; or
 - Admin I/II AND Generic Special Education; or
 - Teaching certificate in Generic Special Education AND 3 years of satisfactory teaching experience

Personnel Requirements

Type I and II

- 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

- 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

Certification Point of Contact

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

Questions



Nonpublic School Approval Branch

(410) 767-0407

Alexandra Cambra, Chief

alexandra.cambra@maryland.gov

Tanisha Brown

Eastern Region Specialist

tanisha.brown1@maryland.gov

Stefanie Lavin

Central Region Specialist

stefanie.lavin@maryland.gov

Karen Dates-Dunmore

Southern Region Specialist

karen.dates-dunmore@maryland.gov

Holly Powell

West Central Region Specialist

holly.powell1@maryland.gov

Karen Gardner

Administrative Specialist

karen.gardner@maryland.gov

Denise Scott

Western Region Specialist

denise.scott@maryland.gov