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State Superintendent of Schools

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## Memorandum

**DATE:** February 25, 2014

**TO:** Local School System Assistant Superintendents of Instruction  
Local Directors of Special Education

**FROM:** Marcella E. Franczkowski *Marcella*  
Assistant State Superintendent  
Division of Special Education/Early Intervention Services

Jean Satterfield *JS*  
Assistant State Superintendent  
Division of Teacher Effectiveness

**SUBJECT:** *Curriculum*

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The local school systems place students with disabilities in nonpublic special education schools through the Individualized Education Program process. The local school systems partner with nonpublic schools for public school children when necessary to ensure the provision of a Free and Appropriate Public Education (FAPE). These nonpublic schools are a part of the continuum of services for students with disabilities within Maryland. The nonpublic special education schools are required to prepare Maryland students for the Maryland High School Diploma and the Maryland High School Certificate of Program Completion, issued by the local school system or the Maryland State Board of Education as per the Code of Maryland Annotated Regulations (COMAR), 13A.09.10.16. Students attending nonpublic special education schools are required to take all State mandated assessments. The scores obtained by these students are reported within the county aggregate and by nonpublic schools as LEA 24.

In order to meet the high standards prescribed in the State mandated assessments, and to meet Maryland graduation requirements, it is critical for all students with disabilities to have access to the local curriculum. The nonpublic special education schools are required to meet the credit requirements of the sending local school system. To accomplish this task and ensure access to the public school curriculum, the nonpublic schools utilize local school system curriculum as the basis for instruction. The Code of Federal Regulations relating to implementation of the Individuals with Disabilities Act (IDEA) states that specifically designed instruction means adapting, as appropriate to the needs of an eligible child under this part, the content, methodology or delivery of instruction to ensure access of the general education curriculum so that the child can meet the educational standards within the jurisdiction of the public agency that apply to all children [34 CFR 300.39(b)(3)].

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Nonpublic special education schools in Maryland are required to meet the standards prescribed in the COMAR 13A.09.10. The Division of Teacher Effectiveness/Nonpublic Schools Approval Branch monitors the Nonpublic Schools for compliance with the following COMAR provisions:

- COMAR 13A.09.10.17.B states that, “A school shall provide special education and related services to include an organized program of instruction in English language arts, mathematics, science, social studies, and other curricular areas as appropriate.” The nonpublic schools in the State of Maryland are accountable for both Maryland College and Career Readiness Standards and the local school system graduation frameworks.
- COMAR 13A.09.10.17.D(1) requires a nonpublic school that provides nursery school, kindergarten, grades 1-12, or any combination of these, to implement the general education curriculum of a local school system for each subject or area of instruction at each grade level as specified on its approval document.

The purpose of this memorandum is to inform local school systems that current local curriculum shall be available to nonpublic special education schools upon written request and at no cost. As Maryland has fully implemented the Maryland College and Career Readiness Standards, the nonpublic schools shall request copies of aligned local school system curriculum in order to design and implement course offerings to meet the credit requirements of the sending local school system. Please provide or make available for copy, current curriculum used by your system. Collaboration between local school systems and the nonpublic schools is essential for the success of students who receive their special education instruction and related services in the nonpublic special education schools.

Thank you for your support in this matter. If you have any questions, please contact Sarah Spross, Branch Chief, Nonpublic School Approval, Division of Educator Effectiveness at (410)-767- 0407 or by email [sspross@msde.state.md.us](mailto:sspross@msde.state.md.us) or Cynthia Amirault, Section Chief, Nonpublic Schools, Division of Special Education/Early intervention services at (410) 767 -1425 or by email [camirault@msde.state.md.us](mailto:camirault@msde.state.md.us).

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