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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** June 27, 2017

**SUBJECT:** COMAR 13A.04.16  
*Programs in Fine Arts*  
**(AMEND) PERMISSION TO PUBLISH**

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**PURPOSE:**

The purpose of this action is to obtain permission to publish amended regulations for COMAR 13A.04.16 *Programs in Fine Arts*.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the AELR Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

During the regulatory review and evaluation process, COMAR 13A.04.16 *Programs in Fine Arts* was revised to incorporate the new National Core Arts Standards that focus on the artistic processes of

creating, presenting, responding, and connecting.

The revisions are aligned to the following recommendations in The Governor's P-20 Leadership Council Arts Education in Maryland Schools Members of the State Board of Education Final Report (2014):

**Recommendation A:** Revise the Code of Maryland Regulations (COMAR) to provide specific direction to local school systems in the consistent implementation of comprehensive fine arts programs in dance, music, theatre, and visual arts for all children at all grade levels.

**Recommendation D:** Revise the Maryland State Standards for Fine Arts Education.

The final revised draft includes the following recommended changes:

1. The inclusion of prekindergarten in fine arts instruction.
2. The delineation of experiences in all art forms for students in prekindergarten – grade 5.
3. The ability for students in grades 6-8 to specialize in one or more art form.
4. The addition of Media Arts as the 5<sup>th</sup> art form as defined by the National Core Arts Standards.
5. The inclusion and formalization of the Fine Arts Education Advisory Panel.

### **EXECUTIVE SUMMARY:**

The revision and implementation plan for the Fine Arts standards was presented to the State Board of Education on March 22, 2016. The Maryland State Department of Education (MSDE) has worked with more than 100 representatives of local school systems, arts organizations, professional artists and higher education to create the revisions. The revised draft was placed online at the MSDE Fine Arts Office website for public comment for 90-days, presented at district-specific professional development meetings, and has been the guiding document for the Maryland Centers for Creative Classrooms (statewide fine arts professional development institutes). Local school systems have already begun to incorporate the revised language that aligns to the *National Core Arts Standards* as they develop curriculum documents and professional learning activities.

### **ACTION:**

Request permission to publish the proposed amendments to COMAR 13A.04.16 *Programs in Fine Arts*.

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 04 SPECIFIC SUBJECTS

### Chapter 16 Programs in Fine Arts

#### **.01 Requirements for Fine Arts (Art, Dance, Media Arts, Music, Theatre, Visual Arts) Instructional Programs for Grades K Prekindergarten—12.**

~~A. The following fine arts instructional programs shall be required in public schools for grades K—12:~~

~~(1) Grades K—8. Each local school system shall provide an instructional program in fine arts each year for all students in grades K—8.~~

~~(2) Grades 9—12. Each local school system shall offer fine arts instructional programs in grades 9—12 which shall enable students to meet graduation credit requirements and to select fine arts electives.~~

A. Each local school system shall:

1) Provide an instructional program in fine arts each year for all students in grades prekindergarten - 8.

(a) Within the prekindergarten - grade 5 grade span students must have experiences in the fine art forms of dance, media arts, music, theatre and visual art.

(b) In grades 6-8 students may specialize in one or more the fine art forms of dance, media arts, music, theatre, and visual art.

2) Provide an instructional program that enables all students in grades 9-12 to meet graduation requirements, and to select from among fine arts elective courses of dance, media arts, music, theatre and visual art that will prepare them for post-secondary education and careers.

B. Maryland Fine Arts Program. The school system must allot dedicated time in the instructional program aligned to the content standards set forth in §C of this regulation and must adhere to the Universal Design for Learning (UDL) principles to maximize learning opportunities for all diverse learners, including students with disabilities, students who are English learners and students who are gifted and talented. UDL shall guide local school systems in the development of curriculum, instructional planning, instructional delivery, material selection and assessment. ~~The instructional program shall encompass at some time in grades K—8, at a minimum, the arts instructional program competencies and objectives listed in the Declared Competencies Index, incorporated by reference in COMAR 13A.04.10, and the expected outcomes~~

~~related to these competencies and objectives described in guidelines of the State Department of Education. Program accommodations shall be made for students with disabilities. The comprehensive instructional program shall provide for the diversity of student needs, abilities, and interests, at the early, middle, and high school learning years, and shall include all of the following goals and subgoals:~~

- ~~(3) To develop the ability to perceive and respond to experiences and the environment through the fine arts, which includes:
  - ~~(a) Developing an understanding of ways that sensory stimuli effect perception of the acquisition of knowledge,~~
  - ~~(b) Developing an understanding and appreciation of a variety of artistic responses to ideas, images, forms, sounds, and experiences, and~~
  - ~~(c) Developing an understanding of ways that organizing concepts effect expression in the fine arts;~~~~
- ~~(4) To develop an understanding of the fine arts in historical, cultural, and social contexts, which includes:
  - ~~(a) Developing the ability to recognize and appreciate the fine arts as forms of individual and cultural expression,~~
  - ~~(b) Developing an understanding of the philosophies, traditions, styles, forms, and conventions of the fine arts, and~~
  - ~~(c) Developing an understanding of the interrelationships among the fine arts and other forms of cultural expression such as the humanities and sciences;~~~~
- ~~(5) To develop skills and attitudes and to organize knowledge and ideas for creative expression and performance in the fine arts, which includes:
  - ~~(a) Developing the skills and attitudes required to perform or produce in one or more of the fine arts disciplines,~~
  - ~~(b) Developing the ability to create compositions using the organizing concepts of the fine arts and a variety of materials, techniques, and processes, and~~
  - ~~(c) Developing the ability to improvise and experiment with artistic media;~~~~
- ~~(6) To develop the ability to apply criteria to aesthetic decision making, which includes:
  - ~~(a) Developing the knowledge, skills, and sensitivity to make aesthetic judgments,~~
  - ~~(b) Developing the ability to identify, describe, apply, and communicate personal criteria for assessing one's own work, and~~
  - ~~(c) Developing the ability to apply aesthetic criteria to the environment.~~~~

- C. Students shall demonstrate the ability to:
- 1) Generate and conceptualize artistic ideas and work.
  - 2) Organize and develop artistic ideas and work.

- 3) Refine and complete artistic work.
- 4) Analyze, interpret, and select artistic work for presentation.
- 5) Develop and refine artistic work for presentation.
- 6) Convey meaning through the presentation of artistic work.
- 7) Perceive and analyze artistic work.
- 8) Interpret intent and meaning in artistic work.
- 9) Apply criteria to evaluate artistic work.
- 10) Synthesize and relate knowledge and personal experiences to make art.
- 11) Relate artistic ideas and works with societal, cultural, and historical context to deepen understanding.

D. Curriculum Guides. Consistent with Education Article, §4-110, Annotated Code of Maryland, each ~~of the~~ local school systems shall ~~provide use~~ fine arts ~~education~~ curriculum ~~guides~~ documents in each of the fine arts disciplines for the elementary, middle, and high schools under its jurisdiction- that:

- (1) Includes the content standards described in §C of this regulation.
- (2) Aligns with the Maryland State Standards for the Fine Arts for grades Prekindergarten-12 as developed by the Maryland State Department of Education in collaboration with local school systems and in alignment with the National Core Arts Standards.

~~D.~~ E. Student Participation. Each student shall ~~have the opportunity to~~ participate in the fine arts (~~art, music, dance, theatre~~) instructional programs required by this chapter.

### **.02 Fine Arts Education Advisory Panel.**

The State Superintendent of Schools shall maintain a Fine Arts Education Advisory Panel that shall advise the Superintendent on issues and best practices relevant to fine arts education for the students in Maryland.

### **.03 Certification Procedures.**

Beginning September 1, 2019 and each five years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming with grades Prekindergarten-12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter. Annually, each local school system shall report their goals, objectives, and strategies regarding the implementation of fine arts instructional programming and methods for measuring progress.

## **Administrative History**

*Effective date: July 1, 1988 (15:9 Md. R. 1110)*

**Regulation .01B amended effective August 15, 1994 (21:16 Md. R. 1388)**

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 04 SPECIFIC SUBJECTS**

### **Chapter 16 Programs in Fine Arts**

#### **.01 Requirements for Fine Arts (Art, Dance, Music, Theatre) Instructional Programs for Grades K—12.**

- A. The following fine arts instructional programs shall be required in public schools for grades K—12:
  - (1) Grades K—8. Each local school system shall provide an instructional program in fine arts each year for all students in grades K—8.
  - (2) Grades 9—12. Each local school system shall offer fine arts instructional programs in grades 9—12 which shall enable students to meet graduation credit requirements and to select fine arts electives.
  
- B. Maryland Fine Arts Program. The instructional program shall encompass at some time in grades K—8, at a minimum, the arts instructional program competencies and objectives listed in the Declared Competencies Index, incorporated by reference in COMAR 13A.04.10, and the expected outcomes related to these competencies and objectives described in guidelines of the State Department of Education. Program accommodations shall be made for students with disabilities. The comprehensive instructional program shall provide for the diversity of student needs, abilities, and interests, at the early, middle, and high school learning years, and shall include all of the following goals and subgoals:
  - (1) To develop the ability to perceive and respond to experiences and the environment through the fine arts, which includes:
    - (a) Developing an understanding of ways that sensory stimuli effect perception of the acquisition of knowledge,
    - (b) Developing an understanding and appreciation of a variety of artistic responses to ideas, images, forms, sounds, and experiences, and
    - (c) Developing an understanding of ways that organizing concepts effect expression in the fine arts;
  - (2) To develop an understanding of the fine arts in historical, cultural, and social contexts, which includes:

- (a) Developing the ability to recognize and appreciate the fine arts as forms of individual and cultural expression,
  - (b) Developing an understanding of the philosophies, traditions, styles, forms, and conventions of the fine arts, and
  - (c) Developing an understanding of the interrelationships among the fine arts and other forms of cultural expression such as the humanities and sciences;
- (3) To develop skills and attitudes and to organize knowledge and ideas for creative expression and performance in the fine arts, which includes:
- (a) Developing the skills and attitudes required to perform or produce in one or more of the fine arts disciplines,
  - (b) Developing the ability to create compositions using the organizing concepts of the fine arts and a variety of materials, techniques, and processes, and
  - (c) Developing the ability to improvise and experiment with artistic media;
- (4) To develop the ability to apply criteria to aesthetic decision making, which includes:
- (a) Developing the knowledge, skills, and sensitivity to make aesthetic judgments,
  - (b) Developing the ability to identify, describe, apply, and communicate personal criteria for assessing one's own work, and
  - (c) Developing the ability to apply aesthetic criteria to the environment.
- C. Curriculum Guides. Consistent with Education Article, §4-110, Annotated Code of Maryland, each of the local school systems shall provide fine arts education curriculum guides for the elementary, middle, and high schools under its jurisdiction.
- D. Student Participation. Each student shall have the opportunity to participate in the fine arts (art, music, dance, theatre) instructional programs required by this chapter.



## **.02 Certification Procedures.**

By September 1, 1989, and each 5 years after that, each local superintendent of schools shall have certified to the State Superintendent of Schools that the instructional programming within grades K—12 meets, at a minimum, the requirements set forth in Regulation .01.

### **Administrative History**

*Effective date: July 1, 1988 (15:9 Md. R. 1110)*

**Regulation .01B amended effective August 15, 1994 (21:16 Md. R. 1388)**

# Title 13A STATE BOARD OF EDUCATION

## Subtitle 04 SPECIFIC SUBJECTS

### Chapter 16 Programs in Fine Arts

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

#### **.01 Requirements for Fine Arts ([Art,] Dance, Media Arts, Music, Theatre, Visual Art) Instructional Programs for Grades [K] Prekindergarten—12.**

A. **[The following fine arts instructional programs shall be required in public schools for grades K—12:]** *Each local school system shall:*

(1) **[Grades K—8. Each local school system shall]** Provide an instructional program in fine arts each year for all students in grades [K] prekindergarten—8.

(a) *Within the prekindergarten - grade 5 grade span students must have experiences in the fine art forms of dance, media arts, music, theatre and visual art.*

(b) *In grades 6-8 students may specialize in one or more the fine art forms of dance, media arts, music, theatre, and visual art.*

(2) **[Grades 9—12. Each local school system shall offer fine arts instructional programs in grades 9—12 which shall enable students to meet graduation credit requirements and to select fine arts electives.]** *Provide an instructional program that enables all students in grades 9-12 to meet graduation requirements, and to select from among fine arts elective courses of dance, media arts, music, theatre and visual art that will prepare them for post-secondary education and careers.*

B. Maryland Fine Arts Program. The **[instructional program shall encompass at some time in grades K—8, at a minimum, the arts instructional program competencies and objectives listed in the Declared Competencies Index, incorporated by reference in COMAR 13A.04.10, and the expected outcomes related to these competencies and objectives described in guidelines of the State Department of Education. Program accommodations shall be made for students with disabilities. The comprehensive instructional program shall provide for the diversity of student needs, abilities, and interests, at the early, middle, and high school learning years, and shall include all of the following goals and subgoals:**

(1) **To develop the ability to perceive and respond to experiences and the environment through the fine arts, which includes:**

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(a) **Developing the ability to recognize and appreciate the fine arts as forms of individual and cultural expression,**

(b) **Developing an understanding of the philosophies, traditions, styles, forms, and conventions of the fine arts, and**

(c) **Developing an understanding of the interrelationships among the fine arts and other forms of cultural expression such as the humanities and sciences;**

(3) **To develop skills and attitudes and to organize knowledge and ideas for creative expression and performance in the fine arts, which includes:**

(a) **Developing the skills and attitudes required to perform or produce in one or more of the fine arts disciplines,**

(b) **Developing the ability to create compositions using the organizing concepts of the fine arts and a variety of materials, techniques, and processes, and**

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(4) **To develop the ability to apply criteria to aesthetic decision making, which includes:**

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(b) **Developing the ability to identify, describe, apply, and communicate personal criteria for assessing one's own work, and**

(c) **Developing the ability to apply aesthetic criteria to the environment.]**

*school system must allot dedicated time in the instructional program aligned to the content standards set forth in §C of this regulation and must adhere to the Universal Design for Learning (UDL) principles to maximize learning opportunities for all diverse learners, including students with disabilities, students who are English learners and students who are gifted and talented. UDL shall*

guide local school systems in the development of curriculum, instructional planning, instructional delivery, material selection and assessment.

C. Students shall demonstrate the ability to:

- (1) Generate and conceptualize artistic ideas and work.
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- (11) Relate artistic ideas and works with societal, cultural, and historical context to deepen understanding.

[C.] D. Curriculum Guides. Consistent with Education Article[,] §4-110, Annotated Code of Maryland, each [of the] local school system[s] shall [provide] use fine arts [education] curriculum [guides] documents in each of the fine arts disciplines for the elementary[, middle, and high] and secondary schools under its jurisdiction[.] that:

(1) Include the content standards described in §C of this regulation.

(2) Align with the Maryland State Standards for the Fine Arts for grades Prekindergarten-12 as developed by the Maryland State Department of Education in collaboration with local school systems and in alignment with the National Core Arts Standards.

[D.] E. Student Participation. Each student shall [have the opportunity to] participate in the fine arts [(art, music, dance, theatre)] instructional programs required by this chapter.

#### **.02 Fine Arts Education Advisory Panel.**

The State Superintendent of Schools shall maintain a Fine Arts Education Advisory Panel that shall advise the Superintendent on issues and best practices relevant to fine arts education for the students in Maryland.

#### **[.02].03 Certification Procedures.**

[By] Beginning September 1, [1989] 2019, and each [5] five years after that, each local superintendent of schools shall [have certified] certify to the State Superintendent of Schools that the instructional programming [within] with grades [K] Prekindergarten—12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter. Annually, each local school system shall report their goals, objectives, and strategies regarding the implementation of fine arts instructional programming and methods for measuring progress.

KAREN B. SALMON, Ph.D.  
State Superintendent of Schools