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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: October 24, 2017

SUBJECT: COMAR 13A.04.16
Programs in Fine Arts (AMEND)
ADOPTION

PURPOSE:

To request adoption of the 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 Administrative, Executive, and Legislative Review (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 forms.
4. The addition of Media Arts as the 5th 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.

At the June 27, 2017 meeting, the State Board gave approval for the proposed amendments to be published in the Maryland Register. The amendments were published in the Maryland Register from September 1, 2017 through October 2, 2017. Twenty-three comments were received in favor of the regulation as amended.

ACTION:

Request adoption of the proposed amendments to COMAR 13A.04.16 *Programs in Fine Arts*.

[(c)] (b) [Table 4] Table 3. Gross vehicle weight greater than 10,000 pounds:
(table unchanged)
B.—D. (text unchanged)

CHRISTINE NIZER
Administrator
Motor Vehicle Administration
BENJAMIN H. GRUMBLES
Secretary
Maryland Department of the Environment

Title 13A
STATE BOARD OF
EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.16 Programs in Fine Arts

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

Notice of Proposed Action
[17-230-P]

The Maryland State Board of Education proposes to repeal Regulations .01 and .02 and adopt new Regulations .01—.03 under COMAR 13A.04.16 Programs in Fine Arts. This action was considered by the State Board of Education at their meeting held on June 27, 2017.

Statement of Purpose

The purpose of this action is to incorporate the new National Core Arts Standards that focus on the artistic process of creating, presenting, responding, and connecting.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Additional requirements for Fine Arts education that could potentially require additional staff include: (1) the addition of Prekindergarten in the curricular sequence; and (2) programs that encompass all five arts disciplines (dance, media arts, music, theatre, and visual art).

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Unknown
	Benefit (+)	Magnitude
	Cost (-)	
D. On regulated industries or trade groups:	NONE	

E. On other industries or trade groups: NONE
F. Direct and indirect effects on public: NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Local school systems may reappropriate fine arts staffing and/or phase in possible additional instructional positions in one or more art forms.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Susan C. Spinnato, Director of Instructional Programs, Maryland State Department of Education, Division of Curriculum, Research, Assessment, and Accountability, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0349 (TTY 410-333-6442), or email to susan.spinnato@maryland.gov, or fax to 410-333-1146. Comments will be accepted through October 2, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on October 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

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

A. Each local school system shall:

(1) Provide an instructional program in fine arts each year for all students in grades prekindergarten—8 as follows:

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

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

(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.

C. Content Standards. 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;

Title 14 INDEPENDENT AGENCIES

Subtitle 22 COMMISSION ON CRIMINAL SENTENCING POLICY

14.22.02 Criminal Offenses and Seriousness Categories

Authority: Criminal Procedure Article, §6-211, Annotated Code of Maryland

Notice of Proposed Action
[17-232-P]

The Maryland State Commission on Criminal Sentencing Policy proposes to amend Regulation .02 under COMAR 14.22.02 **Criminal Offenses and Seriousness Categories**. This action was considered by the Maryland State Commission on Criminal Sentencing Policy at an open meeting held on July 11, 2017, notice of which was given by publication in 44:13 Md. R. 642 (June 23, 2017) pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to indicate modifications to the table of seriousness categories (guidelines offense table) under COMAR 14.22.02.02. The proposed revisions include:

- (1) The addition of methamphetamine as an example of a Schedule I through V non-narcotic drug;
- (2) Classification of new and or amended offenses passed during the 2017 Legislative Session;
- (3) Updates to the statutory code source for motor vehicle offenses pursuant to the recodification of these laws in S.B. 165, Ch. 55, Acts of 2017; and
- (4) Other minor edits to the table.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to David Soule, Executive Director, Maryland State Commission on Criminal Sentencing Policy, 4511 Knox Rd, Suite 309, College Park, MD 20740, or call 301-403-4165, or email to dsoule@umd.edu, or fax to 301-403-4164. Comments will be accepted through October 2, 2017. A public hearing has not been scheduled.

- (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; and

(11) Relate artistic ideas and works with societal, cultural, and historical context to deepen understanding.

D. Curriculum Guides. Consistent with Education Article, §4-111, Annotated Code of Maryland, each local school system shall use fine arts curriculum documents in each of the fine arts disciplines for the elementary and secondary schools under its jurisdiction that:

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

(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.

E. Student Participation. Each student shall participate in the fine arts 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 students in Maryland.

.03 Certification Procedures.

A. Beginning September 1, 2019, and each 5 years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming within grades prekindergarten—12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

B. Each local school system shall report annually 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

.02 Seriousness Categories.

	Offense Literal	CJIS Code	Source	Felony or Misd.	Max Term	Min Term	Offense Type	Ser. Category	Fine
1—36-4 (text unchanged)									
37	Bribery Bribery to or by public officer	1-5101 1-5103	Common law; CR, §9-201	Misd.	12Y	2Y	Property	V	[\$100— \$5,000] \$1,000— \$10,000
38—41 (text unchanged)									