

MARYLAND REGISTER

## Proposed Action on Regulations

### Comparison to Federal Standards Submission and Response

**Name:** Charlene L Necessary  
**Agency:** Maryland State Department of Education  
**Address:** 200 W. Baltimore Street  
**State:** MD  
**Zip:** 21201  
**Phone:** 410-767-0467  
**Email:** charlene.necessary@maryland.gov

In accordance with Executive Order 01.01.1996.03 and memo dated July 26, 1996, the attached document is submitted to the Department of Business and Economic Development for review.

The Proposed Action is not more restrictive or stringent than corresponding federal standards.

**COMAR Codification:** 13A.06.09.01—.05

**Corresponding Federal Standard:**

Every Student Succeeds Act

**Discussion/Justification:**

These regulations require evidence-based early literacy interventions and align to those requirements in General Provisions, Title 8 of the Every Student Succeeds Act.

#### TO BE COMPLETED BY DBED

-Agree

-Disagree

**Comments:**

Name:

Date:

-Submit to Governor's Office

**Governor's Office Response**

**Comments:**

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
		Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/28/2018**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

13A 06 09 01—.05

**3. Name of Promulgating Authority**

Maryland State Department of Education

**4. Name of Regulations Coordinator**

Charlene L Necessary

**Telephone Number**

410-767-0467

**Mailing Address**

200 W. Baltimore Street

**City State Zip Code**

Baltimore MD 21201

**Email**

charlene.necessary@maryland.gov

**5. Name of Person to Call About this Document**

Mary Gable

**Telephone No.**

410-767-0472

**Email Address**

mary.gable@maryland.gov

**6. Check applicable items:**

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: .



## Subtitle 06 SUPPORTING PROGRAMS

### 13A.06.09 Maryland Early Literacy Initiative

Authority: Education Article, §§2-205 and 5-216, Annotated Code of Maryland; 2018 Md. Laws Ch. 361

#### Notice of Proposed Action

□

The Maryland State Board of Education proposes to adopt new regulations .01—.05 under new Chapter 13A.06.09 Maryland Early Literacy Initiative.

This action was considered at the July 24, 2018 meeting of the State Board of Education.

#### Statement of Purpose

The purpose of this action is to provide early literacy intervention services to students in selected schools or school systems through a state-funded competitive grant program.

#### Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

#### Estimate of Economic Impact

##### I. Summary of Economic Impact.

New state funding for FY19 will provide \$2.4 million in grant funding for up to 3 local school systems Early Literacy Program grants.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(R+)	\$3 million
B. On other State agencies:	NONE	
C. On local governments:	(R+)	unknown
	Benefit (+) Cost (-)	Magnitude
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.)

A. The Maryland State Department of Education received \$3 million to implement the Early Literacy Program.

C. The Maryland State Department of Education will award grants to qualifying schools.

**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 an impact on individuals with disabilities as follows:  
Eligible students with disabilities in schools that receive grants under this regulation will receive additional services.

**Opportunity for Public Comment**

Comments may be sent to Mary Gable, Asst. State Superintendent, Division of Student Support, Academic Enrichment & Educational Policy, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0472 TTY: 410-333-6442, or email to [mary.gable@maryland.gov](mailto:mary.gable@maryland.gov), or fax to 410-333-0880. Comments will be accepted through October 29, 2018. 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 December 4, 2018, 9:00 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

**Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2019

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General funds.

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

---

## Title 13A

### STATE BOARD OF EDUCATION

#### Subtitle 06 SUPPORTING PROGRAMS

##### *Chapter 09 Maryland Early Literacy Initiative*

###### **.01 Purpose.**

*The Maryland Early Literacy Initiative is a grant program that will assist up to 50 qualifying schools in at least three school systems to implement an evidence-based literacy program in the school to work with participating students to meet literacy proficiency targets by the end of eighth grade.*

###### **.02 Definitions.**

A. *In this regulation, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *"Evidence-based early literacy program" means a program that satisfies levels 1 or 2 as defined under Title 8, General Provisions of the Every Student Succeeds Act, and includes systematic, direct instruction in phonemic awareness, phonics, vocabulary development, fluency, and comprehension.*

(2) *"Initiative" means the Maryland Early Literacy Initiative.*

(3) *"Interventionist" means a trained professional whose primary responsibility is to deliver evidence-based early literacy intervention.*

(4) *"Nonprofit organization" means a nonprofit organization that:*

(a) *Is based in the State;*

(b) *Is incorporated or registered under the laws of the State;*

(c) *Is exempt from Federal income tax under §501(c)(3), (4), or (6) of the Internal Revenue Code;*

(d) *Is current in the payment of all tax obligations to the State or any unit or subdivision of the State; and*

(e) *Has been in active business for three years or more at the time of the application submitted under this section or has a fiscal sponsor who can meet the requirements of this section.*

(5) *"Participating student" means a student:*

(a) *In Prekindergarten through eighth grade; or*

(b) *A student who performs below a certain score, as determined by the Department, on the assessment the Department uses to assess reading level.*

(6) *"Qualifying school" means a public school categorized by the local school system as a Title I school.*

###### **.03 Program Requirements.**

A. *For the 2018-19 school year through the 2021-22 school year, a qualifying school may apply to the Department to receive a grant to develop an evidence-based early literacy program.*

B. *A qualifying school may apply for a grant only if the local superintendent endorses the school's grant application.*

C. *A qualifying school may coordinate and partner with other qualifying schools in the county to apply jointly for a grant to develop a literacy program among the partnering qualifying schools.*

D. *A qualifying school may apply for and accept donations, grants, or other financial assistance from a governmental entity, a nonprofit organization, or any other private organization to benefit the literacy program.*

E. *A local school board may apply on behalf of one or more qualifying schools in the local school system.*

###### **.04 Grant Application.**

A. *An application shall:*

(1) Identify whether the qualifying school will work in collaboration with a nonprofit organization or the local board of education to implement the literacy program;

(2) Provide the name and qualifications of the nonprofit organization, if the qualifying school will work in collaboration with a nonprofit organization;

(3) Include a description of:

(a) The literacy program to be implemented at the qualifying school;

(b) The training that will be provided to the interventionist to provide the services in this section;

(c) How the literacy program will meet the grant requirements in this section;

(d) Any other information required by the Department.

**B. A Literacy Program developed under the Initiative shall:**

(1) Provide early literacy intervention services for participating students;

(2) Require participating students to receive direct services at least twice a week;

(3) Have clear literacy targets at each grade level for participating students;

(4) Have benchmark assessments multiple times a year to identify students who need one-on-one interventions;

(5) Collect data on student progress at least monthly;

(6) Be implemented by staff hired and supervised by the collaborating nonprofit organization or the local board of education; and

(7) Use literacy programs that utilize various evidence-based approaches and methodologies for:

(a) Comparison purposes; and

(b) The collection of multiple data points for long-term review.

**.05 Grant Award.**

A. To the extent that funds are available, the Department shall distribute up to 50 grants in at least three school systems for a 2-year period.

B. In awarding grants under the Initiative, the Department will fund only those qualifying schools that use literacy programs that utilize various evidence-based approaches and methodologies for:

(1) Comparison purposes; and

(2) The collection of multiple data points for long-term review.

C. If the number of applications exceed the number of available grants, the Department shall give priority to a qualifying school serving a high concentration of students living in poverty in Prekindergarten through third grade.

D. A grant made to each qualifying school may not exceed \$75,000 each year.

E. A grant made under this section shall be renewed by the Department after a 2-year period if the qualifying school presents evidence that the qualifying school is:

(1) In compliance with all grant requirements; and

(2) Meeting identified targets and benchmarks.

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