

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
State Board of Education**  
(DLS Control No. 19-056)

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**Overview and Legal and Fiscal Impact**

The regulation (1) alters the process for certifying that a local school system's mathematics curriculum is aligned to the Maryland College and Career Ready Standards and (2) requires local school system leaders to provide certain forms of evidence to the State Superintendent of Schools that the local mathematics curriculum is aligned to State standards.

The regulation presents no legal issues of concern.

Depending on the option chosen by a local school system to demonstrate that its mathematics curriculum is aligned to the Maryland College and Career Ready Standards, local school system expenditures may increase as described below.

**Regulation of COMAR Affected**

**State Board of Education:**

Specific Subjects: Program in Mathematics: COMAR 13A.04.12.02

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**Legal Analysis**

**Summary of Regulation**

Local school systems must use curriculum that is aligned to the Maryland College and Career Ready Standards for mathematics. A local superintendent of schools must certify to the State Superintendent of Schools that the instructional programming in the local school system for grades prekindergarten through 12 meets the Maryland College and Career Ready Standards for mathematics.

The regulation makes changes to the timing of the certification process so that beginning September 1, 2020, a local superintendent or chief executive officer must make the certification

when new State standards, local school system curriculum, or curriculum support materials are adopted.

The regulation also establishes a requirement that the local superintendent or chief executive officer provide evidence that the mathematics curriculum is aligned with the Maryland College and Career Ready Standards. There are three forms of acceptable evidence:

- a Maryland State Department of Education curriculum vetting report with an acceptable rating for the identified grade levels or courses;
- a curriculum vetting report from a nationally recognized external party that demonstrates alignment for the identified grade levels or courses; and
- documentation of national ratings demonstrating both alignment to the Maryland College and Career Ready Standards and that the curriculum and support materials meet level 1 (strong) or level 2 (moderate) evidence standards as defined in the federal Every Student Succeeds Act.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The department cites §§ 2-205(c), 2-205(h), and 7-205.1 of the Education Article as statutory authority for this regulation. Section 2-205(c) and (h) broadly require the State Board of Education to adopt bylaws, rules, and regulations for the administration of public schools and establish basic policy and guidelines for instruction in public schools. Section 7-205.1 generally requires the State board to establish high school curriculum and graduation requirements for all public schools. More specifically, § 7-205.1(c) requires each student to enroll in a mathematics course in each year of high school attendance and requires the department to adopt regulations that establish the mathematics and math-related courses that meet this requirement.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Technical Corrections and Special Notes**

In response to clarifying and technical changes proposed by the Department of Legislative Services, the department agreed to (1) in the Statement of Purpose, change “can” to “must” because local school systems must provide evidence that the curriculum is aligned to State standards and (2) specify the referenced federal standards in Regulation .02B(3), which describes the third form of acceptable evidence. This analysis reflects those changes.

## **Fiscal Analysis**

Depending on the option chosen by a local school system to demonstrate that its mathematics curriculum is aligned to the Maryland College and Career Ready Standards, local school system expenditures may increase as described below.

### **Agency Estimate of Projected Fiscal Impact**

The regulation establishes three options for a local school system to demonstrate evidence of alignment of their mathematics curriculum to the Maryland College and Career Ready Standards. The three options are as follows:

- a curriculum vetting report produced by the department;
- a curriculum vetting report produced by a nationally recognized third party; or
- documentation of national ratings to demonstrate an alignment to Maryland College and Career Ready Standards and strong (level 1) or moderate (level 2) evidence as defined in the federal Every Student Succeeds Act for all third-party curriculum and curriculum support materials in use.

This documentation must be provided each time a local school system changes their curriculum.

The department advises it has allocated State general funds to support the implementation of the regulation. The department hired a coordinator to oversee curriculum vetting in May 2019 (fiscal 2019) and hired consultants to vet curriculum (fiscal 2019). The department further advises that local school system expenditures will increase to produce the required documentation if a system chooses to use curriculum that has not already been vetted by the department. The Department of Legislative Services generally concurs; however, potentially a third-party alignment document could be obtained at no cost to the local school system.

### **Impact on Budget**

There is no impact on the State operating or capital budget beyond those funds already allocated for the coordinator position and the consultants in fiscal 2019 and beyond.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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