



# Maryland Developmental Disabilities Council

EMPOWERMENT • OPPORTUNITY • INCLUSION

July 7, 2014

Dr. Jack R. Smith, Chief Academic Officer  
Maryland State Department of Education  
Office of the Deputy for Teaching and Learning  
200 West Baltimore Street  
Baltimore, Maryland 21201  
VIA Email and Regular Mail

Re: Comments on COMAR 13A.03.02 – Graduation Requirements for Public High  
Schools in Maryland

Dear Dr. Smith:

The Maryland Developmental Disabilities Council (DD Council) envisions a state where all people with developmental disabilities exercise control over their lives, reach their full potential, and lead healthy, fulfilling lives with enriching relationships. The DD Council is led by people with developmental disabilities and their families and it is from that perspective that we submit the following comments with regard to the proposed revisions to COMAR about graduation requirements for public high schools in Maryland.

As you know, students with disabilities are entitled to a free and appropriate public education until the end of the school year in which the student turns 21 years old, in accordance with state and federal law. A student with a disability may graduate with a high school diploma before the age of 21 or leave high school with a High School Certificate of Program Completion. Our comments about the regulations focus on the standards for the Maryland High School Certificate of Program Completion. COMAR 13A.03.02.09(D).

## College and Career Readiness

The expectation for students with disabilities, including students with the most significant disabilities should be post-secondary education or work opportunities. As teachers prepare students for post-secondary options, those expectations should remain high. And the goals and objectives in a student's individual education programs (IEP) should reflect those high expectations.

We applaud the Division of Special Education/Early Intervention Services for making secondary transition as one of their four action imperatives in their strategic plan. Specifically, the Division's goal includes programs and services to "increase the number of youth with disabilities who are actively engaged in post-secondary activities such as education, technical and career training, and employment after exiting schools."<sup>1</sup>

Marylanders with disabilities and their families clearly express their desire for jobs in the community, earning living wages with benefits, and with opportunities for career advancement. Yet, the unemployment and under-employment rate of people with

developmental disabilities is disproportionately higher than the general public. In fact, 2010 census data shows that there is a nearly 70% unemployment rate among working age adults with significant disabilities. In addition, people with developmental disabilities who are employed typically receive low wages, have less access to benefits and limited career advancement.

A focus on secondary transition and post-secondary options that will increase opportunities for people with disabilities is an important goal. MSDE has already recognized this. And, these regulations create some additional standards that align with those goals; however, we are concerned that by adding “day programming” to the list of possible options, expectations of students will be lowered. This is contradictory with what students with disabilities and their families want and need.

### Medicaid Home and Community-based Services Rule

On Jan. 16, 2013, CMS issued a new HCBS rule which, in part, states that programs that have the effect of segregating people who receive Medicaid-funded home and community-based services from people who do not cannot be funded by Medicaid.

COMAR 13A.03.02.09(D)(1)(a) is clear that a student is to develop appropriate skills for work, citizenship and a fulfilling life in order to receive a High School Certificate of Program Completion. In addition, as stated above, it is possible under the new HCBS rule that any setting that has the effect of discouraging integration of individuals from the broader community will not be allowable. As such, it was appropriate to delete “work activity centers” and “sheltered workshops” from regulation. However, this is another reason “day programming” should not be added to the list of post-secondary options.

For the reasons stated above and in accordance with the new CMS rule, we suggest the following language as a substitute:

#### **COMAR 13A.03.02.09(D)(1)**

**(a) ...including but not limited to:**

- (i) Gainful employment;**
- (ii) Supported employment;**
- (iii) Post-secondary education; or**
- (iv) Other services that are integrated in the community**

Thank you for the opportunity to provide comments. If you have any questions or concerns, please contact Rachel London at [RLondon@md-council.org](mailto:RLondon@md-council.org) or 410-767-3786.

Sincerely,

Rachel London  
Director, Children & Family Policy

Cathy Lyle  
Deputy Director

---

<sup>i</sup> Maryland State Department of Education, Division of Special Education/Early Intervention Services, *Strategic Plan: Moving Maryland Forward*. October 2013.