



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: April 27, 2021

SUBJECT: COMAR 13A.02.06.06A
State Financial Assistance under the Special Education Grant
ADOPTION

PURPOSE:

The purpose of this item is to request adoption of the amended regulation for COMAR 13A.02.06.06A *State Financial Assistance under the Special Education Grant*. The amended regulation changes the date of the annual federally submitted student count for students with disabilities from the current last Friday in October to October 1st.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended 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, Maryland State Department of Education (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 the 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:

Section 618 of the *Individuals with Disabilities Education Act (IDEA)* requires that each state submit data about the children with disabilities, ages 3 through 21, who receive special education and related services under Part B of *IDEA*. Child count dates are required to be on or between October 1st and December 1st

annually. The Division of Early Intervention and Special Education Services (DEI/SES) has revised its child count date from the last Friday in October to October 1st annually to more closely align with MSDE's annual September 30th enrollment collection. COMAR regulations that reference the previously identified child count date of the last Friday in October need to be revised to ensure consistency with MSDE's current processes.

At the December 8, 2020, State Board meeting, the State Board granted permission to publish the amendment to COMAR 13A.02.06.06A *State Financial Assistance under the Special Education Grant*. The regulation was published in the Maryland Register from January 29 to March 1, 2021. No comments were received.

EXECUTIVE SUMMARY:

The proposed amendment to COMAR 13A.02.06.06A *State Financial Assistance under the Special Education Grant* reflects the change of the annual federally submitted student count date for students with disabilities from the last Friday in October to October 1st.

ACTION:

Request adoption of the amendment to COMAR 13A.02.06.06A *State Financial Assistance under the Special Education Grant*.

ATTACHMENT:

COMAR 13A.02.06.06A
State Financial Assistance under the Special Education Grant

Title 13A STATE BOARD OF EDUCATION

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

Chapter 06 General Financial Aid to Local School Systems

Authority: Education Article, §§2-205, 5-202, 5-205—5-209, 7-101, 7-101.1, 8-101—8-105, 8-403, and 8-404, Annotated Code of Maryland

.06 State Financial Assistance under the Special Education Grant.

A. A special education student may be counted as eligible for State aid under the special education grant if the student is:

- (1) Between age 3 and age 21;
- (2) Enrolled in a public school in a local school system unless the student is enrolled in or attending:
 - (a) The Maryland School for the Blind;
 - (b) The Maryland School for the Deaf; or
 - (c) An educational program operated by the State; and
- (3) Receiving special education services on **[the last Friday in]** October **Ist** of the prior fiscal year.

B. The service providing local school system may include a student enrolled as the result of an out-of-county living arrangement, under Education Article, §4-122, Annotated Code of Maryland, in its enrollment count for the purpose of calculating State aid under the special education grant if the student meets all other eligibility requirements.

C. If a local school system provides services to a nonlocal resident student, under Education Article, §4-121, Annotated Code of Maryland, the local school system may include the nonlocal resident student in its enrollment count for the purpose of calculating State aid under the special education grant if the student meets all other eligibility requirements.

.07 State Financial Assistance Under the Disabled Student Transportation Grant.

A. A disabled student may be counted as eligible for State aid under the disabled student transportation grant if:

- (1) The student is between age 3 and age 21;
- (2) The student is enrolled in a public school in a local school system;
- (3) Special transportation services are identified as a related service for a free appropriate public education in the student's individualized education program; and
- (4) The student is receiving services as of **[the last Friday in]** October **Ist** of the prior fiscal year.

B. The service providing local school system may include a student enrolled as the result of an out-of-county living arrangement under Education Article, §4-122, Annotated Code of Maryland, in its count for the purpose of calculating State aid under the disabled student transportation grant if the student meets all other eligibility requirements.

C. If a local school system provides services to a nonlocal resident student under Education Article, §4-121, Annotated Code of Maryland, the local school system may include the nonlocal resident student in its enrollment count for the purpose of calculating State aid under the disabled student transportation grant if the student meets all other eligibility requirements.