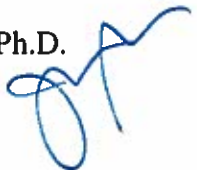




Jack R. Smith, Ph.D.
Interim State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Jack R. Smith, Ph.D. 

DATE: April 26, 2016

SUBJECT: Code of Maryland Regulations (COMAR) 13A.02.06 General Financial Aid to Local School Systems; 13A.08.01 General Regulations; and 13A.08.02 Student Records (AMEND)
ADOPTION

PURPOSE:

To obtain permission to adopt the revisions to the *Maryland Student Records System Manual Final 2016* (MSRSM) (Attachment I), 2016 which are incorporated by reference in COMAR 13A.02.06.02, 13A.08.01.01, and COMAR 13A.08.02.01. The proposed amendments to COMAR that update references to the MSRSM.

REGULATION PROMULGATION PROCESS:

Under Maryland Law, a state agency, such as the State Board, may propose new or amended regulations whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the 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.

HISTORICAL BACKGROUND AND PURPOSE:

The MSRSM provides direction and guidance for completing and maintaining an accurate history of the performance of a student during their years of school attendance. The most recent revision of the Maryland Student Records System Manual was in 2011. Statutory and regulatory guidance has been issued revising how schools must provide for systems of enrollment, attendance, and promotion. These systems are delineated in the manual and the MSRSM becomes a working tool for the

processes for maintaining student records. The purpose of this presentation is to review proposed revisions to the MSRSM 2011, which are incorporated by reference into State Board of Education regulations at COMAR 13A.08.02.01.

During 2014 and 2015, stakeholder workgroups reviewed, updated, and provided substantive guidance forming the revisions of the MSRSM. Members of the workgroups included representatives from Local Education Agencies (LEAs) as well as staff from four Divisions within MSDE: Division of Curriculum, Assessment and Accountability; Division of Student, Family, and School Support; Division of Special Education/Early Intervention Services; and Early Childhood Development. In addition, the MSRSM was circulated to all divisions for review and comment.

There are four main categories of changes and updates which affect the MSRSM: updated language to improve clarity for LEAs in gathering data; updated language to align with amended policy and/or regulations; reflect changes in procedures at MSDE; and remove redundant statements. Significant revisions reflect changes in the Maryland Guidelines for a State Code of Discipline (July 22, 2014).

At the May 2015 Maryland State Board of Education Meeting, permission was granted to publish the *Maryland Student Records System Manual Final 2016* (MSRSM) (Attachment I), 2016 incorporated by reference in COMAR 13A.08.02.01, COMAR 13A.08.01.01E, COMAR 13A.02.06.02B(9). Opportunities for public comment were provided through publication of the proposed amended regulation in the Maryland Register, Volume 42, Issue 23, Friday, November 13, 2015 (Attachment II).

EXECUTIVE SUMMARY:

The MSDE received comments and questions from the Maryland Association of Nonpublic Special Education Facilities and Advocates for Children and Youth (Attachment III). The comments and question received were: 1) questions regarding reasons for lawful absences; 2) questions regarding coding for students in incarceration or in detention; and 3) comments expressing suggested revision to the MSRSM discipline section to replicate the MSDE Maryland Guidelines of a Student Code of Discipline.

The proposed non-substantive amendments, as revised: (1) corrects a grammatical error to ensure that a sentence in the discipline section reads correctly; (2) corrects regulation citations to ensure complete references to the appropriate State Laws and Regulations.

ACTION:

Request permission to adopt COMAR 13A.02.06, 13A.08.01, and 13A.08.02 to incorporate by reference the **Maryland Student Records System Manual Final 2016**.

KKS:JM

Attachments

PROPOSED ACTION ON REGULATIONS

1460

Title 13A STATE BOARD OF EDUCATION

Notice of Proposed Action [15-186-R-1]

The Maryland State Board of Education proposes to amend:

- (1) Regulation .02 under COMAR 13A.02.06 General Financial Aid to Local School Systems;
- (2) Regulation .01 under COMAR 13A.08.01 General Regulations; and
- (3) Regulation .01 under COMAR 13A.08.02 Student Records.

This action was considered at the August 25, 2015 meeting of the State Board of Education.

Because substantive changes have been made to the original proposal as published in 42:14 Md. R. 912 (July 10, 2015), this action is being repropose at this time.

Statement of Purpose

The purpose of this action is to include additional revisions to the incorporation by reference of the Maryland Student System Manual. These additional revisions were approved by the Maryland State Board of Education at their meeting on August 25, 2015.

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 John T. McGinnis, Pupil Personnel and School Social Worker Specialist, Division of Student, Family and School Support, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0295 (TTY 410-333-6442), or email to john.mcginis@maryland.gov, or fax to 410-333-8148. Comments will be accepted through December 14, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 26, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Ed. Note: Pursuant to State Government Article, §10-113, Annotated Code of Maryland, if a promulgating agency substantively alters the text of regulations that have been previously proposed in the Maryland Register, the altered text must be published in the Maryland Register as though it were initially proposed. The text of regulations appearing immediately below has been altered substantively from the initially proposed text.

Symbols: Roman type indicates existing text of regulations. *Italic* type indicates initially proposed new text. ***Arial Bold Italic*** type indicates new text that substantively alters the text as initially proposed. [Single brackets] indicate existing text proposed for repeal. [Triple brackets] indicate text proposed for deletion which substantively alters the originally proposed text.

Editor's Note on Incorporation by Reference

Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Student Records System Manual Final 2016 has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 42:1 Md. R. 9 (January 9, 2015), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

Subtitle 02 LOCAL SCHOOL ADMINISTRATION

13A.02.06 General Financial Aid to Local School Systems

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

.02 Definitions.

A. (originally proposed text unchanged)

B. Terms Defined.

(1) — (8) (originally proposed text unchanged)

(9) "Documented retention and dropout prevention interventions" means documented actions taken by the local school system to keep the student in school [], examples of which are specified in the Maryland Student Records System Manual (2011), incorporated by reference in COMAR 13A.08.02.01[].

(10) — (16) (originally proposed text unchanged)

Subtitle 08 STUDENTS

13A.08.01 General Regulations

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

.01 Attendance.

A. — D. (originally proposed text unchanged)

E. Daily Attendance Record. A record of the daily attendance of each student shall be kept in accordance with regulations of the State Board of Education and the Maryland Student Records System Manual *Final 2016*, which is incorporated by reference in COMAR 13A.08.02.01.

13A.08.02 Student Records

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

.01 Incorporation by Reference.

A system of information on enrollment, attendance, and promotion of students shall be maintained in accordance with the regulations of the State Board of Education and the Maryland Student Records System Manual *Final 2016*, which is incorporated by reference.

JACK R. SMITH, Ph.D.
Interim State Superintendent of Schools

COMMENT AND ANALYSIS
 COMAR 13A.08.02
 STUDENT RECORD SYSTEM MANUAL
 January 26, 2016

DATE	COMMENTERS	COMMENT/PROPOSED ACTION	MSDE RATIONAL
12.01.15	Maryland Association of Nonpublic Special Education Facilities	10 Reasons for lawful absences. SRM provides 11. Why	Letter addressing this question was sent to Mrs. Dori Flynn, Executive Director, indicating the additional reason for lawful absences was added on medical recommendation.
12.01.15	Maryland Association of Nonpublic Special Education Facilities	Coding for students incarcerated or in detention.	In phone conversation it was communicated that these students are considered a transfer (T-22) which is found on page 48 of SRM. A list of suspension codes are found on pages 68-71.
12.14.15	Advocates for Children and Youth	Letter expressing concerns on the Discipline Section: 1. Outlined perceived inconsistency of MSRSM with MSDE's Maryland Guidelines for a State Code of Discipline (Code). 2. Reference to State Laws and Regulations	1. In the first comment period, MSDE aligned MSRM discipline section to mirror definitions in Code. 2. Requested references are not cited in the MSRSM. Reference section is intended to be a precise list of regulations cited in MSRSM.

3. Discipline Section:-In-School Interventions and Arrests

3. In-school and out of school suspensions are captured however, in school interventions are not captured as they are not uniformly defined across LSS and are not required to be collected by Federal Code or COMAR.

Arrests on school premises, a new regulation, are currently being collected through direct LSS reporting. MSDE will determine if it should be collected through an alternative source after the first year of data has been collected and the process has been reflected upon.

4. MSDE Code of Discipline, Discipline Offense Codes by Definitions and by Category

4. The Guidelines manual is referenced in the SRM on page 66 and the SRM offense codes and definitions are aligned with the Guidelines. The LSS determine consequences of a student's behavior based on local Student Code of Conduct. Data regarding severity is uniformly defined across LSS but instead categories are suggested by MSDE.

6. Disposition Codes, Offenses occurring with and without physical injury, educational services.

6. After review it was determined that the current disposition codes accurately reflect available options for LSS to exclude students. Definition for offenses occurring with and without physical injury reflects federal definition.