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**TO:** Members of the State Board

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** January 24, 2017

**SUBJECT:** COMAR 13A.04.03  
*Driver Education Programs (Repeal)*  
**ADOPT**

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**PURPOSE:**

The purpose of this item is to request approval to repeal the driver education program requirements for local school systems and non-public schools that offered driver's education, COMAR 13A.04.03.

**REGULATION PROMULGATION REVIEW PROCESS:**

In accordance with the Regulator Review and Evaluation Act, State Government Article §§10-130– 10-139, Annotated Code of Maryland, the Maryland State Department of Education (MSDE) periodically schedules regulations for review to evaluate the need to retain, amend, or repeal any provisions. The purpose of this review is to determine whether the regulations: 1) continue to be necessary for the public interest; 2) continue to be supported by statutory authority and judicial opinion; and 3) are obsolete or otherwise appropriate for amendment or repeal.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

The driver education program regulations were in effect when driver education was voluntarily offered by the 24 local school systems and some non-public schools. Driver education programs are now governed by the Maryland Vehicle Administration (MVA) and apply to business entities and institutions. COMAR 11.23.02. The MVA regulations apply specifically to public and private school systems. COMAR 11.23.02.04. The State Board of Education's regulations concerning driver education under COMAR 13A.04.03 are no longer needed.

This regulation came before the State Board on August 23, 2016 requesting Permission to Publish. The regulation was published in the Maryland Register. No comments were received.

**EXECUTIVE SUMMARY:**

The existing regulations for driver education programs are no longer needed as the MVA now has jurisdiction over this function and the MVA has adopted regulations to carry out this activity.

**ACTION:**

Request approval to repeal COMAR 13A.04.03.

Attachment

will be accepted through November 28, 2016. 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 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

#### .01 Purpose and Scope.

*Recognizing that high school graduates who can function in two or more languages are equipped with the knowledge and skills to participate successfully in college, careers, and a diverse 21st century society, the Maryland Seal of Biliteracy Program is established to recognize and reward excellence in language learning as measured by rigorous proficiency assessments across a range of language skills.*

#### .02 Definitions.

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

##### B. Terms Defined.

(1) *“American Council on the Teaching of Foreign Languages (ACTFL) Proficiency Guidelines” means the global descriptions of five levels of integrated performance in listening, speaking, reading and writing: Novice, Intermediate, Advanced, Superior, and Distinguished.*

(2) *“World language” means any natural language, including American Sign Language, native American languages, and languages no longer spoken (e.g., Latin and ancient Greek).*

#### .03 Local School System Participation.

A. *Participation in the program by a local public school system is voluntary.*

B. *An individual school may not opt out of participation in a local school system program.*

#### .04 Demonstrating Proficiency in English and World Languages.

A. *To receive a Maryland Seal of Biliteracy:*

(1) *The student must meet the assessment requirement as set forth in COMAR 13A.03.02.09 on the Maryland High School English Language Arts/Literacy assessment; and*

(2) *The student must select appropriate world language assessment instrument(s) from the Maryland State Department of Education’s approved list of assessments aligned to the ACTFL Proficiency Guidelines and attain an overall proficiency level of Intermediate High.*

#### .05 Awarding the Maryland Seal of Biliteracy.

A. *The student shall provide official test results to the local school system.*

B. *The local school system shall validate the assessment results and affix the Seal of Biliteracy to the student’s diploma or transcript at graduation, at no cost to the student.*

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

## Subtitle 04 SPECIFIC SUBJECTS

### 13A.04.03 Driver Education Programs

Authority: Education Article, §7-412; Transportation Article, §§16-212.1 and 16-501—16-506; Annotated Code of Maryland

#### Notice of Proposed Action

[16-276-P]

The Maryland State Board of Education proposes to repeal Regulations .01 — .11 under **COMAR 13A.04.03 Driver Education Programs**. This action was considered at the State Board meeting held on August 23, 2016.

#### Statement of Purpose

The purpose of this action is to repeal **COMAR 13A.04.03 Driver Education Programs** as obsolete. Driver education programs are now governed by the Maryland Vehicle Administration.

#### 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 Amanda Stakem Conn, Esquire, Director of Education Policy and Government Relations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0469 (TTY 410-333-6442), or email to amanda.conn@maryland.gov, or fax to 410-333-2226. Comments will be accepted through November 28, 2016. 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 24, 2017, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

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