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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: June 27, 2017

SUBJECT: COMAR 13A.05.02.01-.14
Administration of Services for Students with Disabilities
ADOPTION

PURPOSE:

The purpose of this action is to request that the State Board adopt revisions to COMAR 13A.05.02.01-.14 *Administration of Services for Students with Disabilities* (ATTACHMENT I).

REGULATION PROMULGATION PROCESS:

In accordance with the Regulatory 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 opinions; and 3) are obsolete or otherwise are appropriate for amendment or repeal.

BACKGROUND/HISTORICAL PERSPECTIVE:

The regulations promulgated by the State Board to govern the administration of services for students with disabilities in Maryland, consistent with the federal Individuals with Disabilities Education Act (IDEA), are located in COMAR 13A.05.02. This chapter of COMAR addresses the State's responsibilities under the IDEA, procedural safeguards, compliance review activities, interagency collaboration, and nonpublic placements by local school systems. The MSDE consulted stakeholder groups to assist in the review process and, as a result of its review and evaluation, proposed several amendments that fall into two categories: 1) updates to terminology; and 2) updates to statutory or regulatory citations. With regard to terminology, the local coordinating councils (LCCs) were replaced by local care teams (LCTs) as a result of a statutory change in 2011. With regard to citations, Article 49D was recodified as Title 8 of the Human Services Article, Annotated Code of Maryland, as a result of a statutory change in 2007. The MSDE has proposed no substantive changes to the regulations.

On December 5, 2016, the State Board approved the proposed regulation for publication. The amendments were published in the Maryland Register on April 28th. In that publication, the Division of State Documents made a mistake and published an incorrect public comment and open meeting timeline. On May 12th, the Division of State Documents corrected their mistake

by publishing a Notice of Change to Opportunity for Public Comment and Open Meeting (attached). During the public comment period, the Department received no comments.

EXECUTIVE SUMMARY:

The following changes are reflected in the amended regulations:

1. 13A.05.02.03B(1) – replaces “local coordinating council (LCC)” with “local care team (LCT)” and replaces Article 49D with Human Services Article § 8-405
2. 13A.05.02.03B(1)(c)– replaces Article 49D with COMAR 14.31.01
3. 13A.05.02.03B(2) – replaces Article 49D with Human Services Article § 8-301
4. 13A.05.02.03B(4) – replaces Article 49D with Human Services Article § 8-401
5. 13A.05.02.14B(1) – deletes Article 49D
6. 13A.05.02.14B(5)(a) – replaces “LCC” with “LCT”
7. 13A.05.02.14B(5)(b) – replaces “LCC” with “LCT”
8. 13A.05.02.14C(1) – replaces “LCC” with “LCT” and replaces Article 49D with COMAR 14.31.01
9. 13A.05.02.14C(2) – replaces “LCC” with “LCT”
10. 13A.05.02.14C(3) – replaces “LCC” with “LCT” and replaces Article 49D with COMAR 14.31.01
11. 13A.05.02.14C(4) – replaces “LCC” with “LCT”
12. 13A.05.02.14D(1) – replaces “LCC” with “LCT”

ACTION:

Request that the State Board adopt COMAR 13A.05.02.01-.14, *Administration of Services for Students with Disabilities*, as amended.

[(3)] (4)—[(5)] (6) (text unchanged)

DENNIS R. SCHRADER
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.02 Administration of Services for Students with Disabilities

Authority: Education Article, §§2-205, 8-301—[8-307] 8-319, 8-3A-01—8-3A-11, and 8-401—[8-416] 8-419; Human Services Article, §§8-401—8-409; Labor and Employment Article, §§11-801 and 11-901 et seq.; Annotated Code of Maryland
Federal Statutory Reference: 20 U.S.C. §§1408, 1412, 1413, and 1437;
Federal Regulatory References: 34 CFR 300 and [301] 303

Notice of Change to Opportunity for Public Comment and Open Meeting Notices

[17-121-P]

The dates in the Opportunity for Public Comment and Open Meeting notices, which were published in 44:9 Md. R. 443 (April 28, 2017), have been corrected below.

Opportunity for Public Comment

Comments may be sent to Marcella E. Franczkowski, Assistant State Superintendent, Division of Special Education/Early Invention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0238 TTY:410-333-6442, or email to marcella.franczkowski@maryland.gov, or fax to 410-333-2488. Comments will be accepted through **May 30, 2017**. 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 **June 27, 2017**, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

Title 13B MARYLAND HIGHER EDUCATION COMMISSION

Subtitle 08 FINANCIAL AID

13B.08.09 Maryland Dent-Care Loan Assistance Repayment Program

Authority: Education Article, §§11-105(u), 18-204(c), and 18-2401—18-2408; Annotated Code of Maryland

Notice of Proposed Action

[17-131-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01—.11 under a new chapter, **COMAR 13B.08.09 Maryland Dent-Care Loan Assistance Repayment Program**. This

action was considered by the Maryland Higher Education Commission at a public meeting held on March 22, 2017.

Statement of Purpose

The purpose of this action is to adopt regulations to implement Education Article, Title 18, Subtitle 24, Annotated Code of Maryland.

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 Donna Thomas, Director, Office of Student Financial Assistance, Maryland Higher Education Commission, 6 North Liberty Street, Baltimore, MD 21201, or call 410-767-3109, or email to donnae.thomas@maryland.gov, or fax to . Comments will be accepted through June 12, 2017. A public hearing has not been scheduled.

.01 Purpose.

A. *The purpose of the Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) is to increase access to oral health services for Maryland Medical Assistance Program (MMAP) recipients by increasing the number of dentists who treat that population.*

B. *The MDC-LARP is funded through Maryland general funds and provides loan repayment for Maryland licensed dentists dependent upon available annual funding.*

C. *A dentist who participates in this program shall agree to provide oral health care services to a minimum of 30 percent MMAP recipients as a proportion of their total patient population, document this information, and submit confirming written reports.*

.02 Eligibility.

A. *To be eligible for Maryland Dent-Care Loan Assistance Repayment Program (MDC-LARP) repayment assistance, an individual:*

(1) *Shall be employed as a full-time dentist in Maryland;*

(2) *Shall demonstrate financial need;*

(3) *Shall have received a dental degree from a college or university in Maryland or from an accredited U.S. dental school;*

(4) *Shall have a valid unrestricted license to practice dentistry in Maryland at the time the service obligation begins;*

(5) *May not have breached an obligation for service to a federal, state, or local government entity;*

(6) *Shall have no unserved obligations for service to a federal, state, or local government, or to another entity, with the exception of U.S. Department of Health and Human Services' Primary Care Loans, Exceptional Financial Need Scholarships, and Financial Assistance for Disadvantaged Health Professions Students aid;*

(7) *Shall have outstanding eligible higher education loans;*

(8) *May not be in default on any eligible higher education loan; and*

(9) *Shall agree to provide services as provided in Regulation .07 of this chapter.*

B. *Service obligations shall be rendered at an eligible practice site, which is any federal, state, local, or private for-profit or nonprofit dental facility (including a solo, group, or incorporated*

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

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Federal Statutory Reference: 20 U.S.C. §§1408, 1412, 1413, and 1437;
Federal Regulatory References: 34 CFR 300 and [301] 303

Notice of Proposed Action

[17-121-P]

The Maryland State Board of Education proposes to amend Regulations .03 and .14 under **COMAR 13A.05.02 Administration of Services for Students with Disabilities**.

This action was considered by the State Board of Education at their meeting held on December 5, 2016.

Statement of Purpose

The purpose of this action is to provide updates to terminology and statutory or regulatory citations.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 Marcella E. Franczkowski, Assistant State Superintendent, Division of Special Education/Early Invention Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0238 TTY:410-333-6442, or email to marcella.franczkowski@maryland.gov, or fax to 410-333-2488. Comments will be accepted through May 1, 2017. 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 May 23, 2017, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.03 Definitions.

- A. (text unchanged)
- B. Terms Defined.

(1) ["Local coordinating council (LCC)"] "*Local care team (LCT)*" means the interagency committee established in each jurisdiction in accordance with [Article 49D,] *Human Services Article §8-405*, Annotated Code of Maryland, to:

- (a) — (b) (text unchanged)

(c) Review requests for State funding of residential placements of students with disabilities in accordance with [Article 49D, Annotated Code of Maryland.] *COMAR 14.31.01*.

(2) "Local management board" means the entity established or designated in accordance with [Article 49D, §11,] *Human Services Article, §8-301*, Annotated Code of Maryland, to ensure the implementation of a local interagency service delivery system for children, youth, and families in each local jurisdiction.

(3) (text unchanged)

(4) "State Coordinating Council (SCC)" means the interagency committee established in [Article 49D,] *Human Services Article, §8-401*, Annotated Code of Maryland.

(5) (text unchanged)

.14 Nonpublic Placements by Local School Systems.

A. (text unchanged)

B. State Contributions for Funding In-State Nonpublic Placements.

(1) A State contribution for funding the costs of a placement for a student with a disability in an approved nonpublic school program is available for placements which meet the requirements of Education Article, §8-406, [and Article 49D,] Annotated Code of Maryland, and Regulation .12 of this chapter.

(2) — (4) (text unchanged)

(5) State Contribution for Funding an In-State Residential Placement.

(a) A local school system shall obtain approval from the [LCC, pursuant to Article 49D, Annotated Code of Maryland,] *LCT* before a local school system requests a State funding contribution of an in-State residential placement for a student with a disability.

(b) A local school system shall notify the Department of the [LCC] *LCT* approval when the request for a State funding contribution is submitted to the Department.

C. State Contribution for Funding Out-of-State Nonpublic Placements.

(1) A local school system shall participate as a member of the [LCC] *LCT* and the LMB, in accordance with [Article 49D, Annotated Code of Maryland.] *COMAR 14.31.01*.

(2) A local school system shall obtain approval from the [LCC] *LCT* to request a State contribution for funding an out-of-State nonpublic placement for a student with a disability whose educational needs cannot be met in an in-State nonpublic placement consistent with §A of this regulation.

(3) The [LCC] *LCT* shall review the funding request for an out-of-State nonpublic placement in accordance with [Article 49D, Annotated Code of Maryland.] *COMAR 14.31.01*.

(4) If the [LCC] *LCT* approves the out-of-State nonpublic placement funding request, the local school system shall forward the funding request and supporting documentation at the time and in the manner specified by the SCC.

(5) (text unchanged)

D. Limitations on Local School System and State Funding Contributions to Nonpublic Placements.

(1) If the [LCC] *LCT* determines that a student with a disability requires a nonpublic placement for noneducational reasons, the local school system may agree to be responsible for the educational cost not to exceed the local share of the basic cost of the local school system education program, as defined in Education Article, §8-415, Annotated Code of Maryland.

(2) — (4) (text unchanged)

E. (text unchanged)

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