



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

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**TO:** Members of the State Board of Education

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

**DATE:** August 28, 2018

**SUBJECT:** COMAR 13A.02.01.04  
*Length of the School Year*  
**ADOPTION**

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**PURPOSE:**

The purpose of this item is to request that the State Board adopt an amendment to COMAR 13A.02.01.04 – *Length of the School Year*.

**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:**

The existing regulation, COMAR 13A02.01.04- *Length of the School Year*, establishes the process for waivers of the 180-day instructional requirement. The proposed amendment requires local school systems to notify the MSDE of school closures and plans to make-up missed days within ten days. This will enable the MSDE to more accurately and timely monitor local school system emergency closures and make-up recovery plans. The reported information will be shared with the Maryland State Board of Education to provide adequate data when rendering decisions regarding waiver requests.

**EXECUTIVE SUMMARY:**

The State Board reviewed the proposed amendment to the regulation and granted permission to publish at the April 24, 2018 State Board meeting. The regulation was published in the Maryland Register from July 6, 2018 through August 6, 2018. During the public comment period, one public comment was received. The change requested by the commenter mirrors recent legislation amending Education Article §7-103 which permits local school systems to extend their calendars five days beyond June 15 without State Board approval. This proposed amendment to the current regulation does not impede on the rights granted by that legislation. The proposed amendment to the regulation was not a direct consequence of the school calendar legislation or any other statute passed recently. It is an effort to ensure local school systems report closures and make-up plans in a timely and accurate manner. The MSDE recommends no change to the amendment to COMAR 13A.02.01.04 – *Length of the School Year* at this time.

**ACTION:**

Request adoption of the proposed amendment to COMAR 13A.02.01.04 – *Length of the School Year*.

**Impact on Individuals with Disabilities**

The proposed action has no impact on individuals with disabilities.

**Opportunity for Public Comment**

Comments may be sent to Jennifer Beskid, Director of Grants and Special Projects, Maryland Police and Correctional Training Commissions, 6852 4th Street, Sykesville, Maryland 21784, or call 410-875-3525, or email to jennifer.beskid@maryland.gov, or fax to 410-875-3584. Comments will be accepted through August 6, 2018. A public hearing has not been scheduled.

**.19 Procedures for Requesting a Waiver.**

**A. Selection Standards.**

(1) An agency head or training director may submit a written request for a waiver of mandated employee selection standards to the [Commission] *Deputy Director*.

(2) (text unchanged)

**B. Training Standards.**

(1) An agency head or training director may submit a signed written request for a waiver of mandated employee training standards to the [Commission] *Deputy Director*.

(2) A signed written request for a waiver of Commission-required mandated employee training shall include:

(a) — (c) (text unchanged)

(d) Other information that the [Commission] *Deputy Director* may request.

**C. Mandated Employee Entrance-Level Training Waiver.**

(1) The [Commission] *Deputy Director* may approve a waiver of Commission-required mandated employee entrance-level training if the individual:

(a) (text unchanged)

(b) Completed an entrance-level training determined by the [Commission] *Deputy Director* to be comparable to the Commission-approved mandated employee entrance-level training under Regulation .09 of this chapter.

(2) An agency head or training director may submit a signed written request for a waiver of Commission-approved mandated employee entrance-level training to the [Commission] *Deputy Director*.

(3) If the [Commission] *Deputy Director* grants a waiver of Commission-approved mandated employee entrance-level training, the individual shall meet the following requirements before the Commission grants certification in the mandated position:

(a) (text unchanged)

(b) Certification in cardiopulmonary resuscitation (CPR); [and]

(c) Completion of the entrance-level firearms training and qualification under COMAR 12.10.04, if applicable[.]; and

(d) For mandated employees defined under Regulation .01B under this chapter, satisfactory completion of 80 hours of training in the following:

(i) Administrative procedures;

(ii) Purpose of corrections;

(iii) Supervision of inmates;

(iv) Security, custody, and control of inmates;

(v) Deception and manipulation by inmates; and

(vi) Security threat groups.

D. [A request for a waiver on behalf of an individual may not again be submitted under this regulation within 1 year after the date on which the Commission has denied the request for the waiver on behalf of the individual.] *Denial of Waiver Request.*

(1) ) An agency head or training director may appeal the *Deputy Director's* decision to deny the waiver request by mailing a signed written request for reconsideration of the denial to the Commission.

(2) If the Commission's final determination is to deny a waiver requested on behalf of an individual under §D(1) of this regulation, the agency head or training director may not submit another request for waiver on behalf of the individual within 2 years of the date the Commission denied the previous request.

STEPHEN T. MOYER

Secretary Public Safety and Correctional Services

**Title 13A  
STATE BOARD OF  
EDUCATION**

**Subtitle 02 LOCAL SCHOOL  
ADMINISTRATION**

**13A.02.01 Local Boards of Education**

Authority: Education Article, §§2-205, 4-101, 4-105, 4-106, 5-101, 5-109, and 7-103, Annotated Code of Maryland

**Notice of Proposed Action**

[18-168-P]

The Maryland State Board of Education proposes to amend Regulation .04 under **COMAR 13A.02.01 Local Boards of Education**. This action was considered at the April 24, 2018, meeting of the State Board of Education.

**Statement of Purpose**

The purpose of this action is to enable the Maryland State Department of Education to monitor local school system school closures and make-up days more closely and in a more timely and efficient manner.

**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 Teresa Dantzler, Ombudsman, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0480 (TTY 410-333-6442), or email to teresa.dantzler1@maryland.gov, or fax to 410-333-2226. Comments will be accepted through August 6, 2018. A public hearing has not been scheduled.

**Open Meeting**

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on August 28, 2018, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**.04 Length of the School Year.**

A.—B. (text unchanged)

C. Whether or not a school system plans to apply for a waiver, after any school system closure, it must provide notice to the Maryland State Department of Education, within 10 days of

reopening, of its plan to make up the missed school days, including the dates of the make-up days.

[C.] D. Application for Waiver.

(1) (text unchanged)

(2) In considering this application, the State Board of Education may waive:

(a) (text unchanged)

(b) Additional days beyond those specified in [§C(1)(b)] §D(1)(b) of this regulation that would have to be added to the calendar to complete a 180-day schedule.

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

## Title 31

# MARYLAND INSURANCE ADMINISTRATION

## Subtitle 03 INSURANCE PRODUCERS AND OTHER INSURANCE PROFESSIONALS

### 31.03.13 Producer Registers and Documentation of Appointments

Authority: Insurance Article, §§2-109(a)(1), 10-103(c), and 10-118(j),  
Annotated Code of Maryland

#### Notice of Proposed Action

[18-167-P]

The Insurance Commissioner proposes to amend Regulation .02 under COMAR 31.03.13 Producer Registers and Documentation of Appointments.

#### Statement of Purpose

The purpose of this action is to amend COMAR 31.03.13.02 Producer Registers and Documentation of Appointments. The Maryland Insurance Administration no longer uses prefixes on insurance producer licenses and has not used them since approximately 2009 when a new state based systems licensing database was implemented. Therefore, Regulation .02B(1)(b) is being repealed as it currently requires an insurer to add the prefix to the Maryland license number of the insurance producer to their producer register.

#### 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 Tyler Hoblitzell, Legislative and Regulatory Analyst, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2488, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov), or fax to 410-468-

2020. Comments will be accepted through August 6, 2018. A public hearing has not been scheduled.

#### .02 Producer Register.

A. (text unchanged)

B. Form and Content.

(1) Within 30 days after appointing an insurance producer, an insurer shall add the following information to the insurer's producer register:

(a) (text unchanged)

[(b) The prefix to the Maryland license number of the insurance producer;]

[(c)] (b) — [(h)] (g) (text unchanged)

(2) — (4) (text unchanged)

ALFRED W. REDMER, JR.  
Insurance Commissioner

## Subtitle 05 ASSETS, LIABILITIES, RESERVES, AND INVESTMENTS OF INSURERS

### 31.05.11 Annual Financial Reporting

Authority: Insurance Article, §§2-109(a)(1), 2-205, 4-116, 14-118, 14-121, 14-413, 15-605, [and] 24-211, and 24-304,; Labor and Employment Article, §10-125;] Annotated Code of Maryland

#### Notice of Proposed Action

[18-164-P]

The Insurance Commissioner proposes to amend Regulations .02, .08, and .13, adopt new Regulation .14, recodify existing Regulations .14, .15, and .17 to be Regulations .15, .16, and .18, respectively, and amend and recodify existing Regulation .16 to be Regulation .17 under COMAR 31.05.11 Annual Financial Reporting.

#### Statement of Purpose

The purpose of this action is to align COMAR 31.05.11 with changes to the National Association of Insurance Commissioner's (NAIC) Model Regulation #205 Annual Financial Reporting that were adopted in 2014. The amendments are required for the continued NAIC accreditation of the Maryland Insurance Administration and will make COMAR consistent with the current NAIC Model. Additional changes are being made to correct numbering and cross-references rendered incorrect by the amendments.

#### 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 Tyler Hoblitzell, Legislative and Regulatory Analyst, Maryland Insurance Administration, 200 St. Paul Place, Suite 2700, Baltimore, MD 21202, or call 410-468-2488, or email to [insuranceregreview.mia@maryland.gov](mailto:insuranceregreview.mia@maryland.gov), or fax to 410-468-2020. Comments will be accepted through August 6, 2018. A public hearing has not been scheduled.