



Nancy S. Grasmick
State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: February 22, 2011

SUBJECT: Proposed Amendment to 13A.03.02--Graduation Requirements for Public High Schools in Maryland (Environmental Literacy)

PURPOSE:

The purpose of this item is to report the results of public comments for the proposed amendment to 13A.03.02, Graduation Requirement for Public High Schools in Maryland; to offer a recommendation on language; and, to recommend State Board action.

BACKGROUND/HISTORICAL PERSPECTIVE:

On September 21, 2010, we presented a proposed amendment to the regulation governing graduation requirements. That amendment stated:

Beginning with students entering high school in 2011-2012, all students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Superintendent of Schools.

After discussion, the State Board recommended changes to the proposal. On October 26, 2010, the State Board reviewed the changes and approved them for publication in the Maryland Register. The proposed regulation as published states:

C. Beginning with students entering ninth grade in 2011-12, all students must complete the environmental literacy requirement set forth in COMAR 13A.04.17. Including but not limited to the ways set forth below, a student may meet this requirement by the successful completion of:

(1) The science and social studies credits required for graduation as set forth in this Regulation,
or

- (2) An AP environmental science course or the on-line AP environmental science course offered through the Maryland Virtual Learning Opportunities Program; or
- (3) A locally developed environmental science course.

The proposed regulation was published for comment on January 3, 2011. The public comment period ended on February 3, 2011.

EXECUTIVE SUMMARY:

Many public commenters applauded the efforts of the Maryland State Board of Education for establishing the Environmental Education Instructional Program for Grades PreK-12 and recognized Maryland as a national leader in Environmental Education initiatives. However, an overwhelming majority of the commenters (332 of 375) expressed dissatisfaction that students would be able to demonstrate environmental literacy simply by completing the existing high school course requirements for social studies and science, and they expressed dissatisfaction that there was no oversight language. A hard copy of the compilation of the comments is available for review in the Board's conference room.

The majority of the writers who were dissatisfied with the proposed language suggested the following replacement language:

“Beginning with students entering high school in 2011-12, all students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Board of Education.”

Given all of the public comment, as well as our own internal discussions of this matter, I am recommending that we return to the original language that was proposed to the State Board on September 21, 2010.

“Beginning with students entering high school in 2011-2012, all students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Superintendent of Schools.”

COMAR 13A.04.17.01, which is the Environmental Education program regulation, states that each school system must provide an environmental education program during the high school years. Therefore, the proposed language above would be aligned with that section of COMAR and would then be set forth in two appropriate places in the regulation.

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This is a substantive change in the proposed regulation and, therefore, the regulation will have to be republished as a proposed regulation.

ACTION:

The State Board is asked to approve the amendment to COMAR 13A.03.02 and to direct that the regulation be republished as proposed.

NSG/mc

Attachments: **13A.03.02 Graduation Requirements for Public High Schools in Maryland**

PROPOSED ACTION ON REGULATIONS

C. The supervising authority, by the next working day after receipt of written notification from a registrant under §A(1) of this regulation, shall notify the Sex Offender Registry Unit of the registrant's travel plan.

D. Upon receipt of notification under §C of this regulation, the Sex Offender Registry Unit shall, based on the locations being visited, notify:

(1) Interpol and the U.S. Marshals, if the registrant is traveling outside the United States; and

(2) The jurisdiction to be visited if the registrant is traveling within the United States.

E. The U. S. Marshals shall be notified when the Sex Offender Registry Unit has reason to believe that the registrant is attempting to violate the registration requirements while traveling.

F. A registrant when traveling to another jurisdiction that has a registration requirement shall:

(1) Register with the designated law enforcement unit in the new jurisdiction within 24 hours of arrival in that jurisdiction; and

(2) Comply with registration requirements in the new jurisdiction where a temporary address is maintained.

G. When a resident registrant begins or changes employment or school enrollment in another jurisdiction that has a registration requirement, the registrant shall:

(1) Register with the designated local law enforcement unit of that jurisdiction within 3 working days; and

(2) Comply with periodic registration requirements in the new jurisdiction where employed or attending school.

.11 Address Verification and Temporary Addresses.

A. A registrant's supervising authority shall complete address verifications for a registrant in order to establish and periodically validate the registrant's address and, if applicable, the registrant's temporary addresses.

B. The following minimum information is required to verify a registrant's address:

(1) If the address is for a residential building or apartment building:

(a) Street number, street name, and, if applicable, apartment number;

(b) County;

(c) State; and

(d) Postal zip code.

(2) If the address relates to other than a residential building:

(a) A street name;

(b) A physical location such as a structure, public or private park, plot of land, parking lot, or global positioning coordinates; and

(c) Information under §B(1)(b) — (d) of this regulation.

(3) If the address is a vehicle, vessel, aircraft, tent, or other nonstationary unit used as a registrant's address:

(a) Make of the vehicle, vessel, aircraft, tent, or other nonstationary unit available to the local law enforcement unit for photographing;

(b) Other identifying or location information concerning the vehicle, vessel, aircraft, tent, or other nonstationary unit requested by the local law enforcement unit; and

(c) Information under §B(1)(b) — (d) of this regulation.

C. A post office box number may not be considered a registrant's address.

.12 Escape.

A. If a registrant escapes from a juvenile detention center or other secure juvenile facility, the Department shall immediately notify the Sex Offender Registry Unit

B. If a registrant habitually lived, before an escape, in an incorporated municipality having a police department, a local law enforcement unit shall forward notification from the Department

concerning a registrant's escape from a juvenile detention center or other secure facility, or return from escape, to the municipal police department.

C. As soon as possible but not later than 2 working days after learning of the registrant's recapture, the Department, shall notify the Sex Offender Registry Unit of the recapture.

.13 Enforcement.

A. A registrant who violates the provisions of this chapter may be subject to the penalties provided in Criminal Procedure Article, §§11-721 and 11-722, Annotated Code of Maryland.

B. A registrant who changes residence to another state and fails to notify the registrant's supervising authority of the new state may be subject to the penalties established under 42 U.S.C. §14072(g)(3) and (l).

.14 Witness Protection.

A. The Sex Offender Registry Unit may grant a juvenile sex offender a waiver from sex offender registration requirements upon receiving a written request from an agency that operates a witness protection program under 18 U.S.C. §3521.

B. The Sex Offender Registry Unit shall terminate a waiver granted under §A of this regulation if the juvenile sex offender is convicted of a subsequent sex offense that requires registration under Maryland Law.

C. A qualifying witness protection program may submit a written request for a waiver for a juvenile sex offender under this regulation to the Sex Offender Registry Unit.

Gary D. Maynard
Secretary of Public Safety and Correctional Services

Title 13A
STATE BOARD OF
EDUCATION

Subtitle 03 GENERAL
INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public
High Schools in Maryland

Authority: Education Article, §§2-205, 4-110, 4-111, 7-205, 7-205.1, 7-206,
and 8-404, Annotated Code of Maryland

Notice of Proposed Action
[11-016-P]

The Maryland State Board of Education proposes to amend Regulation .04 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. This action was considered at the Maryland State Board of Education meeting on October 26, 2010.

Statement of Purpose

The purpose of this action is to align COMAR 13A.03.02 with COMAR 13A.04.17.

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 Mary Thurlow, Science Coordinator, Division of Instruction, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0329, or email to mthurlow@msde.state.md.us, or fax to 410-333-1146. Comments will be accepted through February 3, 2010. 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 February 22—23, 2011, at 200 West Baltimore Street, Baltimore, MD 21201.

.04 Credit Requirements.

A.—B. (text unchanged)

C. *Beginning with students entering ninth grade in 2011—2012, all students must complete the environmental literacy requirement set forth in COMAR 13A.04.17. Including but not limited to the ways set forth below, a student may meet this requirement by the successful completion of:*

- (1) *The science and social studies credits required for graduation as set forth in this regulation;*
- (2) *An AP environmental science course or the on-line AP environmental science course offered through the Maryland Virtual Learning Opportunities Program; or*
- (3) *A locally developed environmental science course.*

NANCY S. GRASMICK
State Superintendent of Schools

Subtitle 15 FAMILY CHILD CARE

Notice of Proposed Action

[11-013-P]

The State Superintendent of Schools proposes to:

- (1) Amend Regulation .03 under COMAR 13A.15.02 Registration Application and Maintenance;
- (2) Amend Regulation .04 under COMAR 13A.15.05 Home Environment and Equipment;
- (3) Amend Regulation .04 under COMAR 13A.15.06 Provider Requirements;
- (4) Adopt new Regulation .03 under COMAR 13A.15.09 Program Requirements;
- (5) Amend Regulations .01 and .04 under COMAR 13A.15.11 Health;
- (6) Amend Regulations .01 and .03 under COMAR 13A.15.13 Inspections, Complaints, and Enforcement; and
- (7) Regulation .03 under COMAR 13A.15.14 Administrative Hearings.

Statement of Purpose

The purpose of this action is to implement Maryland law regarding window covering safety in child care programs; relocate the requirements for child rest periods; restrict the administration of acetaminophen to children in child care; implement Maryland law regarding requirements for announced licensing inspections; and clarify certain license enforcement and administrative hearing requirements.

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 Paula Johnson, Manager, Licensing Branch, MSDE Division of Early Childhood Development, 200 West Baltimore St., Baltimore, MD 21201, or call 410-767-7802, or email to paula.johnson@msde.state.md.us, or fax to 410-333-6226. Comments will be accepted through February 2, 2011. A public hearing has not been scheduled.

13A.15.02 Registration Application and Maintenance

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.03 Continuing Registration.

A. (text unchanged)

B. Maintenance of Continuing Registration.

(1) (text unchanged)

(2) By the end of each 24-month period after the date of issuance of a continuing registration, the provider shall submit to the office the items specified in [§A(2)—(6)] §A(3)—(6) of this regulation.

13A.15.05 Home Environment and Equipment

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Rooms Used for Care.

A.—B. (text unchanged)

C. *Window Coverings. A window covering installed:*

- (1) *Before October 1, 2010, may not have unsecured cords, beads, ropes, or strings that are accessible to a child in care; or*
- (2) *On or after October 1, 2010, shall be cordless.*

13A.15.06 Provider Requirements

Authority: Family Law Article, §§5-550, 5-557.1 and 5-560; State Government Article, §10-617; Article 88A, §6(b); Annotated Code of Maryland

Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.04 Additional Adult.

A.—B. (text unchanged)