



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: January 22, 2013
SUBJECT: COMAR 13A.08.07.03-1 (ADOPTION)
Transfer of Educational Records for Children in State-Supervised Care

PURPOSE:

To request adoption of COMAR 13A.08.07, Transfer of Educational Records for Children in State-Supervised Care.

HISTORICAL BACKGROUND:

The purpose of this action is to clarify the documentation that a receiving school may require from the person enrolling a child in State-supervised care and specify the local school system responsible for documenting the residency of the child's parent or guardian. It also requires proof of residency documents be dated within three (3) months of enrollment date.

Children in State Supervised Care are often placed in living arrangements in a county different from the county of residence of their parents or guardians.

During SY 2011-2012, the Maryland State Department of Education established a committee with representatives from local school systems to discuss how to establish and update the county of residence of parents of children in out-of-county living arrangement.

This residency determination is important because the school system in which the parent resides is responsible for reimbursing the school system in which the child is enrolled for the educational services it provided. Many disputes arise between school systems over the parent's county of residence and thus which county would be responsible for reimbursement.

EXECUTIVE SUMMARY:

The proposed amendment establishes that the school system in the county that initially sent the student to live in a different county (sending school system) has and retains the responsibility of documenting residency of the parents or guardians of a Child in State Supervised Care.

Members of the Maryland State Board of Education
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The proposed amendment was published in the Maryland Register, Volume 39, Issue 23, on Friday, November 16, 2012 (Attachment I). One comment was received during the public comment period (Attachment II).

ACTION:

Request the adoption of COMAR 13A.08.07, Transfer of Educational Records for Children in State-Supervised Care.

Attachments

PROPOSED ACTION ON REGULATIONS

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(2) The owner of a cottage food business shall comply with all applicable county and municipal laws and ordinances regulating the preparation, processing, storage, and sale of cottage food products.

(3) Upon receipt of a complaint or outbreak of illness the approving authority may:

(a) Investigate the conditions under which the product was produced and any complaint alleging that a cottage food business has violated this regulation;

(b) Send a representative of the Department, at a reasonable time, to enter and inspect the premises of a cottage food business to determine compliance with this regulation; and

(c) Collect samples of a cottage food product or its ingredients to determine if the cottage food product is misbranded or adulterated.

(4) The owner of a cottage food business may not:

(a) Refuse to grant access to a representative who requests to enter and inspect the premises of the cottage food business in response to a complaint; or

(b) Interfere with any inspection or collection of samples in response to a complaint or outbreak of illness.

D. If the approving authority finds a person to be in violation of any provision of this regulation, the approving authority:

[C.] (1) [Take] Shall take action against a misbranded or adulterated food at a farmer's market, [or] bake sale, or public event in accordance with Health-General Article, §§21-211, 21-253, and 21-254, Annotated Code of Maryland; and

(2) May determine that homemade food produced by the person is not from an approved source.

JOSHUA M. SHARFSTEIN, M.D.
Secretary of Health and Mental Hygiene

**IMPORTANT CORRECTION
COMAR 11.11.05.02**

The Notice of Proposed Action docketed as 12-292-P in 39:22 Md. R. (November 2, 2012) was filed in error with the Division of State Documents. The action has not yet been proposed by the Department of Transportation.

**Title 13A
STATE BOARD OF
EDUCATION**

Subtitle 08 STUDENTS

**13A.08.07 Transfer of Educational Records for
Children in State-Supervised Care**

Education Article, §§2-205, 4-122, and 8-501—8-506, Annotated Code of Maryland

**Notice of Proposed Action
[12-294-P]**

The Maryland State Board of Education proposes to amend Regulation .03-1 under COMAR 13A.08.07 Transfer of Educational Records for Children in State-Supervised Care. This action was considered at the Maryland State Board of Education meeting on August 28, 2012.

Statement of Purpose

The purpose of this action is to (1) clarify the documentation that a receiving school may require from the person enrolling a child in

State-supervised care; (2) specify the local school system responsible for documenting the residency of the child's parent or guardian; and (3) require proof of residency documents be dated within 3 months of enrollment date.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. There may be an economic impact through the requirements placed on local school systems. Actual costs would vary, depending on the jurisdiction. We anticipate that any additional costs would be minimal.

II. Types of Economic Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Minimal
	Benefit (+) Cost (-)	Magnitude

D. On regulated industries or trade groups:

NONE

E. On other industries or trade groups:

NONE

F. Direct and indirect effects on public:

NONE

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. There may be an economic impact through the requirements placed on local school systems. Actual costs would vary, depending on the jurisdiction. We anticipate that any additional costs would be minimal.

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 Richard Baker, Deputy Branch Chief, Budget Branch, Division of Business Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-4419 (TTY 410-333-6442), or email to rbaker@msde.state.md.us, or fax to 410-333-8723. Comments will be accepted through December 3, 2012. 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 22, 2013, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.03-1 Enrollment Process.

A. — B. (text unchanged)

C. Notwithstanding any other enrollment documentation requirements of the receiving school, the receiving school may not

PROPOSED ACTION ON REGULATIONS

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require the person enrolling the child to present more than the following:

(1) Proof that the child is in State-supervised care, with acceptable documents including:

(a) (text unchanged)

(b) A letter on the letterhead of the placement agency that has custody of the child explaining that the child is in State-supervised care; [and] or

(c) The receiving school system's enrollment form signed by a representative of the State Agency having jurisdiction over the child.

(2) Proof of the residency of the child in one of the following ways as chosen by the person authorized under §A of this regulation to enroll the child:

(a) (text unchanged)

(i) [Lease] A currently dated (within 3 months of the date of enrollment) lease, rent receipts, deed, or property tax bill; or

(ii) [Gas] A currently dated (within 3 months of the date of enrollment) gas and electric bill, water bill, cable bill, online computer services bill, noncellular phone bill; or

(b) (text unchanged)

D. It is and remains the responsibility of the sending school system to establish and confirm the residency of the child's parent or guardian.

E. Until the sending school system establishes that the child's parent or guardian has moved out of the sending school system, the parent or guardian is presumed to reside in the sending school system.

[D.] F. — [F.] H. (text unchanged)

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Title 13B

MARYLAND HIGHER
EDUCATION COMMISSION

Subtitle 05 FULLY ONLINE PROGRAMS

13B.05.01 Registration

Authority: Education Article, §§11-105(u), 11-202, 11-202.2, and 24-707, Annotated Code of Maryland

Notice of Proposed Action
[12-321-P]

The Maryland Higher Education Commission proposes to adopt new Regulations .01 — .11 under a new chapter, COMAR 13B.05.01 Registration, under a new subtitle, Subtitle 05 Fully Online Programs.

At this time, the Commission is also withdrawing the proposal to adopt new Regulations .01—.11 under COMAR 13B.05.01 Registration, as published in 39:17 Md. R.1167 — 1169 (August 24, 2012).

This action was considered by the Commission at an open meeting held on September 27, 2012, notice of which was given pursuant to State Government Article, §10-5076(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to adopt regulations to implement Ch. 595, Acts of 2012, which establishes the requirement that an institution of postsecondary education enrolling Maryland students in

a fully online distance education program in the State be registered with the Commission.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. Institutions of postsecondary education registering to provide fully online distance education in Maryland will pay a registration fee, creating new revenues. The Commission will need additional personnel to administer the new registration program, creating new expenditures in the Commission's operating budget.

II. Types of Economic Impact	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:		
(1) Revenues	(R+)	\$260,000
(2) Personnel costs	(E+)	\$121,319
B. On other State agencies:	NONE	
C. On local governments:	NONE	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	(-)	\$260,000
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:		
Possible cost	(-)	Uncertain

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A(1). Approximately 650 out-of-State institutions have made inquiries with the Commission regarding providing fully online distance education to Maryland students. The Commission estimates that 40% of those 650 institutions, or 260 institutions, will register in FY 2013 and pay the \$1,000.

A(2). According to the fiscal note for S.B. 843 (Ch. 595, Acts 2012), the Commission will need three additional positions to perform the administrative work required by the new law and regulations. The total cost for those positions in FY 2013 is \$121,319, allowing for a 90-day start-up delay in hiring in FY 2013.

D. Out-of-State institutions seeking to provide fully online distance education in Maryland will have to pay the \$1,000 registration fee.

F. Out-of-State institutions will be paying the registration fees from their operating budgets. Institutions may pass this added cost on to Maryland students through tuition and fees.

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.



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STEPHEN H. GUTHRIE
Superintendent

December 13, 2012

Maryland State Board of Education
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201

RE: Proposed Regulation 13A.08.07
Students/Transfer of Education Records
for Children in State Supervised Care

Dear Maryland State Board of Education Members,

Please accept this letter of support from Carroll County Public Schools to amend 13.A.08.07 as proposed. When children are placed in State Supervised Care, their world as they knew it, is drastically changed. Those children are removed from their residence and school of enrollment causing great upheaval in their young lives. These transfers occur abruptly, leaving little time to access student records. Often times, this delays school enrollment. The proposed amendments to the regulation increase the number of documents that can be used to enroll a child in school, resulting in a more efficient and timely enrollment for the child. In addition, the proposed amendment specifies that the sending school is responsible for documenting the child's residency for tuition purposes, clarifying the procedures for school systems.

I urge you to approve these amendments as proposed so that Children in State Supervised Care experience a seamless transfer between schools.

Respectfully,

Katherine Green, LCSW-C
Supervisor of Pupil Personnel and
Student Support Services

c: D. Falls, Director of Student Services