




Nancy S. Grasmick
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Nancy S. Grasmick 
DATE: February 22, 2011
SUBJECT: COMAR 13A.04.18 Comprehensive Health Education
ADOPTION

PURPOSE:

The purpose of this action is to adopt the revised COMAR 13A.04.18 Program in Comprehensive Health Education. The revision is necessary to align the regulations with the state curriculum in comprehensive health education.

BACKGROUND/HISTORICAL PERSPECTIVE:

At the October 26, 2010 meeting, the State Board of Education authorized the publication of the revised COMAR 13A.04.18 Program in Comprehensive Health Education. The revised regulation is in alignment with regulations of other content areas and the State Board accepted comprehensive health education state curriculum.

The revised COMAR for Comprehensive Health Education was published for public review in the *Maryland Register* on December 17, 2010. The COMAR was shared with Superintendents, Assistant Superintendents and Supervisors of Health and received positive feedback. There were three public comments. One public comment asked a clarifying question and the other two comments requested an editorial change. The Department feels these changes are unnecessary.

ACTION:

The Department recommends the State Board repeal COMAR 13A.04.18 Program in Comprehensive Health Education, Regulations .01 through .07 and adopt the published COMAR 13A.04.18 Program in Comprehensive Health Education.

NSG/bg

Attachment A: COMAR 13A.04.18 Program in Comprehensive Health Education

PROPOSED ACTION ON REGULATIONS

1814

issued by the Administration and signed by a designated official of the Department of Juvenile Services.

D.—E. (text unchanged)

JOHN T. KUO
Administrator
Motor Vehicle Administration

Subtitle 21 MOTOR VEHICLE ADMINISTRATION — COMMERCIAL MOTOR VEHICLES

11.21.01 Motor Carrier Safety

Authority: Transportation Article, §§12-104(b), 16-820, [and] 25-111(f), and 25-111.1(a), Annotated Code of Maryland

Notice of Proposed Action [10-355-P]

The Administrator of the Motor Vehicle Administration, in consultation with the Administrator of the State Highway Administration, proposes to amend Regulations .02, .03, and .06 and adopt new Regulation .04-4 under COMAR 11.21.01 Motor Carrier Safety.

Statement of Purpose

The purpose of this action is to adopt and amend current regulations to conform to Federal Motor Carrier Safety regulation requirements and recently enacted Maryland legislation; make grammatical changes to existing language; incorporate by reference Code of Federal Regulations (CFR) provisions; and clarify that future changes in the CFR would apply to current regulations in order to maintain federal compliance.

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 Carolyn Decker, Regulations Coordinator, Motor Vehicle Administration, 6601 Ritchie Highway, N.E., Room 200, Glen Burnie, MD 21062, or call 410-424-3105, or email to cdecker@mdot.state.md, or fax to 410-763-7506. Comments will be accepted through January 18, 2011. A public hearing has not been scheduled.

.02 Incorporation by Reference of the Federal Motor Carrier Safety Regulations.

The federal motor carrier safety regulations contained in 49 CFR 40, 382, 383, 387, 390—393, and 395—399 are incorporated by reference [into these regulations], as amended, subject to the application provision in Regulation .03 of this chapter and the amendments and exemptions cited in Regulations .04-1—.14 of this chapter.

.03 Application.

A. Except as otherwise amended or exempted, these regulations are applicable to all trucks, truck tractors, trailers, semitrailers, pole

trailers, converter dollies, combination vehicles, and buses [if a vehicle has a] having a gross vehicle weight rating or gross combination weight rating of 10,001 or more pounds.

B. — D. (text unchanged)

.04-4 49 CFR 387, Minimum Levels of Financial Responsibility for Motor Carriers.

49 CFR 387 is incorporated by reference with no amendments or exemptions.

.06 49 CFR 391, Qualifications of Drivers — Amendments and Exemptions.

A. 49 CFR §391.1. The provisions of 49 CFR §391.1 are not applicable to a farmer, or an agent or employee of a farmer, who operates farm equipment intrastate or a motor vehicle owned or operated by the farmer in the intrastate transportation of supplies to a farm or the transportation of farm products as defined in Agriculture Article, §10-601, Annotated Code of Maryland, within 150 air miles of the farmer's farm.

B. — G. (text unchanged)

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 13A
STATE BOARD OF EDUCATION

Subtitle 04 SPECIFIC SUBJECTS

13A.04.18 Program in Comprehensive Health Education

Authority: Education Article, §§2-205(h), 7-401, 7-410, 7-411, 7-411.1, and 7-413, Annotated Code of Maryland

Notice of Proposed Action

[10-351-P]

The Maryland State Board of Education proposes to repeal existing Regulations .01 — .07 and adopt new Regulations .01 and .02 under COMAR 13A.04.18 Program in Comprehensive Health Education. This action was considered at the Maryland State Board of Education meeting held on October 26, 2010.

Statement of Purpose

The purpose of this action is to develop the State curriculum for health education for prekindergarten through grade eight and the mandatory high school course.

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 Brian Griffith, Specialist for Health Education, Maryland State Department of Education, 200 West

Baltimore Street, Baltimore, MD 21201, or call 410-767-0327, or email to bgriffith@msde.state.md.us, or fax to 410-333-2202. Comments will be accepted through January 18, 2011. 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.

.01 Comprehensive Health Education Instructional Programs for Grades Prekindergarten — 12.

A. Each local school system shall:

(1) Provide in public schools an instructional program in comprehensive health education each year with sufficient frequency and duration to meet the requirements of the State curriculum for all students in grades prekindergarten -- 8;

(2) Offer in public schools a comprehensive health education program in grades 9 — 12 which enables students to meet graduation requirements and to select health education electives; and

(3) Provide access to the curriculum for non-diploma-bound students.

B. Maryland Comprehensive Health Education Program. The comprehensive instructional program shall help students adopt and maintain healthy behaviors and contribute directly to a student's ability to successfully practice behaviors that protect and promote health and avoid or reduce health risks. The instructional program shall provide for the diversity of student needs, abilities, and interests at the early, middle, and high school learning years, and shall include the Maryland Health Education Content Standards with related indicators and objectives as set forth in §§C — 1 of this regulation.

C. Mental and Emotional Health. Students will demonstrate the ability to use mental and emotional health knowledge, skills, and strategies to enhance wellness.

D. Alcohol, Tobacco, and Other Drugs. Students will demonstrate the ability to use drug knowledge, decision-making skills, and health enhancing strategies to address, the non-use, use, and abuse of medications, alcohol, tobacco, and other drugs.

E. Personal and Consumer Health. Students will demonstrate the ability to use consumer knowledge, skills, and strategies to develop sound personal health practices involving the use of health care products, services, and community resources.

F. Family Life and Human Sexuality.

(1) Students will demonstrate the ability to use human development knowledge, social skills, and health enhancing strategies to promote positive relationships and healthy growth and development throughout the lifecycle.

(2) The local school system shall establish a joint committee of educators and representatives of the community for the purpose of reviewing and commenting on instructional material to be submitted to the superintendent for consideration when recommending instructional material to be approved by the local Board of Education.

(3) Materials and Instruction.

(a) Material being presented will be in identifiable unit(s) within the total health education program.

(b) Instruction shall be introduced as shortly in advance of puberty as is practical.

(c) Direct teaching of the indicators and objectives will begin in or prior to the fifth grade.

(4) Written notification is made to parents/guardians announcing this unit of study.

(5) Exceptions.

(a) Students may be excused from this unit of the program upon written request from their parent/guardian.

(b) For students excused, the local school shall provide appropriate learning activities in health education.

(c) When practical, curricular materials may be made available for home instruction use by parent/guardian of students excused from the Family Life and Human Sexuality instructional unit.

(d) The local school shall make arrangements to permit those girls not participating in this unit of the program to receive instruction concerning menstruation.

(6) The school shall provide special opportunities for parents/guardians to view all instructional materials to be used in the program before the materials are used in the classroom.

(7) Each local school system shall publish at regular intervals a list of its approved instructional materials.

(8) When teaching a unit in Family Life and Human Sexuality, in addition to general teacher preparation, teachers are required to have additional preparation in content and teaching methods of such depth and duration as to be appropriate for the material taught. The additional preparation may be provided by college courses, local in-service programs, and/or State workshops.

G. Safety and Injury Prevention. Students will demonstrate the ability to apply prevention and intervention knowledge, skills, and processes to promote safe living in the home, school, and community.

H. Nutrition and Fitness. Students will demonstrate the ability to use nutrition and fitness knowledge, skills, and strategies to promote a healthy lifestyle.

I. Disease Prevention and Control.

(1) Students will demonstrate the ability to apply prevention and treatment knowledge, skills, and strategies to reduce susceptibility and manage disease.

(2) HIV/AIDS Instruction.

(a) Students may be excused from the HIV/AIDS instructional unit upon written request from their parent/guardian.

(b) For students excused, the local school shall provide appropriate learning activities in health education.

(c) When practical, curricular materials may be made available for home instruction use by parent/guardian of students excused from the HIV/AIDS instructional unit.

(3) Local school systems shall provide annual instruction in AIDS to all students at least once in grades 3 — 5, 6 — 8, and 9 — 12.

(4) The local board of education shall determine the three grades between 3 and 12 at which all students are to receive instruction.

(5) School staff selected to teach HIV/AIDS prevention in the classroom shall receive in-service education before initiating instruction and annually after that.

(6) Personnel employed by the local school system shall be provided annually with information or an awareness program about HIV/AIDS and its prevention.

J. Curriculum Documents. Consistent with Education Article, §§2-205(h), 7-401, 7-410, 7-411, 7-411.1, and 7-413, Annotated Code of Maryland, each local school system shall provide comprehensive health education curriculum documents for the elementary and secondary schools under its jurisdiction that:

(1) Include the content standards set forth in §§C — 1 of this regulation; and

(2) Are aligned with the State Curriculum, as developed by the Maryland State Department of Education in collaboration with the local school systems.

K. The local school system shall develop guidelines and procedures for the selection of qualified teachers, and, because the

teacher is a vital factor in the program, qualifications such as the following shall be considered:

- (1) Health Education certification; and
- (2) Appropriate specialized training.

L. The local school system shall develop guidelines and procedures for the support of qualified teachers. Each local school system shall establish planned and continuous programs as required to adequately train its personnel (teachers, administrators, and supervisors) in order to update knowledge, instructional materials, and methodology in health education.

M. Student Participation. Each student shall have the opportunity to participate in the comprehensive health education program required by this chapter.

.02 Certification Procedures.

By September 2015 and each 5 years after that, each local superintendent of schools shall certify to the State Superintendent of Schools that the instructional programming within grades prekindergarten — 12 meets, at a minimum, the requirements set forth in Regulation .01 of this chapter.

NANCY S. GRASMICK
State Superintendent of Schools

Title 14

INDEPENDENT AGENCIES

Subtitle 01 STATE LOTTERY AGENCY

14.01.10 Video Lottery Terminals

Authority: State Government Article, Title 9, Subtitle 1A, Annotated Code of Maryland

Notice of Proposed Action
[10-344-P]

The Maryland State Lottery Agency proposes to amend Regulations .03 and .16 under COMAR 14.01.10 Video Lottery Terminals. This action was considered at the Maryland State Lottery Commission open meetings held on July 22, August 26, and October 22, 2010, notice of which was given pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to update regulations to incorporate provisions required for the implementation and operation of the State's new Video Lottery Terminal program and for the five VLT facilities authorized by law, which began opening with the Hollywood Casino Perryville on September 27, 2010.

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 Robert W. Howells, Regulations Coordinator, Maryland State Lottery Agency, 1800 Washington Boulevard, Suite 330, Baltimore, MD 21230, or call 410-230-8789,

or email to rhowells@msla.state.md.us, or fax to 410-230-8727. Comments will be accepted through January 18, 2011. A public hearing has not been scheduled.

.03 Process.

- A. — D. (text unchanged)
- E. Burden of Proof.

(1) — (2) (text unchanged)

(3) The Commission may deny a license to an applicant whose gaming license has been suspended or revoked in another jurisdiction.

- F. — H. (text unchanged)

.16 Principal Employee Licenses.

- A. — B. (text unchanged)

C. Qualification Requirements. The Commission may issue a principal employee license to an individual who is employed by a licensee, and who has:

(1) — (3) (text unchanged)

(4) Provided the Commission with sufficient information to establish that the individual is qualified for a principal employee license; [and]

(5) Established by clear and convincing evidence that the individual has:

(a) (text unchanged)

(b) Not been disqualified under State Government Article, §9-1A-08, Annotated Code of Maryland[.]; and

(6) Demonstrated that within the 365 days before the application is submitted, the applicant has not served as a Commission member or been employed by the Agency.

- D. Application and License Fees.

(1) (text unchanged)

(2) The license fee for a principal employee is [\$500] \$750.

- E. (text unchanged)

F. A principal employee may not play a video lottery terminal at, or receive a jackpot or complimentary service from, a Facility:

(1) Where the individual is employed; or

(2) That is operated by the individual's employer.

- [F.] G. (text unchanged)

[G.] H. Term; renewal; license renewal fee.

(1) (text unchanged)

(2) The Commission may renew the license if, before the term of the license expires, the licensee:

(a) — (d) (text unchanged)

(e) Pays a license renewal fee of [\$500] \$750.

- [H.] I. (text unchanged)

STEPHEN L. MARTINO
Director
State Lottery Agency