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State Superintendent of Schools

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TO: Members of the Maryland State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: December 17-18, 2008

SUBJECT: Revisions to the Maryland Student Records System Manual
COMAR 13A.08.02.01 (AMEND)
COMAR 13A.08.01.01E (AMEND)
COMAR 13A.02.06.02B(9) (AMEND)
Student Records
ADOPTION

PURPOSE:

To adopt COMAR 13A.08.02.01 (AMEND), COMAR 13A.08.01.01E (AMEND), COMAR 13A.02.06.02B(9) (AMEND) *Student Records* that update references to the Maryland Student Records System Manual. (ATTACHMENT I).

BACKGROUND/HISTORICAL PERSPECTIVE:

The MSRSM was last revised in April, 2007. Since that time, statutory changes and state assessment administration changes have occurred necessitating revisions to the Manual.

EXECUTIVE SUMMARY:

Changes in the Manual are necessary as a result of the change in race code requirements by the Office of Civil Liberties, and the changes to the High School Assessment requirements (addition of the Bridge Plan, the Mod-HSA and the Alt-HSA and the elimination of the minimum score) as proposed by the Maryland State Board of Education. The option of using social security numbers as an ID number has also been removed. A statement cautioning local school systems when enrolling students and asking for social security numbers has been added on pages A-1. Additional technical and clarifying changes were also made to improve the usability of the Manual. (ATTACHMENT II)

No comments were received during the public comment period.

FISCAL IMPACT:

The proposed action has no economic impact.

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COMAR 13A.08.01.01E (AMEND)

COMAR 13A.02.06.02B(9) (AMEND)

Student Records (ADOPTION)

December 17-18, 2008

ACTION:

- Adopt the technical changes to the MSRSM; and
- Adopt the amendments to COMAR 13A.08.02.01, COMAR 13A.08.01.01E, COMAR 13A.02.06.02B(9) *Student Records*.

Board Transmittal – Student Records Manual Adoption 111808

2008 Student Records Manual can be found on the Maryland State Department of Education's website at [http://www.marylandpublicschools.org/NR/rdonlyres/FCB60C1D-6CC2-4270-BDAA-153D67247324/17625/2008 MD Student Records Manual 808.pdf](http://www.marylandpublicschools.org/NR/rdonlyres/FCB60C1D-6CC2-4270-BDAA-153D67247324/17625/2008_MD_Student_Records_Manual_808.pdf)

Changes to Maryland Student Records System Manual 2008

Recommended Change	Page	Description
Race Codes	B-3, SR 1	In compliance with the new Federal Race Code requirements, race codes have been changed throughout manual
ELL And GT	B-13; SR-2	Added to Special Services Section
SR 7	B-27	The word "may" changed to "must" to require schools to use the SR 7 card for transfers within local systems.
Reportable Offenses, MSAP and Bullying and Harassment Forms	B-30	Clarifying statement added to omit from student records when transferred
Minor cosmetic changes and technical changes that provide a more user-friendly document were made	Throughout	
SEED school added; Edison schools deleted	C-13	
Early completion codes	C-12	Clarifying statement added for coding early completers
September Enrollment	D-1, D-3, D-4	Directions for September 30 enrollment updated to align with current data collection practices
Phase In Kindergarten Enrollment	Throughout	All dates referencing the phase-in of kindergarten and prekindergarten enrollment deleted
SR7	SR 7 Card	HSA taken, IEP and 504 added to SR 7
File Structure	E-3	Deleted – handled through the IT department
ELL	F-2	Added to record retention
CTAL definitions	Glossary	Terms have been changed to align with current programs and policies
Definitions	Glossary	Added for Special Education, Gifted and Talented, MSA, and Bridge Plan added to Glossary, as well as race code definitions; Child Care Center added to Glossary
Social Security Numbers	A-1	All reference to Social Security numbers deleted; statement added about parents not being obligated to share social security numbers

(3) After completion of the appellate process, if the conviction has not been reversed or the plea has not been set aside with respect to a crime involving moral turpitude, the Board shall order the revocation of a license on the certification by the Office of the Attorney General.

.11 Required Reports.

A. Except as provided in §B, C, or F of this regulation, hospitals, related institutions, alternative health systems as defined in Health Occupations Article, §1-401, Annotated Code of Maryland, and employers shall file with the Board a report that the hospital, related institution, alternative health system, or employer limited, reduced, otherwise changed, or terminated any licensed polysomnographic technologist for any reason that might be grounds for disciplinary action under Health Occupations Article, §14-5C-17, Annotated Code of Maryland, or any regulation in this chapter.

B. If the action taken by a hospital, related institution, alternative health system, or employer under §A of this regulation relates to alcohol or drug impairment, the hospital, related institution, alternative health system, or employer is not required to report the polysomnographic technologist to the Board if:

(1) The hospital, related institution, alternative health system, or employer knows that the licensed polysomnographic technologist is:

(a) In an alcohol or drug treatment program that is accredited by the Joint Commission on the Accreditation of Health Care Organizations or is certified by the Department; or

(b) Under the care of a health care practitioner who is competent and capable of dealing with alcoholism and drug abuse;

(2) The hospital, related institution, alternative health system, or employer is able to verify that the licensed polysomnographic technologist remains in the treatment program until discharge; and

(3) The action or condition of the licensed polysomnographic technologist has not caused injury to an individual while the technologist is practicing as a licensed polysomnographic technologist.

C. If a licensed polysomnographic technologist enters, or is considering entering, an alcohol or drug treatment program that is accredited by the Joint Commission on Accreditation of Health Care Organizations or that is certified by the Department, the licensed polysomnographic technologist shall notify the hospital, related institution, alternative health system, or employer of the licensed polysomnographic technologist's decision to enter the treatment program.

D. If the licensed polysomnographic technologist fails to provide the notice required under §C of this regulation, and the hospital, related institution, alternative health system, or employer learns that the licensed polysomnographic technologist has entered a treatment program, the hospital, related institution, alternative health system, or employer shall report to the Board that the licensed polysomnographic technologist has entered a treatment program and has failed to provide the required notice.

E. Noncompliance.

(1) If the licensed polysomnographic technologist is found to be noncompliant with the treatment program's policies and procedures while in the treatment program, the treatment program shall notify the hospital, related institution, alternative health system, or employer of the licensed polysomnographic technologist's noncompliance.

(2) On receipt of the notification required under §E(1) of this regulation, the hospital, related institution, alternative

health system, or employer of the licensed polysomnographic technologist shall report the licensed polysomnographic technologist's noncompliance to the Board.

F. A individual is not required under this regulation to make any report that would be in violation of any federal or state law, rule, or regulation concerning the confidentiality of alcohol and drug abuse patient records.

G. The hospital, related institution, alternative health system, or employer shall submit a required report within 10 days of any action described in this regulation.

H. A report made under this regulation is not subject to subpoena or discovery in a civil action other than a proceeding arising out of a hearing and decision of the Board under Health Occupations Article, Title 14, Annotated Code of Maryland.

.12 Penalties.

A. An individual who violates any provision of Health Occupations Article, Title 14, Subtitle 5C, Annotated Code of Maryland, is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both.

B. An individual who violates Health Occupations Article, §14-5C-21, Annotated Code of Maryland, and represents that the individual is authorized to practice polysomnography, is subject to a civil fine of not more than \$5,000 to be levied by the Board.

C. The Board shall pay any penalty collected under this regulation into the Board of Physicians Fund.

JOHN M. COLMERS
Secretary of Health and Mental Hygiene

Title 13A STATE BOARD OF EDUCATION

Notice of Proposed Action

[08-268-P-I]

The Maryland State Board of Education proposes to amend:

(1) Regulation .02 under COMAR 13A.02.06 General Financial Aid to Local School Systems;

(2) Regulation .01 under COMAR 13A.08.01 General Regulations; and

(3) Regulation .01 under COMAR 13A.08.02 Student Records.

This action was considered at the Maryland State Board of Education meeting on May 28 and 29, 2008.

Statement of Purpose

The purpose of this action is to incorporate the 2008 Maryland Student Records System Manual with the regulations. The proposed revisions are presented as the result of the change in Race Code requirements by the Office of Civil Liberties, the change to the High School Assessment requirements, and the use of Social Security numbers.

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 Marcia Lathroum, Specialist, School Counseling, Maryland State Department of Education, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-767-0307, or email to mlathroum@msde.state.md.us, or fax to 410-752-0281. Comments will be accepted through October 14, 2008. 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 December 9-10, 2008, at 200 W. Baltimore Street, Baltimore, MD 21201.

Editor's Note on Incorporation by Reference
Pursuant to State Government Article, §7-207, Annotated Code of Maryland, the Maryland Student Records System Manual (2008) has been declared a document generally available to the public and appropriate for incorporation by reference. For this reason, it will not be printed in the Maryland Register or the Code of Maryland Regulations (COMAR). Copies of this document are filed in special public depositories located throughout the State. A list of these depositories was published in 35:2 Md. R. 120 (January 18, 2008), and is available online at www.dsd.state.md.us. The document may also be inspected at the office of the Division of State Documents, 16 Francis Street, Annapolis, Maryland 21401.

Subtitle 02 LOCAL SCHOOL ADMINISTRATION
13A.02.06 General Financial Aid to Local School Systems

Authority: Education Article, §§2-205, 5-202, 5-205 — 5-209, 7-101, 7-101.1, 8-101 — 8-105, 8-403, and 8-404, Annotated Code of Maryland

- .02 Definitions.**
A. (text unchanged)
B. Terms Defined.
(1) — (8) (text unchanged)
(9) "Documented retention and dropout prevention interventions" means documented actions taken by the local school system to keep the student in school, examples of which are specified in the Maryland Student Records System Manual ([2007] 2008), incorporated by reference in COMAR 13A.08.02.01.
(10) — (16) (text unchanged)

Subtitle 08 STUDENTS
13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303 — 7-305, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912

- .01 Attendance.**
A. — D. (text unchanged)
E. Daily Attendance Record. A record of the daily attendance of each student shall be kept in accordance with regulations of the State Board of Education and the Maryland Student Records System Manual ([2007] 2008), which is incorporated by reference in COMAR 13A.08.02.01.

13A.08.02 Student Records
Authority: Education Article, §2-205(c), Annotated Code of Maryland

- .01 Incorporation by Reference.**
A system of information on enrollment, attendance, and promotion of students shall be maintained in accordance with the regulations of the State Board of Education and the Maryland Student Records System Manual: ([2007] 2008), which is incorporated by reference.

NANCY S. GRASMICK
State Superintendent of Schools

Title 14
INDEPENDENT AGENCIES

Subtitle 26 MARYLAND ENERGY ADMINISTRATION

14.26.04 Solar Energy Grant Program
Authority: [Ch. 128, Acts of 2004] Ch. 132, Acts of 2008

Notice of Proposed Action
[08-211-P]

The Director of the Maryland Energy Administration proposes to amend Regulations .02, .04, and .05 under COMAR 14.26.04 Solar Energy Grant Program.

Statement of Purpose
The purpose of this action is to increase the grant amounts in accordance with House Bill 377, Chapter 132, Acts of 2008.

Comparison to Federal Standards
There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact
I. Summary of Economic Impact. The proposed action will possibly impose implementation costs for the Maryland government estimated to be \$38,000, in addition to the \$100,000 in State funds allocated for grants. In 2009, the program will leverage an estimated \$2,000,000 in additional spending in the State economy as the grants will cover approximately 25 percent of the costs per solar energy system project. As funding potentially increases over