



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: June 20, 2018

SUBJECT: Code of Maryland Regulations (COMAR) 13A.03.04.02-.04
Test Administration and Data-Reporting Policies and Procedures
ADOPTION

PURPOSE:

To request permission to adopt amendments to COMAR 13A.03.04.02-.04 *Test Administration and Data-Reporting Policies and Procedures*.

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, the 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/HISTORICAL PERSPECTIVE:

The first proposed amendment updates COMAR 13A.03.04.02 to clarify that “local school system” includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.

The second proposed amendment updates COMAR 13A.03.04.03 to prohibit the use of electronic devices (unless used for testing or administrative purposes) in testing rooms during testing and clarifies the type of information that school systems must keep archived from each testing group for a period of six years after a test administration. It also specifies that the data reporting policy must include procedures for the accurate and timely delivery of reporting assessment results to parents and

guardians. In addition, it allows for electronic signature of forms and agreements using means approved by the Department.

The third proposed amendment updates COMAR 13A.03.04.04 to clarify that local school systems must designate a Local Accountability Coordinator and a School Test Coordinator as well as outline general duties and responsibilities of each position.

In drafting these proposed regulatory changes, the MSDE shared these amendments with Local Superintendents of Schools, Local Accountability Coordinators from each school system, and School Test Coordinators for the non-public schools. The MSDE reviewed their comments and incorporated their suggested changes as part of the drafting process. These amendments also incorporate feedback received from the State Board of Education based on an earlier draft of the proposed amendments.

The State Board of Education approved these amendments for publication at the January 30, 2018 meeting of the State Board. The regulation was published in the Maryland Register for 30 days receiving comments through May 14, 2018. The MSDE received no comments on the regulation during the public comment period.

EXECUTIVE SUMMARY:

The amendments clarify that test security regulations apply to special schools and certain nonpublic schools that administer tests on behalf of the MSDE; prohibit the use of electronic devices during testing; specify what information must be archived by a local school system following a test administration and for how long; require local school systems to accurately and timely deliver assessment results to parents and guardians; allow for the use of electronic signatures on forms and agreements used by the MSDE for testing purposes; and direct local school systems to designate a Local Accountability Coordinator and a School Testing Coordinator, as well as explain their general duties.

ACTION:

Request permission to adopt amendments to COMAR 13A.03.04.02-04 *Test Administration and Data-Reporting Policies and Procedures*.

or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

ROBERT R. NEALL
Secretary of Health

**Subtitle 40 BOARD OF PODIATRIC
MEDICAL EXAMINERS**

10.40.06 Advertising

Authority: Health Occupations Article, §§16–205(a)(1) and 16–311(a)(20),
Annotated Code of Maryland

Notice of Proposed Action

[18-088-P]

The Secretary of Health proposes to amend Regulation .03 under **COMAR 10.40.06 Advertising**. This action was considered at a public meeting on September 7, 2017, notice of which was given by publication on the Board of Podiatric Medical Examiner's website at <https://health.maryland.gov/mbpme/Pages/index.aspx> pursuant to General Provisions Article, §3–302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to:

(1) Authorize a podiatrist licensed by the Board to refer to himself or herself in advertisements as a “podiatrist”, as a “foot and ankle specialist” or as a “foot and ankle surgeon”; and

(2) Repeal a regulation that prohibits an advertisement from including statements that fail to include the name of at least one podiatrist rendering services under the particular practice or trade name at the location advertised or statements that fail to state that the practitioner is a podiatrist.

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 Michele Phinney, Director, Office of Regulation and Policy Coordination, Maryland Department of Health, 201 W. Preston Street, Room 512, Baltimore, MD 21201, or call 410-767-6499 (TTY 800-735-2258), or email to mdh.regs@maryland.gov, or fax to 410-767-6483. Comments will be accepted through May 14, 2018. A public hearing has not been scheduled.

.03 Advertising.

A. (text unchanged)

B. Advertisements. Subject to Regulation .04, of this chapter, a podiatrist may [place]:

(1) Place advertisements in any form of print or electronic media; or

(2) Refer to himself or herself as a:

(a) “Podiatrist”;

(b) “Foot and ankle specialist”; or

(c) “Foot and ankle surgeon”.

C. An advertisement may not include statements:

(1)—(5) (text unchanged)

(6) Containing representations or implications that in reasonable probability can be expected to cause an ordinarily prudent person to misunderstand or be deceived; or

(7) Containing representations that the podiatrist is willing to perform any procedure which is illegal under the laws or regulations of Maryland or the United States[.];

[(8) That fail to include the name of at least one podiatrist rendering services under the particular practice or trade name at the location advertised; or

(9) That fail to state that the practitioner is a podiatrist].

D. (text unchanged)

ROBERT R. NEALL
Secretary of Health

**Title 13A
STATE BOARD OF
EDUCATION**

**Subtitle 03 GENERAL
INSTRUCTIONAL PROGRAMS**

**13A.03.04 Test Administration and Data-
Reporting Policies and Procedures**

Authority: Education Article, §§2-205 and 7-203, Annotated Code of
Maryland

Notice of Proposed Action

[18-087-P]

The Maryland State Board of Education proposes to amend Regulations .02—.04 under **13A.03.04 Test Administration and Data-Reporting Policies and Procedures**. This action was considered by the State Board of Education at their meeting on January 30, 2018.

Statement of Purpose

The purpose of this action is to (1) amend Regulation .02 to clarify that “local school system” includes special schools and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education; (2) amend Regulation .03 to prohibit the use of electronic devices (unless used for testing or administrative purposes) in testing rooms during testing clarify the information needed for an archival document of testing groups, and specify that the data reporting policy must include procedures for the delivery and the timely reporting of assessment results to parents and guardians; and (3) amend Regulation .04 to clarify that local school systems must designate a Local Accountability Coordinator and a School Test Coordinator and outlines general duties of each.

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 Dr. Tamara L. Lewis, Education Program Specialist/State Test Security Officer, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0074 (TTY 410-333-6442), or email to tamara.lewis@maryland.gov, or fax to 410-333-0052. Comments will be accepted through May 14, 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 June 19, 2018, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02 Definitions.

- A. (text unchanged)
- B. Terms Defined.
 - (1)—(2) (text unchanged)
 - (3) Local School System.
 - (a) (text unchanged)
 - (b) "Local school system" includes special schools and institutions that use tests administered on behalf of the State Board of Education.]
 - (b) "Local school system" includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.
 - (4)—(5) (text unchanged)

.03 Local School System Test Administration and Data-Reporting Policies.

- A. (text unchanged)
- B. The test administration policy shall provide for:
 - (1)—(3) (text unchanged)
 - (4) The retention for 6 years after the date of test administration of the following information for each testing group for each testing day:
 - (a) Name and student identification number for each student;
 - (b) School and system names and identifiers; and
 - (c) Names of the test administrators, examiners, and proctors.]
 - (4) The prohibition of electronic devices, including personal devices, (unless required for testing or administrative purposes) in testing rooms during testing; and
 - (5) The retention of an archival document for a minimum of 6 years after the date of test administration, containing the following information for each testing group each testing day:
 - (a) Name and student identification number for each student;
 - (b) School and system names and identifiers;
 - (c) Names of the test administrators, examiners, accommodators, and proctors; and
 - (d) Unique test document identification number for each student for paper testing only.
 - C. The data reporting policy shall contain:
 - (1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter; and
 - (2) Training of appropriate personnel on data procedures.]
 - (1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter;

(2) Procedures for reporting assessment results to parents/guardians of students within 30 days of receipt by the local school system, but no later than the 15th of September for spring assessment results.

(3) Procedures for the delivery of assessment results to parents/guardians by one or more of these methods:

- (a) First-class mail;
- (b) Backpack or student folder only if parents/guardians are notified by phone or electronically to expect the assessment results to be delivered on a date certain by that method;
- (c) Personally at Parent/Teacher conferences; or
- (d) Electronically through the communication system used by the local school system to keep parents/guardians informed; and
- (4) Training of appropriate personnel on data reporting procedures.

D. Test Administration and Certification of Training Forms.

- (1)—(3) (text unchanged)
- (4) Forms and agreements may be signed electronically using any means approved by the Department.

E. Electronic Archival of Documents. Each local school system may develop and adopt policies and procedures for the secure electronic archival of paper documents.

.04 [Local School System Test Procurement Designate.] Local School System Testing Designates.

[A. A local superintendent of schools shall designate annually one individual in each school system who shall be the sole individual in the school system authorized to procure test instruments that are used in testing programs administered by or through the State Board of Education.]

A. Local Accountability Coordinators.

(1) A local superintendent of schools shall designate annually one individual per school system to serve as the Local Accountability Coordinator (LAC).

(2) The LAC shall have oversight of the:

- (a) Procurement of test instruments that are used in testing programs administered by or through the State Board of Education;
- (b) Organization, implementation, orientation, and verification of the Maryland educational assessment programs in the school system; and
- (c) Administration and security of state-mandated assessments.

(3) The name of the LAC shall be provided in writing to the Department within 10 days of the designation.

[B. The name of the individual designated in §A of this regulation shall be provided in writing to the Department.]

B. School Test Coordinators.

(1) Each school system shall designate one individual per school to serve as the Primary School Test Coordinator (STC). A Principal may not serve as the STC unless permission has been granted by the Department.

(2) The Primary STC shall:

- (a) Have responsibility for training and supervising school personnel in test administration policy and procedures; and
- (b) Be the primary point of contact with the LAC and the Department during the administration of all state assessments.

(3) The school system may further designate, one or both, an:

- (a) Alternate STC per school.
- (b) Assistant STC per state-mandated assessment.

[C. Changes in responsibility shall be communicated in writing to the Department within 10 days of the official change.]

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