



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

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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: August 25, 2020

SUBJECT: COMAR 13A.08.01.01 E  
*Attendance*  
COMAR 13A.08.02.01  
*Incorporation by Reference*  
**ADOPTION**

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**PURPOSE:**

The purpose of this item is to request adoption of the amended regulations of COMAR 13A.08.01.01 E *Attendance*, and 13A.08.02.02 *Incorporation by Reference* that relate to the *Maryland Student Records System Manual* (MSRSM). These regulations incorporate by reference the Maryland State Department of Education (MSDE) *Maryland Student Records System Manual* (2016). The MSRSM has been updated, necessitating that the reference to the Manual be updated in COMAR to the *Maryland Student Records System Manual* (2020).

**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, 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:**

Student records provide an accurate presentation of the academic performance of a student. A concise and comprehensive maintenance of these records is necessary to ensure accurate information is

available to plan for a student's education. The purpose of the MSRSM is to provide instructions and sample forms to assist in the maintenance of student information. COMAR 13A.08.01.01 E *Daily Attendance Record* requires that a record of daily attendance of each student be kept in accordance with the regulations of the State Board of Education and the *Maryland School Records System Manual* Final 2016, which is incorporated by reference in COMAR 13A.08.02.01. Since 2016 there have been changes in regulations and processes that affect student records. The 2020 *Maryland School Records System Manual* reflects these changes and provides necessary transparency.

The MSRSM defines and clarifies the requirements for the concise and comprehensive maintenance of student records in public schools in the State of Maryland. The instructions are written to help school personnel record pertinent information in a uniform manner throughout the State. The Student Records System is used to initiate student records for each student entering Maryland public schools.

The MSRSM includes definitions of student record card terms, information on other terms used in the maintenance of student records, specific information about each student record card, procedures for exiting students, digitizing student record cards, demographic string data, elements, and layout. Additionally, the MSRSM provides information on reporting attendance, absences, entry, transfer and exit information, student discipline, and standards for retention of student records. All terms, definitions, and processes have been updated to reflect changes in legislation and State education regulations.

The State Board voted to grant permission to publish the amended regulations at the April 28, 2020, State Board meeting. The regulations were posted in the Maryland Register from July 6, 2020, to August 5, 2020. There were three comments. Based on review of the comments and the status of the 2020-2021 school year, the MSDE recommends not to renumber or rename the Student Records (SR) cards and to maintain the numbering and naming of the SR cards as currently exists. The MSDE also recommends to implement the MSRSM 2020 in the 2020-2021 school year. The MSDE will work with local school systems to implement any revisions to the SR cards and to correct recommendations as noted in the summary. The purpose of the MSRSM 2020 is to provide transparency to revisions that have occurred since 2016. This action has been reviewed with the Attorney General's (AG) Office. The guidance from the AG's office is that this action is non-substantive and the regulation will not need to be republished. The MSDE requests adoption of the proposed amendments.

### **EXECUTIVE SUMMARY:**

The proposed amendments to COMAR 13A.08.01.01 E *Attendance*, and COMAR 13A.08.02.01 *Incorporation by Reference* will change the reference to the MSDE Maryland Student Records System Manual from 2016 to 2020.

### **ACTION:**

Request adoption of the amendments to COMAR 13A.08.01.01 E *Attendance* and COMAR 13A.08.02.01 *Incorporation by Reference*.

### **ATTACHMENTS:**

COMAR 13A.08.01.01 E *Attendance*

COMAR 13A.08.02.01 *Incorporation by Reference*

*Maryland Student Records System Manual* (2020) <http://marylandpublicschools.org/about/Pages/OCP/Publications/index.aspx>

Comments to COMAR 13A.08.01.01 E *Attendance* and COMAR 13A.08.02.01 *Incorporation by Reference*.

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 08 STUDENTS**

### **Chapter 01 General Regulations**

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303—7-305, 7-305.1, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Ch. 273, Acts of 2016; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912

#### **.01 Attendance.**

A. Who Shall Attend. Each child who resides in this State and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age, or the child is exempted under Regulation .02-2A of this chapter.

B. A child who resides in this State shall attend a public or nonpublic kindergarten program regularly during the school year before entering the first grade unless the child is enrolled in an alternative program as specified in Regulation .02-2B of this chapter or is receiving home instruction as provided in COMAR 13A.10.01.

C. A child who resides in this State and attends a nonpublic kindergarten program for part of the year may transfer to a public kindergarten if the child meets the minimum age requirement for admission to a public school kindergarten program, as set forth in Regulation .02B(2) of this chapter.

D. Students shall be considered in attendance at school when participating in school-sponsored activities during the school day, and when that participation is approved by the local superintendent of schools or the school principal, or their designees. Students shall be considered in attendance in an alternative program setting when participating in activities during the day sponsored by the alternative program, and when that participation is approved by the director of a licensed child care center, registered family day care home, or Head Start 5-year-old program.

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 [2016] 2020, which is incorporated by reference in COMAR 13A.08.02.01.

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

# **Title 13A STATE BOARD OF EDUCATION**

## **Subtitle 08 STUDENTS**

### **Chapter 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 [2016] 2020, which is incorporated by reference.

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

**Comments on COMAR 13A.08.01.01E Attendance and 13A.08.02.01 Incorporated by Reference**

**Maryland Student Records System Manual 2020**

**August 25, 2020**

| Submission  | Comment   | MSDE Response   |
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| <p>Laura Wade<br/>Administrative<br/>Support Technician<br/>Harford County<br/>Public Schools</p> | <p>I am writing because of the upcoming changes to the Student Records Manual and the burden to the various school systems and staff that will be tasked to implement these changes during a worldwide pandemic.</p> <p>As a stakeholder in various categories, I believe every priority and resource available should be given to providing instruction and mental health services to support students under the umbrella of MSDE districts and not towards the effort to implement a new manual.</p> <p>For the many districts that have developed the SR cards electronically, to implement these changes would mean critical programming and technology resources would need to move away from getting 1-1 Technology and equipment to students and teachers in order to implement programmatic changes to the software and logic driving the electronic SR Cards.</p> <p>In addition, programming updates need to be made to Student Information Systems, further taking programmers and staff away from high priority detail.</p> <p>Finally, with regard to reordering the numerical order of the cards, over the years many districts have drilled into the heads of the record keepers that the SR1 and SR3 are PERMANENT cards. As such, they are archived accordingly in filing cabinets, microfilm and virtually on the web. To move away from that messaging means massive mistakes could occur with the <b>destruction of archived SR Cards</b> that are used to provide transcripts to former graduates, as well as the future archiving of the cards. Confusion will cause mistakes to transcript records that can never be recreated. Failure to produce the SR3 Transcript means the possibility exists that we</p> | <p>The MSDE has considered the request to re-order (renumber) the Student Record (SR) cards and to keep them as they were to prevent any confusion. The MSDE accepts this request. No new content has been changed, only the card numbers will go back to the original numbering system. School systems will need to update the SR cards with the 2020 content but the cards will be numbered as they have been in previous versions of the Manual.</p> <p>The content of the 2020 Manual will reflect the data currently being collected. Implementation of the new Manual this current school year will allow for transparency in the collection of data. The Manual will reflect the</p> |

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|  | <p>cannot prove graduation status for former students and job opportunities will be lost. This could potentially <b>bring lawsuits to districts</b> unable to provide the record. I highly recommend the name and number conventions stay the same.</p> <p>In addition, all districts still using the physical hard cards will need to purge the old versions from their warehouse and mass produce new hard cards to implement these new naming and number conventions. This means employees in print shops across the state will be required to be onsite to manage this work.</p> <p>Therefore, I am asking the implementation of the manual be put on hold until SY21/22, or later depending on the status of the pandemic.</p> <p>AND,</p> <p>It is imperative the current name and numbering of the cards not change. It is critical to the historical records and imperative that we meet the demands for transcripts – past and future.</p> | <p>data already being collected by the MSDE.</p>   |
| <p>Buzz Williams<br/>Harford County<br/>Assistant<br/>Supervisor in<br/>Student Services</p> | <p>I interpreted your email below as a request for feedback about the manual, so I consulted with our records manual expert Lynn Lilley who developed the following four suggestions for edits.</p> <p><b>1. Typo to correct.</b> It is found on the third page: cited below. “5 years old or older and under 16 shall attend” this should be age 18 not 16.</p> <p>Title 13A STATE BOARD OF EDUCATION</p> <p>Subtitle 08 STUDENTS</p> <p>Chapter 01 General Regulations</p> <p>Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303—7-305, 7-305.1, 7-307, 7-308, and 8-404, Annotated Code of Maryland; Ch. 273, Acts of 2016; Federal Statutory Reference: 20 U.S.C. §§1232g and 7912</p>   | <p>1. Maryland, Education Article, §7–301 is accurately reflected in the Manual. Each child who resides in this State and is 5 years old or older and under 18 shall attend a public school regularly during the entire school year.</p> <p>Request for an amendment to COMAR 13A.08.01 to update the age requirement from 16 years to 18 years will be submitted to the State Board in a separate action.</p> |

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|  | <p>.01 Attendance.</p> <p>A. Who Shall Attend. Each child who resides in this State and is 5 years old or older and under 16 shall attend a public school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age, or the child is exempted under Regulation .02-2A of this chapter.</p> <p>This can be confirmed on page 43, where similar wording states age 18.</p> <p><b>2. Page 46 entry codes missing R10.</b> Page 46 identifies entry codes. Specifically: “entry code “R” is only valid for.... And R10 is NOT listed.<br/>This is the code we must use to identify any student rolling from elementary to middle, or middle to high.<br/>It should not be E10 because first day of any school year is identified as R.</p> <p><b>3. Page 71 redundant definition</b> for offense code 803.</p> <p><b>4. Incorrect authority cited.</b> The text below should be Superintendent not STATE superintendent.</p> <p>Page 52, the description of exit code W42 reads:</p> <table border="0" data-bbox="464 982 1472 1258"> <tr> <td style="padding-right: 40px;">W</td> <td style="padding-right: 40px;">42</td> <td>Special Cases. Other reasons with the State Superintendent’s approval. This code may be used for students who withdraw in grade 8 for religious reasons. (Exception to Compulsory Attendance)</td> </tr> </table> | W   | 42 | Special Cases. Other reasons with the State Superintendent’s approval. This code may be used for students who withdraw in grade 8 for religious reasons. (Exception to Compulsory Attendance) | <p>2.The MSDE agrees and has corrected the code</p> <p>3.No redundancy exists. No change needed.</p> <p>4. This citation was verified as accurate by the MSDE AG’s office</p> |
| W  | 42   | Special Cases. Other reasons with the State Superintendent’s approval. This code may be used for students who withdraw in grade 8 for religious reasons. (Exception to Compulsory Attendance) |    |   |   |
| Deborah Samblanet Information Technology | <p><b><u>From 2016 Manual:</u></b><br/> <b>Student Record Card 3, Side 1 – Annual Secondary School Performance</b><br/> <b>Data Summary Grades 9 through 12</b><br/> <i>This card must be retained permanently.</i></p>  | <p>The MSDE agrees to revert to the previous system of card numbering in order to prevent confusion. This does not alter the</p>  |    |   |   |

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| <p>Calvert County Public Schools</p> | <p>Student Record Card 3, Side 1 (SR3, Side 1) must be used for grades 9-12. Computerized subject/grade/credit labels may be used in lieu of typed or handwritten subject data. The student's identifying information may be handwritten or computerized labels may be affixed over the printed area. If handwritten, only the printed data elements need to be entered; if labels are used, additional data elements may be given.</p> <p><u>From 2020 Manual:</u><br/> Student Record Card 3, Side 1 – Maryland State Assessments Elementary and Middle Grades This card must be retained until the student is 21 years of age.<br/> StudentRecordCard3,Side2–Local School System Testing Page   21 Student Record Card 3, Side 1 (SR3, Side 1) is designed for maintaining a record of a student's State mandated test performance.</p> <p>The 2020 Manual refers to SR Card 4 as Maryland State Graduation Requirements, but it looks like the SR3 from the 2016 Manual. ???</p> | <p>revised content that is incorporated in the Manual. These procedures are already being implemented. The updated Manual reflects practice and provides transparency.</p> |
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