

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools 

DATE: September 24, 2024

SUBJECT: Regulatory Review Work Plan

Purpose

The purpose of this item is to present MSDE's Office of Government Affairs' workplan to the State Board of Education and the Board's Education Policy Committee of feedback and comment. Following the presentation, the Regulatory Review Work Plan will be submitted to the Administrative Executive Legislative Review (AELR) Committee of the MD General Assembly for review and approval.

Background

Under Executive Order 01.01.2003.20, the Maryland State Department of Education (MSDE) must complete an Evaluation Report on the following 12 subtitles of 13A, State Board of Education, Code of Maryland Regulations, over 2024-2025. In accordance with § 10-130—10-139 (State Government Article, Annotated Code of Maryland), the purpose of the regulatory review is to determine if the Title 13A State Board of Education Code of Maryland Regulations:

- continue to be necessary for the public interest;
- continue to be supported by statutory authority and judicial opinion;
- are obsolete or otherwise appropriate for amendment or repeal; and
- are effective in accomplishing their intended purpose.

In accordance with the review schedule, the following 12 subtitles of 13A, State Board of Education, Code of Maryland Regulations, are required to be included in this review process:

- Subtitle 07 SCHOOL PERSONNEL
- Subtitle 08 STUDENTS
- Subtitle 09 NONPUBLIC SCHOOLS
- Subtitle 10 HOME INSTRUCTION
- Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES
- Subtitle 12 CERTIFICATION
- Subtitle 13 MARYLAND INFANTS AND TODDLERS PROGRAM
- Subtitle 14 CHILD AND FAMILY DAY CARE
- Subtitle 15 FAMILY CHILD CARE
- Subtitle 16 CHILD CARE CENTERS
- Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

- Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Each subtitle will be reviewed unless exemptions for review are requested for one or more of the subtitles. There are a few common reasons an agency may request an exemption from review, including:

- the regulation has been amended in the past 1-5 years and is already being implemented;
- amendments for a regulation, or set of regulations, are coming to the Board for Permission to Publish in the coming months; or
- amendments came for permission to publish recently and are currently still open for public comment.

Executive Summary

The evaluation report review schedule adopted under Executive Order 01.01.2003.20 specifies that the Maryland State Department of Education (MSDE) evaluations are due to be completed over 2024-2025. Therefore, the Department expects to have the review fully completed through an Evaluation Report by July 31, 2025. The State Department of Education will provide a variety of means to inform the public of this review and to invite both public comment and stakeholder comment, including announcing the Regulatory Review Workplan during the public livestreaming of the Education Policy Committee; announcing the Workplan during the public September State Board Meeting; and developing a Stakeholder Review Committee per statutory requirement. For the Stakeholder Review Committee, members will be invited to participate by the State Superintendent once the internal review staff has prepared recommendations for their subtitles. Finally, a final draft report and recommendations provided to State Board Regulations Review Committee for action on the Evaluation Report (Permission to Publish). The Regulatory Review Workplan Presentation is enclosed.

Action

Requesting that the State Board of Education vote to adopt MSDE's Regulatory Review Plan.

Attachments

Regulatory Review_MSDE-State-Board-PPT-2024 - FINAL

Regulatory Review Work Plan

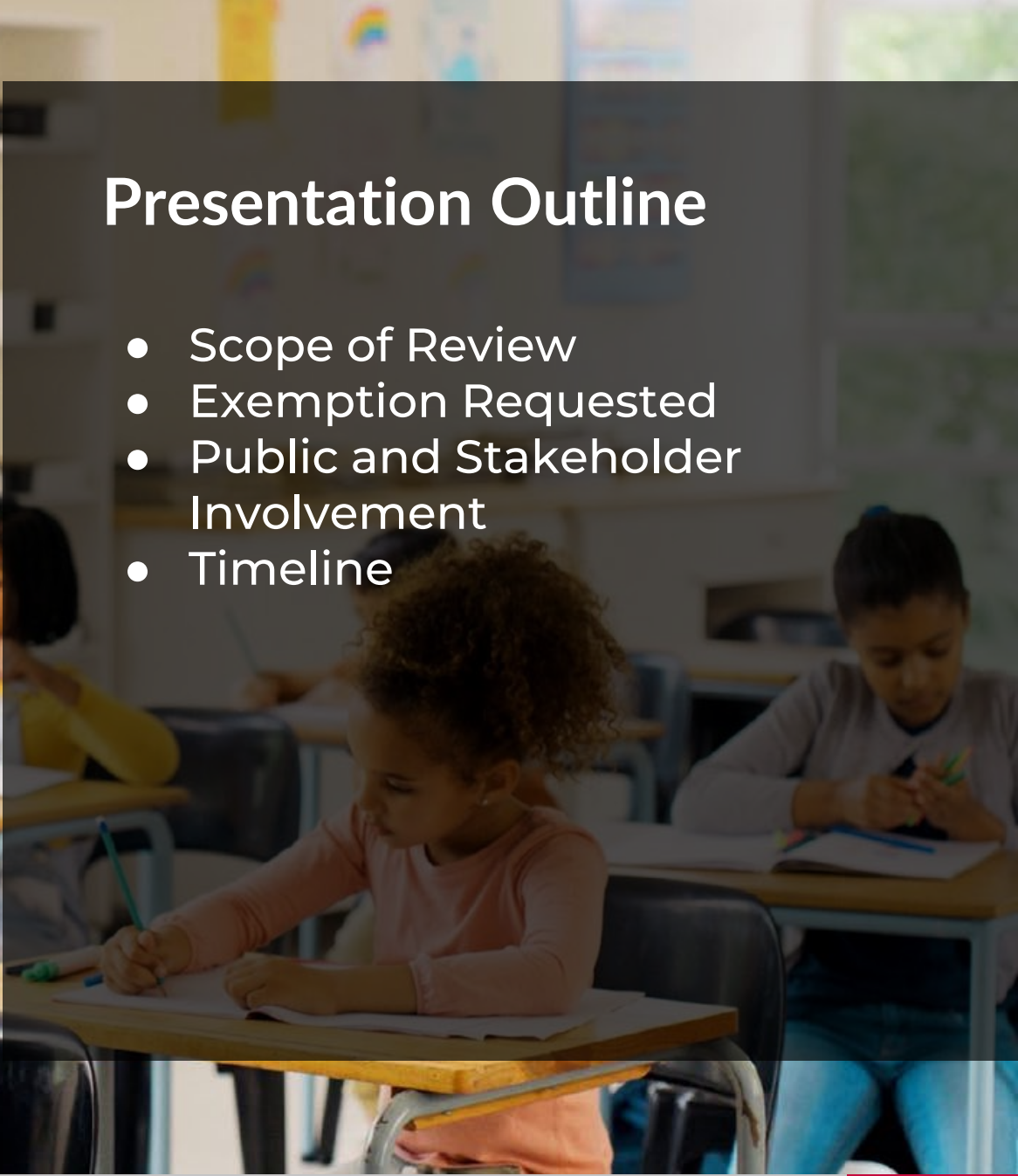
September 2024

Presented By | Akilah Alleyne, Ph.D., Executive Director, Office of Government Affairs



Presentation Outline

- Scope of Review
- Exemption Requested
- Public and Stakeholder Involvement
- Timeline



Purpose of Regulatory Review

Purpose: In accordance with § 10-130—10-139 (State Government Article, Annotated Code of Maryland), the purpose of the regulatory review is to determine if the Title 13A State Board of Education Code of Maryland Regulations:

- continue to be necessary for the public interest;
- continue to be supported by statutory authority and judicial opinion;
- are obsolete or otherwise appropriate for amendment or repeal; and
- are effective in accomplishing their intended purpose.

Scope of Review

Under Executive Order 01.01.2003.20, the Maryland State Department of Education (MSDE) is required to complete a report over the course of 2024-2025.

In accordance with the review schedule, the following 12 subtitles of 13A, State Board of Education, Code of Maryland Regulations, are required to be included in this review process:

Subtitle 07 SCHOOL PERSONNEL

Subtitle 08 STUDENTS

Subtitle 09 NONPUBLIC SCHOOLS

Subtitle 10 HOME INSTRUCTION

Subtitle 11 PROGRAMS FOR ADULTS
WITH DISABILITIES

Subtitle 12 CERTIFICATION

Subtitle 13 MARYLAND INFANTS AND TODDLERS
PROGRAM

Subtitle 14 CHILD AND FAMILY DAY CARE

Subtitle 15 FAMILY CHILD CARE

Subtitle 16 CHILD CARE CENTERS

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

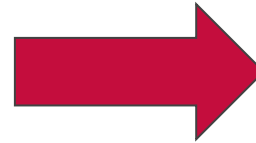
Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Scope of Review

MSDE's Request for 2024-2025 Regulatory Review Cycle

Given the volume of subtitles under Title 13A – State Board of Education, the Department proposes:

Two 4-year cycles



Three 2.5 year cycles

Scope of Review

Proposed Regulatory Review Cycles, 2024-2025

Cycle 1 (2024-2025):

Subtitle 07 SCHOOL PERSONNEL

Subtitle 08 STUDENTS

Subtitle 09 NONPUBLIC SCHOOLS

Subtitle 10 HOME INSTRUCTION

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

Subtitle 12 CERTIFICATION

Cycle 2 (2027-2028)

Subtitle 13 MARYLAND INFANTS AND TODDLERS PROGRAM

Subtitle 14 CHILD AND FAMILY DAY CARE

Subtitle 15 FAMILY CHILD CARE

Subtitle 16 CHILD CARE CENTERS

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Cycle 3 (2030-2031)

Subtitle 01 - STATE SCHOOL ADMINISTRATION

Subtitle 02 - LOCAL SCHOOL ADMINISTRATION

Subtitle 03 - GENERAL INSTRUCTIONAL PROGRAMS

Subtitle 04 - SPECIFIC SUBJECTS

Subtitle 05 - SPECIAL INSTRUCTIONAL PROGRAMS

Subtitle 06 - SUPPORTING PROGRAMS

Common Reasons Exemptions Are Requested

Below are a few of the common reason an agency may request an exemption from review:

- The regulation has been amended in the past 1-5 years and is already being implemented;
- Amendments for a regulation, or set of regulations, are coming to the Board for Permission to Publish in the coming months; or
- Amendments came for permission to publish recently and are currently still open for public comment.

Public and Stakeholder Involvement

The State Department/Board of Education will provide a variety of means to inform the public of this review and to invite both public comment and stakeholder comment:

- Announcement to Public at the September State Board Education Policy Committee Meeting
- Announcement to Public at the September State Board Meeting
- Notice of Review – MSDE Website
- Stakeholder Review Committee

Organization of the Review

Regulations Review Coordinating Committee

The State Superintendent will be responsible for appointing the Regulations Review Coordinating Committee:

- Executive Director, Maryland State Board of Education
- Legal Counsel, Attorney General's Office (MSDE)
- Executive Director, Office of Government Affairs
- Policy Analyst, Office of Government Affairs
- Regulations Coordinator and Administrator to the State Board

Organization of the Review

Regulations Review Coordinating Committee:

Duties:

- Brief staff on the purpose and internal processes for MSDE's regulatory review cycle;
- Develop the work plan and disseminate with MSDE leadership for review;
- Communicate with the AELR Committee and post public notice of the review;
- Organize, administer, and coordinate the tasks to complete the Evaluation Report;
- Provide periodic progress reports to the State Board Regulations Review Committee and present updates at the Board's Education Policy Committee;
- Identify the membership of Stakeholder Review Committee, conduct external communications and convene meetings of the Committee;
- Receive, compile, and review all public comments; and
- Assemble and analyze all recommendations and comments received (staff, public, Review Committee).

Organization of the Review

Internal Review Conducted by MSDE Leadership Team and Program Staff:

- Implement the regulations that are the subject of the regulations review;
- Conduct review of assigned regulations using the Evaluation Report Form specified by the Division of State Documents as a guide;
- Provide written responses to all applicable sections of Report Form;
- Collaborate, coordinate, and reach out to any agencies affected by the regulations;
- Summarize any relevant scientific data gathered, information gathered related to similar regulations of other states or the federal government, and any other relevant data related to the regulation; and
- Meet with Stakeholder Review Committee to review regulatory action advocated and to consider concerns or supportive information offered by Committee members.

Organization of the Review

Stakeholder Review Committee

Members of the Stakeholder Review Committee will be invited to participate by the State Superintendent once the internal review staff has prepared recommendations for their subtitles.

Duties:

- Review summary of actions recommended following the Internal Staff Review;
- Review summary of public comments submitted in response to the review; and
- Provide recommendations for final action related to the regulations under review.

Organization of the Review

State Board Regulations Review Committee

The membership of the committee will be appointed by the President of the State Board of Education. The State Board has indicated that its existing Education Policy Committee will serve in this capacity.

Duties:

- Review the recommended actions from the Internal Staff;
- Review any public comments submitted in response to the review; and
- Provide recommendations for final action related to the regulations under review.

Timeline of Completion

Action(s):	Complete By:
Work Plan presented to the Education Policy Committee for comment	9/12/2024
Work Plan submitted to Governor and AELR Committee	9/30/2024
AELR Review completed after 30 days	10/30/2024
Commencement of the Internal Staff Review	10/31/2024
Public Notice of Review posted on MSDE website and submitted to Division of State Documents for posting	11/15/2024
Internal Staff Review completed	1/10/2025

Timeline of Completion

Action(s):	Complete By:
Stakeholder Review Committee appointed	1/10/2025
Stakeholder Review Committee meets and comments are compiled	5/31/2025
Final draft report and recommendations provided to State Board Regulations Review Committee	7/15/2025
State Board action on Evaluation Report (Permission to Publish)	7/31/2025
Evaluation Report submitted to Governor and AELR Committee	7/31/2025

Thank You!
Any questions?



Work Plan for Regulatory Review of Title 13A – State Board of Education (Subtitles 13A.07-13A.12)

Implementation of the Regulatory Review and Evaluation Act

Executive Order 01.01.2003.20

For Review by the Joint Committee on Administrative, Executive, and Legislative Review (AELR)

Office of Government Affairs, Education Policy, and External Relations

September 2024

MARYLAND STATE DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.

State Superintendent of Schools

Wes Moore

Governor

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Introduction

OVERVIEW OF WORK PLAN

In accordance with §§ 10-130—10-139, State Government Article, Annotated Code of Maryland, the Maryland State Board of Education intends to conduct a regulatory review of specific subtitles within Title 13A, State Board of Education, Code of Maryland Regulations. This review will be conducted for the purpose of determining if the regulations included under these subtitles:

- Continue to be necessary for the public interest;
- Continue to be supported by statutory authority and judicial opinion;
- Are obsolete or otherwise appropriate for amendment or repeal; and
- Are effective in accomplishing their intended purpose.

The Work Plan for conducting this review is as follows:

1. Scope of review;
2. Exemptions requested;
3. Procedures for providing public/stakeholder involvement;
4. Organization for the review; and
5. Timeline for completing the review.

Scope of Review

The evaluation report review schedule adopted under Executive Order 01.01.2003.20 specifies that the Maryland State Department of Education (MSDE) evaluations are due to be completed over the course of 2024-2025. The regulatory review schedule specifies that the following 12 subtitles of Title 13A, State Board of Education, Code of Maryland Regulations should be included in this review process. These subtitles are as follows:

Subtitle 07 SCHOOL PERSONNEL

Subtitle 08 STUDENTS

Subtitle 09 NONPUBLIC SCHOOLS

Subtitle 10 HOME INSTRUCTION

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

Subtitle 12 CERTIFICATION

Subtitle 13 MARYLAND INFANTS AND TODDLERS PROGRAM

Subtitle 14 CHILD AND FAMILY DAY CARE

Subtitle 15 FAMILY CHILD CARE

Subtitle 16 CHILD CARE CENTERS

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

AMENDED PROPOSAL

Given the volume of subtitles under Title 13A – State Board of Education, for this regulatory review cycle, MSDE is requesting to switch from two, four-year cycles to three, two-and-a-half-year cycles, beginning with Subtitle 07 and ending with Subtitle 12. Under this proposed schedule, a new review cycle would take place approximately every 2.5 years to cover six subtitles of COMAR 13A.

Cycle 1 (2024-2025):

Subtitle 07 SCHOOL PERSONNEL

Subtitle 08 STUDENTS

Subtitle 09 NONPUBLIC SCHOOLS

Subtitle 10 HOME INSTRUCTION

Subtitle 11 PROGRAMS FOR ADULTS WITH DISABILITIES

Subtitle 12 CERTIFICATION

Cycle 2 (2027-2028):

Subtitle 13 MARYLAND INFANTS AND TODDLERS PROGRAM

Subtitle 14 CHILD AND FAMILY DAY CARE

Subtitle 15 FAMILY CHILD CARE

Subtitle 16 CHILD CARE CENTERS

Subtitle 17 CHILD CARE—LETTERS OF COMPLIANCE

Subtitle 18 LARGE FAMILY CHILD CARE HOMES

Cycle 3 (2030-2031):

Subtitle 01 - STATE SCHOOL ADMINISTRATION

Subtitle 02 - LOCAL SCHOOL ADMINISTRATION

Subtitle 03 - GENERAL INSTRUCTIONAL PROGRAMS

Subtitle 04 - SPECIFIC SUBJECTS

Subtitle 05 - SPECIAL INSTRUCTIONAL PROGRAMS

Subtitle 06 - SUPPORTING PROGRAMS

Exemptions Requested

In accordance with Section 10-132.1(b) of the State Government Article, the State Board of Education certifies that it would not be cost effective or necessary to review certain Chapters of these Subtitles given that these Chapters have been comprehensively amended or adopted in the past eight years. The chapters below are the chapters MSDE is requesting an exemption for:

13A.07 - SCHOOL PERSONNEL

- **13A.07.01 - Comprehensive Teacher Induction Program** – Regulations in this chapter underwent a comprehensive review led by the Statewide Induction Workgroup held in the summer and fall of 2023. The amendments will be brought to the State Board for permission to publish in October 2024.
- **13A.07.04 - Evaluation of Professionally Certificated Personnel** – The Blueprint for Maryland's Future requires MSDE to amend this chapter to align with the new requirements in law. These amendments are in development and will be brought to the State Board for permission to publish in April of 2025.
- **13A.07.06 - Programs for Professionally Licensed Personnel** – The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in December 2023 and implemented on April 1, 2024.
- **13A.07.07 - Programs for Professionally Certificated Personnel** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in December 2023.
- **13A.07.08 - Incentive Program for Certification by the National Board for Professional Teaching Standards** - The chapter was comprehensively reviewed in the past eight years. Amendments were brought to the State Board in December 2023 for permission to publish and are open for public comment.
- **13A.07.09 - Evaluation of Teachers and Principals** - The Blueprint for Maryland's Future requires MSDE to amend this chapter to align with the new requirements in law. These amendments are in development and will be brought to the State Board for permission to publish in April of 2025.
- **13A.07.10 - Comprehensive Principal Induction Program** - The Blueprint for Maryland's Future requires MSDE to amend this chapter to align with the new requirements in law. These amendments are in development and will be brought to the State Board for permission to publish in April of 2025.
- **13A.07.11 - Student Suicide Prevention and Safety Training** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in December 2019.
- **13A.07.12 - Disqualification Criteria for Substitute Teachers** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in March 2022.
- **13A.07.13 - State Board of Education Teacher Member Election** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in February 2022.
- **13A.07.14 - Child Sexual Abuse and Sexual Misconduct History** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in December 2019 and February 2022.

13A.08 - STUDENTS

- **13A.08.01 - General Regulations** – Of the regulations within this chapter, the Department requests an exemption for three regulations that recently underwent a comprehensive review and related amendments within the past eight years: 13A.08.01.01 – Attendance (October 2020

and March 2023), 13A.08.01.11 – Disciplinary Action (2018), and 13A.08.01.17 School Use of Reportable Offenses (July 2023).

- **13A.08.04 - Student Behavior Interventions** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted by the State Board in October 2023.

13A.09 – NONPUBLICS

- No exemptions requested.

13A.10 – HOME INSTRUCTION

- No exemptions requested.

13A.11 – ADULTS WITH DISABILITIES

- No exemptions requested.

13A.12 – EDUCATOR LICENSE

- **13A.12.01 - General Provisions** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted in December 2023 and implemented on April 1, 2024.
- **13A.12.02 – Teachers** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted in December 2023 and implemented on April 1, 2024.
- **13A.12.03 - Professional and Technical Education and Specialized Areas for Fine Arts** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted in December 2023 and implemented on April 1, 2024.
- **13A.12.04 – Specialists** – This chapter has been identified for review by the Professional Standards and Teacher Education Board. The recommended amendments will be brought to the State Board for permission to publish in October 2024.
- **13A.12.05 - Administrators and Supervisors** – A workgroup has already begun to review these regulations and will bring their recommended amendments to the State Board for permission to publish in December 2024.
- **13A.12.06 - Disciplinary Actions and Denials** - The chapter was comprehensively reviewed in the past eight years. Amendments were adopted in December 2023 and implemented on April 1, 2024.

For the reasons cited, the State Board of Education requests that these chapters and identified regulations be exempted from this review cycle.

General Procedures for Providing Public and Stakeholder Involvement

The State Board of Education will provide a variety of means to inform the public of this review and to invite both public comment and stakeholder comment. These means are as follows:

Announcement to Public at the September State Board Education Policy Committee Meeting

The State Board's Education Policy Committee meets monthly in advance of the full Board Meeting. These meetings are generally held for the Board to monitor, advise, and make recommendations on all matters related to education policy, to review pending legislation that will impact public schools in Maryland, and to provide advice and recommendations to the full Board on any action related to the development and adoption of regulations. These meetings are livestreamed for the public's viewing.

Announcement to Public at the September State Board Meeting

The State Board of Education approved this work plan for submission to the Governor and the Administrative, Executive and Legislative Review (AELR) Committee at its public meeting held on August 27, 2024. In addition to informing the public at that meeting of the proposed review, the Board signaled its intent to have interested parties either communicate in writing their comments on these regulations or appear in person to provide public comment on the subject regulations during the public comment period that is included on the agenda of each State Board meeting.

Notice of Review – MSDE Website

Once the Board receives approval of the work plan from the AELR Committee, the Board will invite additional public comment by posting notice of the review on the Maryland State Department of Education's website and by posting the notice on the Division of State Documents' website.

Stakeholder Review Committee

In addition to inviting public and stakeholder comment throughout the review period, a Stakeholder Review Committee will be identified and invited to meet with staff to review all regulatory changes proposed as a result of the regulatory review process. This review will take place after the staff has conducted its review and organized its recommendations for the public. The stakeholder review committee will have the opportunity to provide feedback before the Regulatory Review Report is finalized and presented to the State Board of Education for approval. The Stakeholder Review Committee may include representation from various stakeholder associations.

Organization of the Review

The State Superintendent will be responsible for appointing the Regulations Review Coordinating Committee, that will spearhead the review process internally, as well as the Stakeholder Review Committee, once internal staff at MSDE have recommendations to share.

REGULATIONS REVIEW COORDINATING COMMITTEE

Membership:

- Executive Director, Maryland State Board of Education
- Legal Counsel, Attorney General's Office (MSDE)
- Executive Director, Office of Government Affairs
- Policy Analyst, Office of Government Affairs
- Regulations Coordinator and Administrator to the State Board

Duties:

- Brief staff on the purpose and internal processes for MSDE's regulatory review cycle
- Author the work plan and disseminate with MSDE leadership for review
- Communicate with the AELR Committee and post public notice of the review
- Organize, administer, and coordinate the tasks to complete the Evaluation Report
- Provide periodic progress reports to the State Board Regulations Review Committee and present updates at the Board's Education Policy Committee
- Identify the membership of Stakeholder Review Committee, conduct external communications and convene meetings of the Committee
- Receive, compile, and review all public comments
- Assemble and analyze all recommendations and comments received (staff, public, Review Committee)

INTERNAL REVIEW STAFF

The MSDE Leadership Team and program staff who have responsibility for the implementation of the regulations that are the subject of the regulations review. Relevant staff will be determined for each subtitle once the work plan has been approved.

Duties:

- Conduct review of assigned regulations using the Evaluation Report Form specified by the Division of State Documents as a guide.
- Provide written responses to all applicable sections of Report Form to include:
 - Applying review criteria
 - Collaboration and coordination of the review as well as outreach to any agencies affected by the regulations.
 - Summarizing any relevant scientific data gathered, information gathered related to similar regulations of other states or the federal government, and any other relevant data related to the regulation.
 - Meet with Stakeholder Review Committee to review regulatory action advocated and to consider concerns or supportive information offered by Committee members.

STAKEHOLDER REVIEW COMMITTEE

Members of the Stakeholder Review Committee will be invited to participate by the State Superintendent once the internal review staff has prepared recommendations for their subtitles.

Duties :

- Review summary of actions recommended as a result Internal Staff Review
- Review summary of public comments submitted in response to the review.
- Provide recommendations for final action related to the regulations under review

STATE BOARD REGULATIONS REVIEW COMMITTEE

The membership of the committee will be appointed by the President of the State Board of Education. The State Board has indicated that its existing Education Policy Committee will serve in this capacity. The primary responsibilities will be to review the recommended actions from the Internal Staff, review any public comments submitted in response to the review, and provide recommendations for final action related to the regulations under review.

Timeline

Action:	Completed by:
Work Plan presented to the Education Policy Committee for comment	9/12/2024
Announcement to Public at the State Board Meeting	9/27/2024
Work Plan submitted to Governor and AELR Committee	9/31/2024
AELR Review (30 days)	10/30/2024
Public Notice of Review Posted on MSDE Website and submitted to Division of State Documents for posting	11/15/2024
Commencement of the Internal Staff Review	10/31/2024
Internal Staff Review Completed	1/10/2025
Stakeholder Review Committee Appointed	1/10/2025
Stakeholder Review Committee Meets/Comments Compiled	5/31/2025
Final draft report and recommendations provided to State Board Regulations Review Committee	7/15/2025
State Board Action on Evaluation Report (Permission to Publish)	7/31/2025
Evaluation Report submitted to Governor and AELR Committee	7/31/2025