

**Maryland General Assembly
Department of Legislative Services**

**Reproposed Regulations
State Board of Education**
(DLS Control No. 15-281)

Overview and Legal and Fiscal Impact

The regulations incorporate by reference the “Final 2016” edition of the Maryland Student Records System Manual (MSRSM) into various chapters of Title 13A of COMAR.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Local School Administration: General Financial Aid to Local School Systems:

COMAR 13A.02.06.02

Students: General Regulations: COMAR 13A.08.01.01

Student Records: COMAR 13A.08.02.01

Legal Analysis

Background

Various chapters of Title 13A of COMAR require schools to collect and maintain certain information on enrollment, attendance, promotion, and certain other information. Each local school system must develop and implement procedures to ensure that these data are collected and records are maintained accurately in accordance with the guidelines set forth in the MSRSM, the purpose of which is to provide instructions and sample forms to assist in the maintenance of this information. Additionally, each local school system is responsible for maintaining the confidentiality of these student records.

The regulations are a reproposal of regulations that were initially published in the *Maryland Register* on July 10, 2015.

Summary of Regulations

The regulations incorporate by reference the “Final 2016” edition of the MSRSM into COMAR 13A.08.01.01, General Regulations: Attendance and 13A.08.02.01, Student Records: Incorporation by Reference. The regulations also remove a reference in

COMAR 13A.02.06.02B.(9) to examples of document retention and dropout prevention intervention specified in the MSRSM as the MSRSM does not contain any examples of actions a local school system may take to keep a student in school.

Legal Issue

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State Board of Education cites § 2-205 of the Education Article as statutory authority for the regulations. More specifically, § 2-205(c) gives the State board general authority to adopt “regulations for the administration of the public schools.” Section 2-205(o) requires the State board, with the advice of the State Superintendent, to specify the information each county board, school official, and teacher is to record.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations indicate that a record of daily attendance of each student must be in accordance with State Board of Education regulations and with the Final 2016, instead of 2011, edition of the Maryland Student Records System Manual. The regulations also remove an obsolete reference to examples of “documented retention and dropout prevention interventions” in the Maryland Student Records System Manual. The department advises that there is no fiscal impact on State or local governments; the Department of Legislative Services concurs.

The Final 2016 edition of the manual supersedes the 2011 edition and is incorporated by reference by the regulations.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The department advises that the regulations have minimal or no economic impact on small business in the State. The Department of Legislative Services concurs.

Contact Information

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