

MARYLAND REGISTER

**Emergency Action on Regulations**

<b>TO BE COMPLETED BY AELR COMMITTEE</b>	<b>EMERGENCY Transmittal Sheet</b>	<b>TO BE COMPLETED BY DSD</b>
Date Received by AELR Committee		Date Filed with Division of State Documents
07/11/2016		
Emergency Status Approved		Document Number
_ -Yes _ -No		
Emergency Status Begins On		Date of Publication in MD Register
Emergency Status Ends On		
Name of AELR Committee Counsel		

**1. COMAR Codification**

**Title Subtitle Chapter Regulation**

13A 08 01 02-3

**2. Name of Promulgating Authority**

Maryland State Department of Education

**3. Name of Regulations Coordinator**

Charlene L Necessary

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410-767-0467

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**4. Name of Person to Call About this Document**  
Judith Walker

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**5. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations
- Repeal of Existing Regulations
- Incorporation by Reference of Documents Requiring DSD Approval

**6. Date Requested for Emergency Status to Begin:** 8/1/2016

**Date Requested for Emergency Status to Expire:** 1/23/2017

**7. Agency Will Take the Following Action on These Regulations**

- Promulgate them in accordance with State Government Article, §§ 10-101 -- 10-126
- Allow them to expire

**8. Is there proposed text which is identical to emergency text:**

- Yes  - No

**9. Check the following item if it is included in the attached document:**

- Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

**10. Reason for Request for Emergency Status**

HB 657 – Education – Pre-Kindergarten and Kindergarten Assessments – Administration (Chapter 273 of the Laws of Maryland 2016 and effective July 1, 2016) requires the State Board of Education to adopt regulations to implement the new provisions of law concerning the Kindergarten Readiness Assessment before the 2016/2017 school year. The adoption of standard regulations, which require notice and comment period, could not be adopted in the timeframe required by HB 657. Thus, emergency regulations are being proposed to implement the provisions of HB 657.

**11. Certificate of Authorized Officer**

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elizabeth M. Kameen, Assistant Attorney General, (telephone #410-576-6465) on July 11, 2016. A signed copy of the approval is on file at this agency.

**Name of Authorized Officer**

Karen B. Salmon, Ph.D.

**Title**

State Superintendent of Schools

**Date**

**Telephone No.**

410-767-0467

July 11, 2016

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

**Notice of Emergency Action**

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to amendments to Regulation .02-3 under COMAR 13A.08.01 General Regulations.

**Emergency status began:**

**Emergency status expires:**

**Comparison to Federal Standards**

There is no corresponding federal standard to this emergency action.

**Estimate of Economic Impact**

**I. Summary of Economic Impact.**

MSDE's Division of Early Childhood Development has earmarked \$850,000 to administer the Kindergarten Readiness Assessment (KRA) in all 24 local school systems and Maryland School for the Deaf. The regulation reduces the number of students to be assessed, but this has no impact on costs to the State.

<b>II. Types of Economic Impact.</b>	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	(E+)	850,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	



F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Response to small business worksheet:

Attached Document:

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# 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, 7-307, 7-308, and 8-404, Annotated Code of Maryland

#### **.02-3 [Early Childhood Assessment] Kindergarten Readiness Assessment.**

A. *For the purpose of this regulation, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *“Department-approved kindergarten assessment” means the Kindergarten Readiness Assessment developed and approved by the Department for the purpose of measuring school readiness.*

(2) *“Representative sample” means a sample of sufficient size to produce valid and reliable assessment information on all and major subgroups of students in the school systems as of the first day of school and as identified by the Department.*

C. *Representative Sample Assessment Process.*

(1) *The Department shall provide each school system with the representative sample identified for the school system by the Department for assessment.*

(2) *[Each local school system shall provide to the Department by December 1 of each year information about school readiness of students entering kindergarten as measured by a Department-approved kindergarten assessment system] Each school year, each local school system shall complete the administration of the Department-approved kindergarten assessment to the representative sample in the following areas:*

[A.] (a) [Personal and social development] *Social development;*

[B.] (b) *Language and literacy skills;*

[C.] (c) [Mathematical thinking] *Academic knowledge in Mathematics, Science, and Social Studies; and*

[D.] *Scientific thinking;*

E. *Social studies;*

F. *Arts; and]*

[G.] (d) *Physical development.*

(3) *The Department shall report the results of the representative sample assessment to local school systems in a format developed by the Department.*

D. *Full-Census Assessment Process.*

(1) *A local county board of education or a principal and a teacher, who are in mutual agreement, may decide to assess all students entering kindergarten in a school year using the Department-approved kindergarten assessment.*

(2) *The superintendent of a local school system shall notify the Department that:*

(a) *The local county board of education has decided to conduct a full census assessment of all students in all kindergarten classes; or*

(b) *A principal and teacher in a school in the school system have agreed to conduct a full census assessment of all students in that teacher’s kindergarten class.*

(3) *A teacher who is administering a full census assessment shall complete the assessment on or before October 1 of the school year.*

(4) *The Department shall return to the school system the aggregate results of the full census assessment within 45 days after the administration of the assessment.*

*E. Publication of Results of the Assessments. The Department shall publish and disseminate to local school systems the aggregated assessment information no later than November 15 of each year.*

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