

MARYLAND REGISTER

## Proposed Action on Regulations

<b>Transmittal Sheet</b>  <b>PROPOSED OR REPROPOSED</b>  <b>Actions on Regulations</b>	<b>Date Filed with AELR Committee</b>	<b>TO BE COMPLETED BY DSD</b>
	07/25/2016	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

**1. Desired date of publication in Maryland Register: 9/2/2016**

**2. COMAR Codification**

**Title Subtitle Chapter Regulation**

13A 08 01 02-3

**3. Name of Promulgating Authority**

Maryland State Department of Education

**4. Name of Regulations Coordinator**

Charlene L Necessary

**Telephone Number**

410-767-0467

**Mailing Address**

200 W. Baltimore Street

**City State Zip Code**

Baltimore MD 21201

**Email**

charlene.necessary@maryland.gov

**5. Name of Person to Call About this Document**

Judith Walker

**Telephone No.**

410-767-0467

**Email Address**

judith.walker@maryland.gov

**6. Check applicable items:**

- New Regulations
- Amendments to Existing Regulations  
Date when existing text was downloaded from COMAR online: May 1, 2016.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:  
:  
Md. R  
(vol.) (issue) (page nos) (date)  
Under Maryland Register docket no.: --P.

**7. Is there emergency text which is identical to this proposal:**

- Yes  No

If yes, corresponding proposed text published in:

- same issue
- future issue
- previous issue; it appeared in  
:  
Md. R  
(vol.) (issue) (page no's) (date)  
Under Maryland Register docket no.: --E.

**8. Incorporation by Reference**

Check if applicable: 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.)

**9. Public Body - Open Meeting**

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

**10. Children's Environmental Health and Protection**

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

**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 25, 2016. A written copy of the approval is on file at this agency.

**Name of Authorized Officer**

Karen B. Salmon, Ph.D.

**Title**

State Superintendent of Schools

**Telephone No.**

410-767-0467

**Date**

July 25, 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; Chapter 273 of the Acts of Maryland of 2016

**Notice of Proposed Action**

□

The Maryland State Board of Education proposes to amend Regulation .02-3 under COMAR 13A.08.01 General Regulations.

This action was considered at the June 28, 2016 meeting of the State Board of Education.

**Statement of Purpose**

The purpose of this action is to adopt regulations to implement the new provisions of law concerning Kindergarten Readiness Assessment pursuant to HB 657 – Education – Pre-Kindergarten and Kindergarten Assessments – Administration (Chapter 273 of the Laws of Maryland 2016 effective July 1, 2016) before the 2016/2017 school year. Thus, an emergency action is being proposed and published simultaneously.

**Comparison to Federal Standards**

There is no corresponding federal standard to this proposed 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	
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

**III. Assumptions.** (Identified by Impact Letter and Number from Section II.)

A. Maryland State Dept. of Education has earmarked for FY 2017 a total of \$850,000 to cover the costs for the administration of the Kindergarten Readiness Assessment in school year 2016-2017.

**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 Judith Walker, Early Learning Branch Chief, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-6549 TTY: 410-333-6442, or email to [judith.walker@maryland.gov](mailto:judith.walker@maryland.gov), or fax to 410-333-6226. Comments will be accepted through October 3, 2016. 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 October 25, 2016, 9:00 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

**Economic Impact Statement Part C**

- A. Fiscal Year in which regulations will become effective: FY 2017
- B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?
- Yes
- C. If 'yes', state whether general, special (exact name), or federal funds will be used:  
84.412 Race to the Top – Early Learning Challenge (Federal Fund Recovery)  
93.575 Child Care and Development Block Grant (Federal Fund Income)
- D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:
- E. If these regulations have no economic impact under Part A, indicate reason briefly:
- 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. 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;  
Chapter 273 of the Acts of Maryland of 2016

**.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 local school systems as of the first day of school and as identified by the Department.*

*C. Representative Sample Assessment Process.*

*(1) [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.

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

(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 local 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 local 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