

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 14-358)

Overview and Legal and Fiscal Impact

These regulations repeal the Maryland After-School Opportunity Fund Program under the Maryland State Department of Education (MSDE), because the program has been transferred to the Governor's Office for Children.

The regulations present no legal issue of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

State Board of Education:

Child and Family Day Care: Maryland After-School Opportunity Fund Program:
COMAR 13A.14.12.01-.08

Legal Analysis

Background

Chapter 586 of 1999 established the Maryland After-School Opportunity Fund Program to provide funding to organizations with after-school programs for children. Chapter 585 of 2005 established an Early Childhood Development Division in MSDE and, among other things, transferred the program from the Department of Human Resources to MSDE. More recently, Chapters 530 and 531 of 2012 transferred the program from MSDE to the office and renamed the program the Maryland After-School and Summer Opportunity Fund Program. Accordingly, by concurrent action, the office is proposing new regulations to establish the program under the office (COMAR 14.31.10). For more information on the regulations being transferred, see DLS Control No. 14-290P on the Maryland General Assembly website. The analysis will be posted upon publication in the *Maryland Register*.

Summary of Regulations

The regulations repeal the program under MSDE.

Legal Issue

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The department cites §§ 6-801 through 6-807 of Article 41 as legal authority for the regulations. However, although the program was originally established under Article 41, Chapter 585 of 2005 transferred the referenced provisions of law to §§ 7-1201 through 7-1207 of the Education Article. Subsequently, Chapters 530 and 531 of 2012 transferred the relevant provisions of law to §§ 8-1101 through 8-1107 of the Human Services Article. Accordingly, Chapters 530 and 531 should be cited as the correct legal authority for these regulations.

With the substitution of Chapters 530 and 531 for §§ 6-801 through 6-807 of Article 41, the 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 department advises that the proposed action has no fiscal impact on State or local governments. The Department of Legislative Services concurs and notes that the proposed action implements certain provisions of Chapters 530 and 531 of 2012 (Senate Bill 524 and House Bill 886), which transferred the Maryland After-School Opportunity Fund Program from the department to the office. The fiscal and policy notes for Senate Bill 524 and House Bill 886 did not indicate any fiscal impact since the program has not been funded since fiscal 2004. Thus, the repeal of these regulations has no additional impact beyond what was already accounted for in the fiscal and policy notes.

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 businesses in the State. The Department of Legislative Services concurs.

Contact Information

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