

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	10/14/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 10/30/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

14 36 04 .01-.08

3. Name of Promulgating Authority

MARYLAND LONGITUDINAL DATA SYSTEM CENTER

4. Name of Regulations Coordinator

Ross K Goldstein

Telephone Number

410-706-2085

Mailing Address

550 W. Baltimore Street

City State Zip Code

Baltimore MD 21201

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ross.goldstein@maryland.gov

5. Name of Person to Call About this Document

Ross Goldstein

Telephone No.

410-706-5085

Email Address

ross.goldstein@maryland.gov

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
Date when existing text was downloaded from COMAR online: 10/14/2015.
- 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

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 State Government Article, §10-506(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 Dawn O'Croinin, Assistant Attorney General, (telephone #410-706-1092) on 9/11/2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Ross Goldstein

Title

Executive Director

Telephone No.

410-706-2085

Date

10/14/2015

Title 14

INDEPENDENT AGENCIES

Subtitle 36 MARYLAND LONGITUDINAL DATA SYSTEM CENTER

14.36.04 Longitudinal Data Requests

Authority: Education Article, §§24-701, 24-703, and 24-706; Labor & Employment Article §8-625; General Provisions Article, Title 4; and; Annotated Code of Maryland.

Notice of Proposed Action

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The Governing Board of the Maryland Longitudinal Data System proposes to to repeal Regulation .04, amend and recodify existing regulations .05 - .07 to be Regulations .04 - .06, and recodify existing Regulation .08 to be Regulation .07.

This action was considered by the Governing Board of the Maryland Longitudinal Data System at an open meeting held on September 11, 2015, notice of which was given by publication on the website for the Maryland Longitudinal Data System Center pursuant to General Provisions Article, § 3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend the longitudinal data request process to ensure that it is consistent with the requirements of the Maryland Public Information Act.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Ross Goldstein, Executive Director, Maryland Longitudinal Data System Center, 525 West Baltimore Street, Baltimore, MD 21201, or call 410-706-2085, or email to ross.goldstein@maryland.gov, or fax to . Comments will be accepted through 12/4/2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by Governing Board of the Maryland Longitudinal Data System during a public meeting to be held on 12/11/2015 at 10:00 a.m., at 200 West Baltimore Street, Baltimore, MD 21201, 7th Floor Board Room.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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:

General Funds

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:

The proposed amendments involve compliance with the Public Information Act. Specifically, the amendments remove the restriction against obtaining Center data for commercial purposes. The result of the change may result in a minimal increase in the number of requests. Agency costs associated with fulfilling requests can be offset by fees charged to the person making the request.

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

Removal of the restriction against obtaining MLDS data for a commercial purpose will not have an economic impact on small business.

G. Small Business Worksheet:

Attached Document:

Title 14 – INDEPENDENT AGENCIES

Subtitle 36 – Maryland Longitudinal Data System Center

Chapter 04 – Longitudinal Data Requests.

Authority: Education Article, §§24-701, 24-703, and 24-706; Labor & Employment Article §8-625; [State Government Article, Title 10, Subtitle 6] *General Provisions Article, Title 4*; and; Annotated Code of Maryland.

.01 Scope.

A. – B. (text unchanged)

[C. Requests for longitudinal data from the Center should satisfy a similar purpose.]

.03 Applications — General.

A. – B. (text unchanged)

C. Options. The application form shall require at a minimum:

(1) (text unchanged)

(2) (text unchanged)

(3) Disclosure of the title of the research project for which the data request is being made, *if applicable*;

(4) Disclosure of whether or not the applicable research project is funded, *if applicable*;

(5) A summary of the research project, including but not limited to the research questions presented for evaluation by the project, *if applicable*; and

(6) The target dates for data collection, data analysis, report writing and report publication for the applicable research project, *if applicable*.

[.05] .04 Time for Applying, Responding.

A. (text unchanged)

B. The Executive Director of the Center, or staff member [delegated as] delegated by the Executive Director, shall provide the applicant with an acknowledgement of the receipt of the data request within 10 business days of receiving the application, and shall advise the applicant of the estimated time for completion of fulfillment of the data request and the estimated costs associated therewith within 30 days of receipt of the application.

[.06] .05 Fees.

A. – B. (text unchanged)

C. Waiver or Reduction. On an applicant's request, the Executive Director may waive or reduce any fee imposed under this chapter if the Executive Director, after considering the applicant's ability to pay and other relevant factors, [including but not limited to the purpose specified for the data request,] determines that a waiver or reduction of fees is in the public interest.

[.07] .06 Individual Records.

A. (text unchanged)

B. Individual Student Records.

(1) – (3) (text unchanged)

(4) The Center shall direct requests for access to individual student records to the agency supplying the records to the Center for consideration under the Maryland Public Information Act, [State Government, Title 10, Subtitle 6] *General Provisions Article, Title 4*, Annotated Code of Maryland, and any and all applicable State and federal statutes and regulations.

C. Individual Workforce Records.

(1) – (4) (text unchanged)

(5) Requests for access to individual workforce records shall be directed to the Maryland Department of Labor, Licensing and Regulation for that agency's consideration under the Maryland Public Information Act, [State Government Article, Title 10, Subtitle 6] *General Provisions Article, Title 4*, Annotated Code of Maryland, and any and all applicable State and federal statutes and regulations.

D. – E. (text unchanged)