

HOUSE BILL 1014

P3, P1

2lr2706

By: **Delegates Gutierrez, Carr, Cullison, Glenn, Hucker, A. Kelly, A. Miller,
Nathan-Pulliam, B. Robinson, S. Robinson, and Stukes**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **State Department of Education – Regulation Adoption Process – Public Input**

3 FOR the purpose of requiring the State Department of Education to hold public
4 hearings on certain proposed regulations that contain a funding mandate or
5 that will have a significant impact on local school systems; requiring the
6 Department, on certain proposed regulations, to hold a public hearing, make
7 available to the public all written comments received by the Department, and
8 respond to issues raised in the public comments; requiring the Department to
9 provide the State Board of Education with all public comments and the
10 Department responses on certain proposed regulations at least a certain
11 number of months before the proposed regulations will be presented to the
12 Board for final adoption; providing for the applicability of this Act; and
13 generally relating to the regulation adoption process of the State Department of
14 Education.

15 BY repealing and reenacting, without amendments,
16 Article – Education
17 Section 2–106 and 2–205(c)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2011 Supplement)

20 BY adding to
21 Article – Education
22 Section 2–107
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2011 Supplement)

25 BY repealing and reenacting, without amendments,
26 Article – State Government
27 Section 10–111(a)(1) and (3)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2009 Replacement Volume and 2011 Supplement)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article – Education**

6 2–106.

7 The Department has authority over:

8 (1) Matters of elementary and secondary education that affect this
9 State; and

10 (2) The general care and supervision of public elementary and
11 secondary education.

12 **2–107.**

13 **(A) THIS SECTION APPLIES TO ANY PROPOSED REGULATION THAT**
14 **CONTAINS A FUNDING MANDATE FOR A LOCAL SCHOOL SYSTEM OR THAT WILL**
15 **HAVE A SIGNIFICANT IMPACT ON A LOCAL SCHOOL SYSTEM.**

16 **(B) NOTWITHSTANDING THE PROVISIONS OF § 10–111(A)(3) OF THE**
17 **STATE GOVERNMENT ARTICLE, UNDER THIS SECTION THE DEPARTMENT**
18 **SHALL:**

19 **(1) HOLD A PUBLIC HEARING ON A PROPOSED REGULATION;**

20 **(2) MAKE AVAILABLE TO THE PUBLIC ALL WRITTEN COMMENTS**
21 **THE DEPARTMENT RECEIVES ON A PROPOSED REGULATION; AND**

22 **(3) ADDRESS AND RESPOND IN WRITING TO ALL WRITTEN**
23 **COMMENTS THE DEPARTMENT RECEIVES ON A PROPOSED REGULATION.**

24 **(C) ALL PUBLIC COMMENTS AND THE RESPONSES OF THE**
25 **DEPARTMENT SHALL BE PROVIDED TO THE STATE BOARD AT LEAST ONE**
26 **MONTH BEFORE THE DEPARTMENT PRESENTS THE PROPOSED REGULATIONS**
27 **TO THE STATE BOARD FOR FINAL ADOPTION.**

28 2–205.

29 (c) (1) The State Board shall adopt bylaws, rules, and regulations for the
30 administration of the public schools.

1 (2) These bylaws, rules, and regulations have the force of law when
2 adopted and published.

3 (3) The bylaws, rules, and regulations apply to each county. However,
4 they do not apply to Baltimore City to the extent that they relate to matters that are
5 the subject of other provisions of this article that do not apply to Baltimore City.

6 **Article – State Government**

7 10–111.

8 (a) (1) Except as provided in subsection (b) of this section, a unit may not
9 adopt a proposed regulation until:

10 (i) after submission of the proposed regulation to the
11 Committee for preliminary review under § 10–110 of this subtitle; and

12 (ii) at least 45 days after its first publication in the Register.

13 (3) The promulgating unit shall permit public comment for at least 30
14 days of the 45–day period under paragraph (1)(ii) of this subsection.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2012.