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TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
RE: 2010 Departmental Legislation
DATE: September 21, 2009

PURPOSE:

The purpose of this item is to give an overview of the process and procedures used by the Maryland State Department of Education (MSDE) in submitting departmental legislation to the Governor's Legislation office. Also, a brief description of the departmental issues that will be proposed before the 2010 session of the Maryland General Assembly will be presented.

EXECUTIVE SUMMARY:

I have asked Ms. Renee Spence to briefly update the members of the State Board of Education on the following departmental proposals:

Division of Rehabilitation Services Consumers in Unpaid Work-Based Learning Experiences

The legislation is necessary in order to encourage employers and businesses to partner with Division of Rehabilitation Services in providing internships and unpaid work experience to Division of Rehabilitation Services consumers. A barrier that has limited employers from participating in this initiative is concern about potential liability if the Division of Rehabilitation Services consumer were to be injured in the workplace. By extending "covered employee" status to the Division of Rehabilitation Services consumer, the employer's liability is mitigated. In addition, Division of Rehabilitation Services would reimburse the business for any increase resulting in its insurance premium up to \$250.00 per consumer.

Disruptive Students Reporting Requirements

For the past several years, there have been no funds in the MSDE budget to allocate for disruptive youth programs. Since funding is not distributed to local school systems or local management boards from the State Department, it would make sense to discontinue the reporting process, which ties to the use of funding in local school systems.

Fitness and Athletic Equity for Students with Disabilities Act

During the past year, the Offices of Physical Education and Athletics at the Maryland State Department of Education have collected data on the number of students with disabilities who are included in physical education and athletic programs.



In order to provide an accurate account of high school athletic participation, it is necessary to adjust the reporting date to accommodate those participating during the spring sports season. An adjustment of the reporting date will also provide an accurate account of the number of students participating in physical education classes for students scheduled during the second semester of the school year.

Changing the date of these specific provisions does not mean that the schools will not provide data, but allows local school systems to give a more complete and accurate report on the number of students with disabilities that are included in physical education and athletic programs.

Nonpublic School Employees - Criminal Convictions

Education Article §2-206.1 clearly states statutory intent prohibiting nonpublic schools from knowingly hiring or retaining individuals who have been convicted of certain crimes (i.e., child abuse, a crime of violence, and sexual offense in the 3rd degree). It further states that the consequence is Departmental revocation of the Certificate of Approval. Legal scrutiny of the statute indicates that the State Board should be the body responsible for the revocation of a Certificate of Approval since they are the body responsible for the issuance of approval (Education Article 2-206). While Education Article §2-102 clearly defines the State Board as the head of the Department, this change will further clarify who has the authority to revoke the approval to operate a nonpublic school.

Youth Suicide and Mental Hygiene Programs Reporting Requirements

For the past several years, the Office for Children and Families (OCYF) has controlled the funds for youth suicide prevention in schools. The funds were distributed to local school systems through local management boards. The Maryland State Department of Education (MSDE) was required to submit a report to the Maryland General Assembly. As there is no longer money for these prevention programs, there is no data to collect and report.

Master Plan Updates

This Departmental Bill intends to: change the master plan submission date, in order to facilitate new master plan development that is aligned with federal and State expectations; modify the requirement that local boards submit a copy of the Comprehensive Master Plan or annual update to county officials 30 days before the due date, with a copy of the Comprehensive Master Plan or annual update to follow, in order to provide additional time that Local School Systems need to include an analysis of Maryland School Assessment and High School Assessment data in the plan or update; and provide local school systems the option to submit a preexisting management plan to satisfy the Comprehensive Master Plan requirement.

If you have any questions, please feel free to contact me or Ms. Renee Spence at 410-767-0462. As always, thank you for your continuous help and support.

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