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Interim State Superintendent of Schools

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TO: Members of the Maryland State Board of Education

FROM: Bernard J. Sadusky, Ed.D. *BJS*
Interim State Superintendent

DATE: August 30, 2011

SUBJECT: COMAR 13A.03.04.07 (AMEND)
Sanctions for Violations
PERMISSION TO PUBLISH

PURPOSE:

The purpose of this action is to request that the State Board grant permission to publish a proposed regulation concerning "Whistleblower Protection" for local school system employees who report suspected test security violations.

HISTORICAL BACKGROUND:

The Maryland State Department of Education (MSDE) often receives correspondence from local school system employees wanting to raise concerns regarding suspected testing violations. However, they are hesitant in providing MSDE with details due to fear of some type of reprisal from their school and/or LEA. Without details from these employees, MSDE may not be able to request or conduct a full investigation into test security violations, which may impact the reliability of State assessments. As a result, the State Test Administration and Security Committee proposed adding language regarding "Whistleblower Protection" to COMAR as a means of helping to alleviate some of these fears.

EXECUTIVE SUMMARY:

Feedback on this proposed regulation has been received from the local superintendents of schools, Local Accountability Coordinators from each school system, and School Test Coordinators for the non-public schools. The comments received were reviewed and changes were made to reflect them.

ACTION:

I request permission to publish an amendment to COMAR 13A.03.04.07 with the following TENTATIVE timelines:

Maryland Register Issue Date:	October 21, 2011
30- day open comment period ends:	November 21, 2011
Adoption:	December 6-7, 2011
Tentative effective date:	December 26, 2011

Attachments

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 04 Test Administration and Data-Reporting Policies and Procedures

Authority: Education Article, §2-205, Annotated Code of Maryland

.07 Sanctions for Violations.

A. — D. (text unchanged)

E. Whistleblower Protection.

(1) The local school system shall not take any personnel action as retaliation against an employee who reports information that the employee reasonably believes involves a test security violation under this chapter.

(2) The local school system may take personnel action against an employee if the local school system investigates and concludes that the employee was involved in the reported test security violation.