

Proposed Action on Regulations

For information concerning citizen participation in the regulation-making process, see inside front cover.

Symbol Key

- Roman type indicates existing text of regulation.
- *Italic type* indicates proposed new text.
- [Single brackets] indicate text proposed for deletion.

Promulgation of Regulations

An agency wishing to adopt, amend, or repeal regulations must first publish in the Maryland Register a notice of proposed action, a statement of purpose, a comparison to federal standards, an estimate of economic impact, an economic impact on small businesses, a notice giving the public an opportunity to comment on the proposal, and the text of the proposed regulations. The opportunity for public comment must be held open for at least 30 days after the proposal is published in the Maryland Register.

Following publication of the proposal in the Maryland Register, 45 days must pass before the agency may take final action on the proposal. When final action is taken, the agency must publish a notice in the Maryland Register. Final action takes effect 10 days after the notice is published, unless the agency specifies a later date. An agency may make changes in the text of a proposal. If the changes are not substantive, these changes are included in the notice of final action and published in the Maryland Register. If the changes are substantive, the agency must repropose the regulations, showing the changes that were made to the originally proposed text.

Proposed action on regulations may be withdrawn by the proposing agency any time before final action is taken. When an agency proposes action on regulations, but does not take final action within 1 year, the proposal is automatically withdrawn by operation of law, and a notice of withdrawal is published in the Maryland Register.

Title 08 DEPARTMENT OF NATURAL RESOURCES

Subtitle 02 FISHERIES SERVICE

08.02.01 General

Authority: Natural Resources Article, §4-701, Annotated Code of Maryland

Notice of Proposed Action

[19-229-P]

The Secretary of Natural Resources proposes to amend Regulation .05 under **COMAR 08.02.01 General**.

Statement of Purpose

The purpose of this action is to modify the number of commercial fishing license authorization targets. The proposed action makes modifications to the authorization targets to reflect the number of tidal fish license conversions.

Natural Resources Article, §4-701(m), Annotated Code of Maryland, allows the conversion (downgrade) of an unlimited tidal fish license (UTFL) into its individual component authorizations and allows the Department to adjust all authorizations accordingly. Applicants may choose which license components of the UTFL they want to retain. Downgrading a UTFL decreases the UTFL target and reallocates the target of each license type that is included in a UTFL (resident fishing guide (FGR); unlimited finfish harvester (FIN); crab harvester 300 pot (CB3); clam harvester (CLM); oyster harvester (OYH); oyster dredge boat (ODB); and conch, cancer crab, turtle, lobster (CTL)). The number and type of authorizations involved in a downgrade of a UTFL provide the basis for changes to the license authorization target levels.

In summary, the UTFL number is decreased by 11 and the number for FGR, FIN, CB3, CLM, OYH, ODB, and CTL is reallocated by 11 each. The total number of UTFL downgrades includes: three from the 2015/2016 license year; two from the 2016/2017 license year; five from the 2017/2018 license year; and one from the 2018/2019 license year. The downgrades included in this proposal that occurred during the 2015/2016 and 2016/2017 license years were discovered while confirming data and have not been captured in previous regulation proposals.

The proposed action includes license conversions that occurred prior to April 15, 2019, and shows the target number for each authorization available after all of the adjustments.

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 Commercial License Targets, Regulatory Staff, Department of Natural Resources Fishing and Boating Services, 580 Taylor Avenue, B-2, Annapolis, MD 21401, or call 410-260-8300, or email to fisheriespubliccomment.dnr@maryland.gov, or fax to 410-260-8310. Comments will be accepted through December 9, 2019. A public hearing has not been scheduled.

.05 Targets for the Number of Tidal Fish License Authorizations.

A. The targets for the number of tidal fish license authorizations issued by the Department are the number of authorizations issued between September 1, 1998, and March 31, 1999, including adjustments made annually according to specifications listed in §B of this regulation, listed by the following categories:

Abbreviation	Authorization	Number
FGR	Fishing Guide Resident	[490] 501
FGN—HLI	(text unchanged)	
FIN	Unlimited Finfish Harvester	[272] 283
LCC—LCCM	(text unchanged)	
CB3	Crab Harvester—300 Pots	[271] 282
CB6—CB9	(text unchanged)	
CLM	Clam Harvester	[40] 51
OYH	Oyster Harvester	[705] 716
ODB	Oyster Dredge Boat	[32] 43
CTL	Conch, <i>Cancer Crab</i> , Turtles, and Lobster Harvester	[39] 50
[TFL] <i>UTFL</i>	Unlimited Tidal Fish	[2,091] 2080

B.—C. (text unchanged)

JEANNIE HADDAWAY-RICCIO
Secretary of Natural Resources

Title 13A STATE BOARD OF EDUCATION

Subtitle 05 SPECIAL INSTRUCTIONAL PROGRAMS

13A.05.01 Provision of a Free Appropriate Public Education

Authority: Education Article, §8-405, Annotated Code of Maryland

Notice of Proposed Action [19-223-P]

The Maryland State Board of Education proposes to amend Regulation .14 under **COMAR 13A.05.01 Provision of a Free Appropriate Public Education**. This action was considered by the State Board of Education at their August 27, 2019, meeting.

Statement of Purpose

The purpose of this action is to implement amendments to COMAR as stated in Education Article, §8-405, Annotated Code of Maryland, which established the independent educational evaluation. The updates clarify that 1) if a parent requests an independent educational evaluation at public expense, the local school system or public agency shall provide a written response approving or denying the request within 30 days; 2) if the local school system or public agency approves a request, the written response shall advise the parent of the process for arranging the evaluation at public expense; and 3) if the local school system or public agency denies a request, the local school system or public agency shall file a due process complaint within 30 days of the date of denial.

Comparison to Federal Standards

There is a corresponding federal standard to this proposed action, but the proposed action is not more restrictive or stringent.

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 an impact on individuals with disabilities as follows:

The proposed regulatory update creates a 30-day timeline to define the phrase “without unnecessary delay,” as found in the Individuals with Disabilities Education Act (IDEA) (34 CFR §300.502 (b)(2)), thereby providing clarification of requirements in support of students with disabilities and their families.

Opportunity for Public Comment

Comments may be sent to Marcella E. Franczkowski, M.S., Assistant State Superintendent, Division of Early Intervention and Special Education Services, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0238 (TTY 410-333-6442), or email to marcella.franczkowski@maryland.gov, or fax to 410-333-2488. Comments will be accepted through December 9, 2019. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on January 28, 2020, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

.14 Procedural Safeguards — Independent Educational Evaluation.

A. (text unchanged)

B. Parental Right to Independent Educational Evaluation at Public Expense.

(1) (text unchanged)

(2) When a parent requests an independent educational evaluation at public expense, the public agency shall *provide a written response approving or denying the request within 30 days of the date the request was made, and:*

(a) [Provide an independent educational evaluation; or] *If the public agency approves the request, advise the parent of the process for arranging the evaluation at public expense; or*

(b) [File a due process complaint in accordance with Regulation .15C of this chapter, to demonstrate that the public agency’s evaluation is appropriate.] *If the public agency denies the request, file a due process complaint in accordance with Regulation .15C of this chapter within 30 days of the date of the denial.*

(3)—(7) (text unchanged)

KAREN B. SALMON, Ph.D.
State Superintendent of Schools