

Chapter 608

(House Bill 1381)

AN ACT concerning

Adult High School Pilot Program

FOR the purpose of establishing an Adult High School Pilot Program; providing for the purpose of the Program; providing that the Program is under the authority and supervision of the State Department of Education and the Department of Labor, Licensing, and Regulation; authorizing the Department, in consultation with the Department of Labor, Licensing, and Regulation, to approve up to a certain number of pilots; establishing requirements for a pilot under the Program; requiring the Department and the Department of Labor, Licensing, and Regulation to consider certain items when considering whether to approve a certain pilot; providing that a certain pilot is not a public school for certain purposes; requiring an applicant to submit a certain plan to the Department and the Department of Labor, Licensing, and Regulation that includes certain information; requiring the Department, in consultation with the Department of Labor, Licensing, and Regulation, to approve or disapprove certain items within a certain period of time; requiring the State Board of Education to grant a certain pilot a waiver from certain regulations; prohibiting the State Board from granting a waiver of a certain assessment requirement in a certain regulation; requiring a pilot to be subject to the requirements of a certain federal law and provide certain accommodations; requiring the Department and the Department of Labor, Licensing, and Regulation to establish qualifications for operators of pilots under the Program; providing for the minimum content of certain qualifications; requiring certain operators to adopt certain written standards; requiring certain standards to be submitted to the Department and Department of Labor, Licensing, and Regulation for approval; authorizing an operator to partner with certain entities; requiring an Advisory Board to govern a pilot; providing for the membership, appointments, officers, and filling of vacancies for an Advisory Board; authorizing the operator or the Advisory Board to apply for and accept certain funding from certain entities; requiring an operator to conduct a certain evaluation each year; requiring an operator, after receiving certain approval from the Advisory Board, to submit a certain evaluation report to certain departments; requiring, beginning on a certain date, a certain operator to submit certain information to certain departments; requiring the Department and the Department of Labor, Licensing, and Regulation to jointly submit to the Governor and the General Assembly a certain report on or before a certain date; requiring the Department and the Department of Labor, Licensing, and Regulation to send a certain written notice to certain pilots under certain circumstances; requiring the Department and the Department of Labor, Licensing, and Regulation to jointly adopt certain regulations; defining certain terms; and generally relating to the Adult High School Pilot Program.

BY adding to

Article – Education

Section 9.7–101 through 9.7–110 to be under the new title “Title 9.7. Adult High School Pilot Program”

Annotated Code of Maryland

(2014 Replacement Volume and 2016 Supplement)

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

Article – Education

TITLE 9.7. ADULT HIGH SCHOOL PILOT PROGRAM.

9.7–101.

(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “OPERATOR” MEANS A PRIVATE NONPROFIT ENTITY THAT ESTABLISHES A PILOT UNDER THE PROGRAM.

(C) “PILOT” MEANS AN ADULT HIGH SCHOOL ESTABLISHED BY AN OPERATOR UNDER THE PROGRAM.

(D) “PROGRAM” MEANS THE ADULT HIGH SCHOOL PILOT PROGRAM.

(E) (1) “WRAPAROUND SERVICES” MEANS INDIVIDUALIZED SERVICES, EXCLUDING REGULAR SCHOOL PROGRAMS AND SERVICES, THAT ARE PROVIDED TO THE STUDENT AND THE STUDENT’S FAMILY.

(2) “WRAPAROUND SERVICES” INCLUDES:

(I) CHILD CARE;

(II) TRANSPORTATION;

(III) HOUSING REFERRALS;

(IV) MENTAL HEALTH;

(V) CRISIS INTERVENTION;

(VI) SUBSTANCE ABUSE PREVENTION OR TREATMENT; AND

(VII) LEGAL AID.

9.7-102.

(A) THERE IS AN ADULT HIGH SCHOOL PILOT PROGRAM.

(B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN ALTERNATIVE METHOD FOR ADULTS WHO DID NOT GRADUATE FROM HIGH SCHOOL TO EARN A HIGH SCHOOL DIPLOMA AND POTENTIALLY TO EARN POSTSECONDARY EDUCATION CREDITS AND INDUSTRY-RECOGNIZED CERTIFICATION IN AN ENVIRONMENT THAT MEETS THE NEEDS OF THE ADULT LEARNER.

(C) THE PROGRAM IS UNDER THE AUTHORITY AND SUPERVISION OF THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

9.7-103.

(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, MAY APPROVE UP TO SIX PILOTS.

(B) A PILOT ESTABLISHED UNDER THE PROGRAM SHALL:

(1) OPERATE FROM A FIXED PHYSICAL LOCATION;

(2) ENROLL STUDENTS WHO:

(I) ARE 21 YEARS OLD OR OLDER;

(II) DO NOT HAVE A HIGH SCHOOL DIPLOMA; AND

(III) DID NOT COMPLETE THE REQUIREMENTS FOR HIGH SCHOOL GRADUATION THROUGH GED TESTING OR A NATIONAL EXTERNAL DIPLOMA PROGRAM;

(3) ENROLL A MAXIMUM OF 350 STUDENTS;

(4) OFFER WRAPAROUND SERVICES NECESSARY FOR THE ADULT LEARNER; AND

(5) GRANT A MARYLAND HIGH SCHOOL DIPLOMA ON COMPLETION OF THE REQUIRED COURSE OF STUDY.

(C) WHEN CONSIDERING WHETHER TO APPROVE A PILOT UNDER THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL:

(1) GIVE PRIORITY TO A PILOT LOCATED IN A COUNTY OR GEOGRAPHIC AREA LOCATED WITHIN A COUNTY THAT HAS A HIGH SCHOOL ATTAINMENT RATE THAT IS LOWER THAN THE STATE AVERAGE HIGH SCHOOL ATTAINMENT RATE;

(2) CONSIDER GEOGRAPHIC DIVERSITY IN LOCATIONS FOR THE PILOTS; AND

(3) APPROVE ONE PILOT IN A RURAL AREA FOR EACH TWO PILOTS APPROVED IN URBAN AREAS.

(D) A PILOT ESTABLISHED UNDER THE PROGRAM IS NOT A PUBLIC SCHOOL FOR PUBLIC FINANCING PURPOSES UNDER TITLE 5 OF THIS ARTICLE.

9.7-104.

(A) (1) TO ESTABLISH A PILOT UNDER THE PROGRAM, AN APPLICANT SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION A PLAN THAT DESCRIBES IN DETAIL THE PILOT OPERATOR, THE PILOT PROGRAM DESCRIPTION, THE PROPOSED CURRICULUM, ASSESSMENT PROCEDURES, PERFORMANCE STANDARDS, WRAPAROUND SERVICES, THE BUDGET, AND THE PROPOSED BYLAWS ADOPTED BY THE PILOT'S ADVISORY BOARD.

(2) THE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE PROPOSED CURRICULUM AND PERFORMANCE STANDARDS THAT ALIGN WITH THE MARYLAND COLLEGE AND CAREER READY STANDARDS;

(II) INITIAL STUDENT INTAKE ASSESSMENT PROCEDURES;

(III) PLANS FOR THE PROVISION OF REMEDIAL INSTRUCTION TO PREPARE STUDENTS FOR SECONDARY-LEVEL ACADEMIC INSTRUCTION, IF NECESSARY;

(IV) PLANS FOR WORKING WITH STUDENTS WITH DISABILITIES;

(V) A DESCRIPTION OF ASSESSMENT INSTRUMENTS FOR MEASURING STUDENT PROGRESS AND COLLEGE AND CAREER READINESS;

(VI) A DESCRIPTION OF ANY PROGRAMS OR PARTNERSHIPS WITH ORGANIZATIONS OR BUSINESSES FOR PROVIDING JOB SKILLS, INDUSTRY CERTIFICATIONS, OR HIGHER EDUCATION CREDITS;

(VII) THE WRAPAROUND SERVICES OFFERED;

(VIII) A DESCRIPTION OF THE ADVISORY AND COACHING SERVICES THAT PROVIDE SUPPORT FOR STUDENTS TO:

1. ESTABLISH CAREER PATHWAYS IN HIGH NEED AND GROWTH INDUSTRY SECTORS; AND

2. MAKE EFFECTIVE TRANSITIONS INTO POSTSECONDARY EDUCATION AND INDUSTRY CREDENTIALING OPPORTUNITIES;

(IX) THE PILOT'S GOVERNANCE PLAN; ~~AND~~

(X) A DETAILED BUDGET FOR THE INITIAL 3-YEAR OPERATING PERIOD THAT DEMONSTRATES THE PILOT'S FINANCIAL SELF-SUFFICIENCY; AND

(XI) PLANS FOR WORKING WITH ENGLISH LANGUAGE LEARNERS.

(B) WITHIN 60 DAYS OF THE DATE OF RECEIPT OF A PLAN SUBMITTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR DISAPPROVE THE PILOT'S CURRICULUM; AND

(2) IF THE DEPARTMENT APPROVES THE PILOT'S CURRICULUM UNDER ITEM (1) OF THIS SUBSECTION, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR DISAPPROVE THE APPLICANT'S PLAN AND PILOT.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS OF THE DATE OF APPROVAL OF THE PLAN AND PILOT UNDER SUBSECTION (B)(2) OF THIS SECTION AND IN ACCORDANCE WITH THE AUTHORITY OF THE STATE BOARD UNDER § 2-205 OF THIS ARTICLE TO GRANT WAIVERS FROM REGULATIONS ADOPTED BY THE STATE BOARD, THE STATE BOARD SHALL GRANT THE PILOT A WAIVER FROM ANY REGULATION THAT CONFLICTS WITH THE PURPOSE

AND GOALS OF THE PILOT'S PLAN APPROVED BY THE DEPARTMENT, INCLUDING THE STUDENT SERVICE REQUIREMENT IN COMAR 13A.03.02.05.

(2) A WAIVER REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE GRANTED RELATED TO ASSESSMENT REQUIREMENTS IN COMAR 13A.03.02.06.

(D) A PILOT SHALL ~~BE~~:

(1) BE SUBJECT TO THE REQUIREMENTS OF § 504 OF THE REHABILITATION ACT OF 1973; AND

(2) SHALL PROVIDE ACCOMMODATIONS EQUAL TO THOSE A STUDENT WOULD QUALIFY FOR UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT IF A STUDENT HAS A DISABILITY WITH AN EDUCATIONAL IMPACT.

9.7-105.

(A) (1) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL ESTABLISH QUALIFICATIONS FOR OPERATORS OF PILOTS UNDER THE PROGRAM.

(2) THE QUALIFICATIONS SHALL, AT A MINIMUM, REQUIRE AN OPERATOR TO:

(I) BE REGISTERED AS A NONPROFIT ORGANIZATION IN THE STATE;

(II) HAVE PREVIOUS EXPERIENCE AND MEASURED SUCCESS IN PROVIDING EDUCATION SERVICES TO ADULT LEARNERS, INCLUDING INDUSTRY CERTIFICATION AND JOB PLACEMENT SERVICES;

(III) HAVE PREVIOUS EXPERIENCE PROVIDING EDUCATION SERVICES OR WORKFORCE DEVELOPMENT SERVICES TO ADULT LEARNERS WHO HAVE BEEN LIMITED BY EDUCATIONAL DISADVANTAGES, A DISABILITY, A CRIMINAL RECORD, OR SIMILAR BARRIERS TO EMPLOYMENT OPPORTUNITIES; ~~AND~~

(IV) HAVE SECURED FINANCING TO DEVELOP OR THE CAPABILITY TO SECURE FINANCING FOR THE DEVELOPMENT OF A PHYSICAL SITE FOR THE PILOT; AND

(V) HIRE APPROPRIATELY TRAINED INSTRUCTIONAL PERSONNEL.

(3) AN OPERATOR MAY BE A PARTNERSHIP OF TWO OR MORE PERSONS THAT MEET THE QUALIFICATIONS REQUIRED UNDER THIS SUBSECTION.

(B) (1) THE OPERATOR SHALL ADOPT WRITTEN STANDARDS FOR THE ADMISSION AND DISMISSAL OF STUDENTS.

(2) THE STANDARDS AND ANY AMENDMENTS SHALL BE SUBMITTED TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION FOR APPROVAL.

(C) THE OPERATOR MAY PARTNER WITH:

(1) A COUNTY BOARD OF EDUCATION; OR

(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE IF THE OPERATOR INTENDS TO PROVIDE COURSE WORK FOR COLLEGE CREDIT.

9.7-106.

(A) AN ADVISORY BOARD SHALL GOVERN A PILOT.

(B) (1) AN ADVISORY BOARD SHALL CONSIST OF AT LEAST 11 MEMBERS AND NOT MORE THAN 25 MEMBERS.

(2) OF THE ADVISORY BOARD MEMBERS:

(I) ONE SHALL BE APPOINTED BY THE DEPARTMENT;

(II) ONE SHALL BE APPOINTED BY THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION; AND

(III) THE REMAINING MEMBERS SHALL BE SELECTED IN ACCORDANCE WITH THE BYLAWS OF THE PILOT.

(C) A VACANCY SHALL BE FILLED IN THE SAME MANNER IN WHICH THE VACATING MEMBER WAS APPOINTED OR SELECTED.

(D) THE ADVISORY BOARD SHALL DETERMINE ITS OFFICERS.

9.7-107.

THE OPERATOR OR ADVISORY BOARD OF A PILOT MAY APPLY FOR AND ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE FROM A GOVERNMENTAL ENTITY OR ANY NONPROFIT OR OTHER PRIVATE ORGANIZATION.

9.7-108.

(A) AN OPERATOR SHALL CONDUCT AN EVALUATION OF THE PILOT EACH YEAR.

(B) THE OPERATOR, AFTER RECEIVING APPROVAL OF THE ADVISORY BOARD, SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION AN EVALUATION REPORT FOR THE PRIOR FISCAL YEAR THAT INCLUDES:

(1) THE ACADEMIC AND CAREER PROGRESS OF EACH STUDENT ENROLLED IN THE PILOT; AND

(2) THE PILOT'S FISCAL YEAR FINANCIAL REPORT.

9.7-109.

(A) BEGINNING OCTOBER 1, 2018, AND ON OR BEFORE OCTOBER 1 EACH YEAR THEREAFTER, THE OPERATOR OF A PILOT SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

(1) WHETHER STUDENTS ENROLLED IN THE PILOT ARE ON TRACK FOR COMPLETION IN A TIME DETERMINED TO BE REASONABLE BY THE ADVISORY BOARD OF THE PILOT;

(2) THE ACADEMIC LEVELS OF THE STUDENTS AT THE TIME OF ENROLLMENT IN THE PILOT;

(3) THE NUMBER OF:

(i) CREDITS STUDENTS COMPLETED; AND

(ii) STUDENTS WHO COMPLETED AND GRADUATED FROM THE PILOT;

(4) THE ACADEMIC PROGRESS OF THE STUDENTS AS MEASURED BY THE STUDENT INTAKE ASSESSMENT INSTRUMENT AND THE ASSESSMENT INSTRUMENT USED;

(5) THE GRADUATION RATE;

(6) THE NUMBER OF POSTSECONDARY EDUCATION CREDITS EARNED AND THE TYPES OF CREDITS SOUGHT;

(7) THE NUMBER OF INDUSTRY CREDENTIALS EARNED AND THE TYPES OF INDUSTRY CREDENTIALS; AND

(8) ANY REPORTED POSTGRADUATION EMPLOYMENT.

(B) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL JOINTLY SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT THAT INCLUDES:

(1) AN EVALUATION OF EACH PILOT APPROVED UNDER THIS SUBTITLE;

(2) A RECOMMENDATION AS TO EXPANSION, CONTINUATION, MODIFICATIONS TO, OR TERMINATION OF THE PROGRAM;

(3) DEMOGRAPHIC INFORMATION ON STUDENT ENROLLMENT UNDER THE PROGRAM; AND

(4) THE FISCAL SOLVENCY OF THE PROGRAM.

9.7-110.

(A) IF THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION AGREE THAT THE PROGRAM IS NOT EFFECTIVE, THE DEPARTMENT AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL SEND WRITTEN NOTICE TO THE PILOTS THAT THE PROGRAM HAS BEEN DISCONTINUED.

(B) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL JOINTLY ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2017.

Approved by the Governor, May 25, 2017.