

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 14-097)

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**Overview and Legal and Fiscal Impact**

These regulations make changes to the terminology used to describe high school graduation requirements and assessments and align graduation requirements and assessments with the Maryland College and Career Ready Standards.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

**Regulations of COMAR Affected**

**State Board of Education:**

General Instruction Programs: Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.02-.09-1 and .12

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**Legal Analysis**

**Summary of Regulations**

The regulations make changes to the terminology used to describe high school graduation requirements and assessments and align graduation requirements and assessments with the Maryland College and Career Ready Standards. This includes: requiring that, beginning with the ninth grade class of the 2014-2015 school year, students attend four years of mathematics courses; requiring, rather than authorizing, the completion of a Bridge Plan for Academic Validation if a student is unsuccessful on one or more High School Assessments; specifying the pathway toward a certificate of completion for students with disabilities who participate in an Alternative Assessment based on Alternative Academic Achievement Standards; and making clarifying, conforming, and stylistic changes.

**Legal Issue**

The regulations present no legal issues of concern.

**Statutory Authority and Legislative Intent**

The State Board of Education cites §§ 2-205, 4-111, 7-203, 7-205, 7-205.1, and 8-404 of the Education Article as statutory authority for the regulations. Section 2-205 requires the State

board to determine the elementary and secondary educational policies of the State and to adopt regulations for the administration of the public schools. Section 7-203 requires the State board, the State Superintendent of Schools, each county board of education, and each public school to implement a program of education accountability that includes the establishment and attainment of educational goals and objectives for reading, writing, mathematics, science, and social studies. Section 7-205 specifies that the promotion of students and graduation from a public high school must be in accordance with county board of education policies and the regulations of the State board. Section 7-205.1 requires the State board to establish high school curriculum and graduation requirements for all public schools. This section also requires that, beginning with the ninth grade class of the 2014-2015 school year, each student must enroll in a mathematics course in each year of high school that the student attends high school. Finally, § 8-404 requires the State and each local school system to make a free appropriate education available to each child with a disability.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

### **Technical Corrections and Special Notes**

Since submitting this action to the Division of State Documents, the State board has made several corrections to the regulations: the citations to §§ 4-110 and 7-206 of the Education Article as statutory authority for the regulations have been removed in light of the fact that these sections have been repealed; the reference in 13A.03.02.03A.(3) to “[s]tudents entering the 9th grade class...” has been changed to be “[b]eginning with the 9th grade class...” in order to be clear that this class would be the *first* cohort, not the *only* cohort of students to which this regulation applies; and 13A.03.02.08 relating to the length of the school day is no longer being repealed.

It may also be worth noting that although § 7-205.1(d) of the Education Article states that “[i]t is the goal of the State that all students achieve mathematics competency in Algebra II,” this goal is not explicitly reflected in the regulations.

### **Fiscal Analysis**

There is no fiscal impact on State or local agencies.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that the regulations align graduation requirements to the Maryland College and Career Ready Standards and implement provisions of the College and Career Readiness and College Completion Act of 2013 (Chapter 533), including requiring four years of math during high school for each ninth grade student entering high school in the fall of 2014 and requiring local school systems to pay tuition for some dually enrolled students. (Note that the Maryland State Department of Education will be revising the regulations to clarify that the math requirement applies to students entering high school *beginning* in the fall of 2014.) In the fiscal and policy note for Chapter 533, the Department of Legislative Services advised that local school system expenditures may increase to ensure that all students complete a mathematics course in each year of high school and to implement grade 12 transition courses.

The Department of Legislative Services also advised that local expenditures may increase to pay tuition for dually enrolled students who are eligible for free and reduced price meals. Prior to the enactment of Chapter 533, 15 local jurisdictions required or were planning to require 4.0 credits of math to graduate, and many students in the other 9 jurisdictions completed four years of mathematics. However, the Department of Legislative Services advises that there is no fiscal impact beyond that discussed in the fiscal and policy note for Chapter 533.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

### **Contact Information**

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