

MARYLAND REGISTER

Proposed Action on Regulations

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3. Name of Promulgating Authority

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 X- New Regulations

A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article §§2-205, 4-110, 4-111, 7-203, 7-205.1, 7-206, and 8-404,
Annotated Code of Maryland

Notice of Proposed Action

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The Maryland State Board of Education proposes to amend Regulations .02 through .09-1 and .12 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland.

This action was considered at the April 22, 2014 meeting of the Maryland State Board of Education.

Statement of Purpose

The purpose of this action is to reflect changes in the assessment program and terminology, align graduation requirements to the Maryland College and Career Ready Standards, include requirements set forth in the Maryland College and Career Readiness and College Completion Act of 2013, update the Maryland High School Certificate Program requirements, change assessment reporting requirements in the student record, and delete out-of-date provisions.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact.

Depending on each local education agency's current percentage of students enrolled in math in each year of high school, there may be some costs for additional staff. Also the local education agencies will need to provide funding for students taking college courses while in high school according to the payment requirements: Education Article, §§18-14A-04 and 05, Annotated Code of Maryland.

II. Types of Economic Impact.

	Revenue (R+/R-)	
	Expenditure (E+/E-)	Magnitude
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Unknown

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

Local education agencies

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

G. Small Business Worksheet:

Attached Document:

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 4-110, 4-111, 7-203, 7-205, 7-205.1, 7-206, and 8-404, Annotated Code of Maryland

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Combined score" means the total of the passing scores established by the Department on the Maryland High School Assessments in algebra[/data analysis], biology, English, and government.

(2)—(4) (text unchanged)

(5) "Maryland High School Assessments" means the tests in algebra [/data analysis], biology, English, and government developed *or adopted* by the Department that are aligned with and measure a student's skills and knowledge as set forth in the content standards for those subjects.

(6) (text unchanged)

[.03 Enrollment.

The student shall satisfactorily complete 4 years of approved study beyond the eighth grade unless one of the alternatives in Regulation .10 or .11 of this chapter is satisfied.]

[.04] .03 Enrollment and Credit Requirements.

A. To be awarded a diploma, a student shall be enrolled in a Maryland public school system and shall have earned a minimum of 21 credits that include the following specified [core] credits:

(1) English—four credits of organized instruction in [listening and speaking, reading and literature, and written composition and use of language,] *comprehension of literary and informational text, writing, speaking and listening, language, and literacy*, of which one credit shall be aligned with the Maryland High School Assessment for English;

(2) (text unchanged)

(3) Mathematics—three credits, including one with instruction in algebra aligned with the Maryland High School Assessment for algebra [/data analysis] or one or more credits in subsequent mathematics courses for which Algebra I is a prerequisite, and one with instruction in geometry aligned with the content standards for geometry[;]. *Students entering the 9th grade class of 2014-2015 school year shall enroll in a mathematics course in each year of high school that the student attend, up to a maximum of four years of attendance, unless in the 5th or 6th year a mathematics course is needed to meet a graduation requirement;*

(4)—(8) (text unchanged)

(9) [Earn o] One of the following:

(a)—(c) (text unchanged)

B. (text unchanged)

C. [Beginning with students entering high school in 2011—2012, a] All students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Superintendent of Schools.

[.05] .04 Other Provisions for Earning Credit.

A.—C. (text unchanged)

D. [Correspondence and] Online Courses.

(1) Consistent with local school system policy and procedure, credit may be given for [correspondence courses and for] Department-approved online courses.

(2) If credit is to be applied toward minimum graduation requirements, [the correspondence course or] the Department-approved online course shall be provided by the local school system.

E.—F. (text unchanged)

G. College Courses.

[(1)] Consistent with *the payment requirement of Education Article, §§ 18-14A-04 and 18-14A-05, Annotated Code of Maryland*, local school system policies and procedures and with prior approval of the local superintendent of schools or the superintendent's designee, credit toward high school graduation may be given for courses offered by accredited colleges.

[(2) The cost of these courses shall be borne by the student.]

H.—I. (text unchanged)

[J. A student shall take the requisite Maryland High School Assessment during its next regular administration if the student received credit for taking, by the methods identified in §§B—I of this regulation, any of the following courses aligned with the High School Assessment:

(1) Algebra/data analysis;

(2) Biology;

(3) English; or

(4) Government.]

[.06] .05 Student Service.

To graduate, [S]students shall complete one of the following:

A. 75 hours of student service that includes preparation, action, and reflection components and that, at the discretion of the local school system, may begin during the middle grades; or

B. A locally designed program in student service that has been approved by the State Superintendent of Schools.

[.07] .06 [State] Maryland High School Assessments.

A. *A student shall take the requisite Maryland High School Assessment during its next regular administration if the student received credit for taking, by the methods identified in Regulations .03 and .04 of this chapter, any of the following courses aligned with the Maryland High School Assessment:*

(1) *Algebra;*

(2) *Biology;*

(3) *English; or*

(4) *Government.*

[A.] B. [Beginning with the 2001—2002 school year,t] *To be awarded the Maryland High School Diploma*, all students, including elementary and middle school students who take high school level courses, shall take the Maryland High School Assessment for algebra [/data analysis], biology, English, and government after the student completes the required course.

[B. Beginning with the 2001—2002 school year, for elementary and middle school students who take high school level courses, and for students entering the ninth grade, the student's performance on the Maryland High School shall be reported on the student's permanent record.]

[C. Except as provided in Regulation .12B of this chapter, beginning with students who enter ninth grade in 2005, to be awarded a diploma, a student shall satisfy one of the assessment options provided in Regulation .09B of this chapter.]

[D. Appropriate Assistance.]

[(1)] C. Each local school system shall provide appropriate assistance to strengthen areas of weaknesses for students who have not achieved satisfactory scores on the Maryland High School Assessments.

[(2)] D. Each student who fails a Maryland High School Assessment shall be provided *one* [the] opportunity to retake the appropriate assessment in accordance with the testing schedule issued by the Department.

E. *Bridge Plan for Academic Validation.*

(1) *Eligibility Criteria. A student shall participate in the Bridge Plan for Academic Validation if the student has:*

(a) *Failed one or more Maryland High School Assessments twice;*

(b) *Received a passing grade and earned credit in the course or courses related to the assessment or assessments;*

(c) *Demonstrated overall satisfactory attendance in the most recent school year completed; and*

(d) *Demonstrated satisfactory progress toward achieving the high school diploma requirements specified in COMAR 13A.03.02.09B(1) and (2); and*

(e) Participated successfully in appropriate assistance as defined in §C of this regulation after having failed one or more of the Maryland High School Assessments.

(2) The Bridge Plan for Academic Validation shall consist of:

(a) Specific modules developed by the Department in each of the Maryland High School Assessments content areas;

(b) The assignment by the local school system of one or more modules for completion by each student meeting the eligibility criteria;

(c) Scoring by the local review panels of the completed modules according to State-developed, State-wide scoring protocols;

(d) A recommendation from the local review panels to the local superintendent as to the outcome of the scoring of each student's module or modules;

(e) Acceptance or rejection by the local superintendent of the local review panel's recommendations; and

(f) An opportunity for the student to appeal the local superintendent's decision to the State Superintendent of Schools.

F. Reporting Student Performance.

(1) A school system shall state on the student's performance record card only that the student has or has not met all assessment requirements and shall not describe the option used to meet the requirement.

(2) For the purpose of this section, "met all assessment requirements" means achieving a passing score on all Maryland High School Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge Plan in those assessment areas that the student did not pass.

.07 Notice to Parents or Guardians and Students.

A. Each principal shall inform all students and their parents or guardians annually at a minimum of the following:

(1) Maryland's graduation requirements;

(2) The student's progress on fulfilling the credit, Maryland High School Assessment, service, and applicable IEP requirements for graduation;

(3) The results of each Maryland High School Assessment taken or Bridge Plan completed by the student.

(4) A plan for appropriate assistance, if applicable; and

(5) The Department's schedule for Maryland School Assessment and the Maryland High School Assessment administration.

.08 Grading and Reporting.

A. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02

B. On October 1 of each school year, each local school system shall file its policies on grading and reporting with State Superintendent of Schools.

[.08 Diplomas and Certificates (Effective through the 2007—2008 school year).

A. For students entering grade 9 in the 2001—2002, 2002—2003, 2003—2004, and 2004—2005 school years, a Maryland high school diploma or Maryland high school certificate shall be awarded.

B. Maryland High School Diploma. To be awarded a Maryland high school diploma, a student shall:

(1) Complete all of the following:

(a) Complete the enrollment, credit, and service requirements as specified in this chapter;

(b) Complete local school system requirements; and

(c) Take:

(i) The Maryland High School Assessments for algebra/data analysis, biology, English, and government; or

(ii) The Department-approved comparable assessments for algebra/data analysis, biology, English, and government, aligned with the Maryland High School Assessments, such as Advanced Placement examinations, SAT I, SAT II, and International Baccalaureate examinations; or

(2) Complete one of the following:

(a) Achieve satisfactory scores on approved general educational development tests if the student meets the requirements as defined in Education Article, §7-206, Annotated Code of Maryland, and COMAR 13A.03.03.01; or

(b) Demonstrate competencies in general life skills and individual skills on applied performance tests if the student meets those requirements as defined in COMAR 13A.03.03.02.

C. Maryland High School Certificate. This certificate shall be awarded only to a student with disabilities who cannot meet the requirements for a diploma but who:

(1) Is enrolled in an education program for at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the agreement of the parents of the student with disabilities, to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life, with the world of work including but not limited to:

(a) Gainful employment;

(b) Work activity centers;

(c) Sheltered workshops; and

(d) Supported employment; or

(2) Has been enrolled in an education program for 4 years beyond grade 8 or its age equivalent and will have reached age 21 by the end of the student's current school year.

D. Local Endorsements. Consistent with procedures established by the Department, each local school system may add endorsements to the diploma as incentives for students to meet locally established requirements and outcomes in instruction beyond the minimums specified by the State.

E. This regulation will not be in effect after the 2007—2008 school year except for students who entered grade nine in the 2001—2002, 2002—2003, 2003—2004, and 2004—2005 school years.]

.09 Diplomas and Certificates.

A. The types of diplomas and certificates specified in §§B—D of this regulation shall be awarded to[:]*any student who meets the requirements for award.*

[(1) Students entering grade 9 in the 2005—2006, 2006—2007, and 2007—2008 school years who graduated on or before the school year 2010—2011;

(2) Students entering grade 9 in the 2008—2009, 2009—2010, 2010—2011, 2011—2012, and 2012—2013 school years except that a passing score on the Maryland High School Assessment in government shall not be a graduation requirement; and

(3) Students entering grade 9 in the 2013—2014 school year and each school year thereafter.]

B. Maryland High School Diploma. Except as provided in Regulation .12[B] of this chapter, to be awarded a Maryland high school diploma, a student shall:

(1)—(2) (text unchanged)

(3) Satisfy one of the following:

(a) Achieve a passing score as established by the Department on the Maryland High School Assessments for algebra[/data analysis], biology, English, and government;

(b) Achieve an overall combined score as established by the Department on the Maryland High School Assessments for algebra[/data analysis], biology, English, and government;

(c) Achieve a score as established by the Department on Department-approved substitute assessments for algebra[/data analysis], biology, English, and government, aligned with the Maryland High School Assessments such as Advanced Placement examinations, SAT I, SAT II, and International Baccalaureate examinations; or

(d) If the student is unable to meet the requirements in §B(3)(a)—(c) of this regulation, then satisfactorily complete the requirements of the Bridge Plan for Academic Validation as set forth in [§F]Regulation .06E of this [regulation] *chapter.*

C. Maryland High School Diploma by Examination.

(1)—(2) (text unchanged)

D. Maryland High School Certificate of Program Completion.

(1) This certificate shall be awarded only to students with disabilities who cannot meet the requirements for a diploma but who meet the following standards:

(a) The student is enrolled in an education program for at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the agreement of the student and the parents of the student [with disabilities], to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life, with the world of work including but not limited to:

(i) Gainful employment;

[(ii) Work activity centers;

(iii) Sheltered workshops; and]

[(iv)] (ii) Supported employment; [or] *and*

(iii) *Day Programming; or*

(b) (text unchanged)

(2) (text unchanged)

(3) The decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student's last year in high school [unless the student is participating in the alternative Maryland School Assessment Program (alt-MSA)].

(4) *A student with significant cognitive disability may not meet high school graduation requirements, in accordance with §B of this regulation, if a student:*

(a) *Participates in an Alternative Assessment based on Alternative Academic Achievement Standards (AA-AAAS); and*

(b) *Continues to receive instruction based on Alternative Academic Achievement Standards through high school.*

(5) *If a student participates in a graduation ceremony prior to the completion of the student's education program, at the ceremony the school system shall issue to the student a Certificate of Achievement or other similarly titled certificate in place of a diploma.*

E. (text unchanged)

[F. Bridge Plan for Academic Validation.

(1) The Bridge Plan for Academic Validation shall consist of:

(a) Specific modules developed by the Department in each of the High School Assessment content areas;

- (b) The assignment by the local school system of one or more modules for completion by each student meeting the eligibility criteria;
 - (c) Scoring by local review panels of the completed modules according to State-developed, Statewide scoring protocols;
 - (d) A recommendation from the local review panels to the local superintendent as to the outcome of the scoring of each student's module or modules;
 - (e) Acceptance or rejection by the local superintendent of the local review panel's recommendations; and
 - (f) An opportunity for the student to appeal the local superintendent's decision to the State Superintendent of Schools.
- (2) Eligibility Criteria. A student may participate in the Bridge Plan for Academic Validation if the student has:
- (a) Failed one or more High School Assessments at least twice;
 - (b) Received a passing grade and earned credit in the course or courses related to the assessment or assessments;
 - (c) Demonstrated overall satisfactory attendance in the most recent school year completed;
 - (d) Demonstrated satisfactory progress toward achieving the high school diploma requirements specified in COMAR 13A.03.02.09B(1) and (2); and
 - (e) Participated successfully in appropriate assistance as defined in COMAR 13A.03.02.07D after having failed one or more of the High School Assessments.]

.09-1 Appeal of Denial of Diploma for Failure to Meet [HSA] *Maryland High School Assessment Requirement.*

A. A school system shall notify each senior and the senior's parents or guardians on or before the end of February of the senior year if a student may not graduate. The notice shall explain:

- (1)—(2) (text unchanged)
- (3) That a waiver of the *Maryland High School Assessment* [(HSA)] graduation requirement may be one of the options, if the student meets the criteria set forth in §§C and E of this regulation;
- (4)—(5) (text unchanged)

B. (text unchanged)

C. On or before April 1, the school system shall identify each student who may fail to graduate because:

- (1) The student has taken none of the required [HSAs] *Maryland High School Assessments*; or
- (2) The student has taken some or all of the [HSAs] *Maryland High School Assessments* and failed some or all of them.

D. (text unchanged)

E. By April 1, for each senior identified in §C of this regulation, the school principal shall consider whether to recommend to the local superintendent a waiver of the [HSA] *Maryland High School Assessment* graduation requirements that the student has not fulfilled to date if:

- (1) The student meets the following criteria:
 - (a) (text unchanged)
 - (b) The student has or will take all required [HSAs] *Maryland High School Assessments* before the graduation date; and
 - (c) (text unchanged)
- (2) The student is prevented from meeting the [HSA] *Maryland High School Assessment* graduation requirements because:

[(a) Of a decision made by the local school system about scheduling, course sequencing, or test taking;]

[(b)] (a) Of a decision made by the local school system concerning the provision of [adequate interventions] *appropriate assistance* as required by Regulation [.07D].06C of this chapter;

[(c)] (b) The student experienced a special, extraordinary, or extenuating circumstance or combination of circumstances preceding the administration of the most recent [HSA] *Maryland High School Assessment*, such as a recent death in the immediate family, a serious or prolonged illness or pregnancy with medical complications, an accident causing serious injury, or a destructive house fire;

[(d)] (c) (text unchanged)

[(e)] (d) The student moved to Maryland in the senior year, has passed all the [HSA] *Maryland High School Assessment* courses, but has failed the related [HSA] *Maryland High School Assessment*, and has had no adequate opportunity for intervention.

F. On or about April 1, the principal shall notify the student and the student's parents or guardians that the student is being considered for a waiver of the [HSA] *Maryland High School Assessment* graduation requirements that the student has not fulfilled to date. The notice shall explain the waiver decision-making process.

G. On or before May 1, the principal of the high school shall make an [HSA] *Maryland High School Assessment* waiver recommendation to the local superintendent for each student who meets the criteria set forth in §E of this regulation with the participation of:

- (1)—(4) (text unchanged)

H.—K. (text unchanged).

L. The decision of the State Superintendent may be appealed to the circuit court pursuant to Maryland Rules 7-201, et seq. On appeal:

(1) If the State Superintendent has reversed the local superintendent's decision to deny the [HSA] *Maryland High School Assessment* waiver and the local school system appeals that decision, the State Superintendent shall defend the decision on appeal; or

(2) (text unchanged)

M.—N. (text unchanged)

[O. Section E(2)(a) of this regulation shall sunset on June 30, 2010 with no further action of the State Board of Education.]

[P] O. Section E(2)[(b)] (a) of this regulation, upon review, approval, and promulgation of an amendment of these Regulations by the State Board of Education, shall sunset on June 30, 2015.

.12 General Provisions.

A. Length of School Year. Maryland public high schools shall be open for at least 180 school days and a minimum of 1,170 school hours during a 10-month period in each school year.

B. Transfer Students.]

.12 Graduation Requirements for Transfer Students.

[(1)] A. Attendance Requirements.

[(a)](1)—[(d)](4) (text unchanged)

[(2)] B. Maryland High School Assessment Exemption Requirements.

[(a)](1) A student who transfers from a nonpublic school or a school out of State is exempt from one or more of the Maryland High School Assessments if, consistent with local school system policy and procedure, the principal of the Maryland public school in which the student enrolls determines that the course taken is aligned with the relevant *Maryland High School Assessment* and awards the student credit for taking any of the courses aligned with the *Maryland High School Assessments*, that is, algebra[/data analysis], biology, English, or government, or all of these, in accordance with the principles set forth in §B[(2)(c)](3) of this regulation.

[(b)](2) A student who transfers from a nonpublic school or a school out of State and has not received credit for algebra[/data analysis] but has demonstrated mastery of the [core learning goals] *Maryland College and Career Ready Standards* [of] for algebra[/data analysis] either through an evaluation or successful completion of subsequent mathematics courses for which algebra[/data analysis] is a prerequisite is exempt from the Maryland High School Assessment for algebra[/data analysis].

[(c)](3) To award credit for taking any of the courses aligned with the *Maryland High School Assessments*, that is, algebra[/data analysis], biology, English, or government, a principal shall determine through the following considerations whether the transfer student demonstrates subject matter knowledge aligned with the content standards for the subject:

[(i)](a)—[(iv)] (d) (text unchanged)

[(d)] (4) (text unchanged)

[(e)](5) The exemption provided in §B[(2)(d)](4) of this regulation does not apply to a student with disabilities in a State-approved nonpublic program.

[(3)] C.—[(4)] D. (text unchanged)

[C. Notice to Parents or Guardians and Students. Each principal shall inform all students and their parents or guardians annually at a minimum of the following:

(1) Maryland's graduation requirements;

(2) The student's progress on fulfilling the credit, Maryland High School Assessment, service, and applicable IEP requirements for graduation;

(3) The results of each Maryland High School Assessment taken by the student;

(4) A plan for appropriate assistance, if applicable; and

(5) The Department's schedule for Maryland School Assessment and Maryland High School Assessment administration.

D. Grading and Reporting.

(1) Each local school system shall develop a written policy on grading and reporting that shall include but not be limited to the following:

(a) Establishment of instructional objectives and standards of performance for each course;

(b) Factors to be used in determining grades;

(c) Reporting contacts between parent (guardian) and teacher; and

(d) Compliance with the student record requirements as set forth in COMAR 13A.08.02.

(2) Each local school system shall file its policies on grading and reporting with the State Superintendent of Schools.]

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

