

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 15-003)

Overview and Legal and Fiscal Impact

These regulations modify the assessment requirements for graduation from public high schools for the two-year period during which the State will transition from the Maryland High School Assessments (HSAs) in English and Algebra to the Partnership for Assessment of Readiness for College and Careers (PARCC) assessments. The regulations also modify provisions that relate to the award of the Maryland High School Certificate of Program Completion.

The regulations present no legal issue 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, .06 and .09

Legal Analysis

Background

To graduate from a public high school in Maryland, a student must earn at least 21 credits in specified core credit areas and meet specified assessment, attendance, service-learning, and local school system requirements. A student may meet the assessment requirements by obtaining a passing score on the HSAs for English, Algebra, and Biology, or by obtaining a specified overall combined score or a specified score on a substitute assessment approved by the Maryland State Department of Education (such as an Advanced Placement or International Baccalaureate examination, SAT I, or SAT II). A student who is unable to pass the assessments and who meets certain additional requirements may complete the Bridge Plan for Academic Validation. Additionally, students entering Grade 9 in the 2013-2014 school year and thereafter must pass the HSA for Government.

With the adoption and implementation of the Maryland College- and Career-Ready Standards, Maryland required a new assessment system to measure the content and skills in the new curriculum. In 2010, Maryland joined PARCC, a consortium of states working to develop a common set of assessments aligned to the Common Core State Standards and, in turn, to the Maryland College- and Career-Ready Standards. Beginning with the 2014-2015 school year, Maryland begins full implementation of the new PARCC assessments in English language arts and mathematics in grades 3 through 8. For high school students, the new PARCC assessments replace

the HSAs in Algebra and English. High school students will continue to take the HSAs in Biology and Government.

Summary of Regulations

The regulations modify the assessment requirements for high school graduation for the two-year transition period during which the State will phase out the HSAs for English and Algebra and implement the PARCC assessments for English 10 and Algebra I. The regulations also make related changes to the terminology used to describe the assessments.

Specifically, before the 2016-2017 school year, to be awarded a Maryland high school diploma, a student who takes Algebra I or English 10 must pass the course and *take* the HSA or PARCC assessment aligned to the course. Before the 2016-2017 school year, a student who passes the course, but fails the assessment, is not required to pass the assessment and is exempt from completing a Bridge Plan for Academic Validation. The regulations also add the ACT to the list of substitute assessments a student may take to satisfy the requirements for a diploma.

In addition, the regulations modify provisions that relate to the award of a Maryland High School Certificate of Program Completion to a student with disabilities who cannot meet the requirements for a diploma. To qualify for the certificate, a student must have developed appropriate skills to enter the workforce, which these regulations redefine to include “other services that are integrated in the community” instead of “day programming.” Finally, the regulations clarify that the *final* decision to award the certificate to a student will not be made until after the beginning of the student’s last year in high school.

Legal Issue

The regulations present no legal issue 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 legal authority for the regulations. More specifically, § 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 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 policies established by the county board of education 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. Section 8-404 requires the State board to adopt standards for the provision of a free appropriate public education to each child with a disability.

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

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The department advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs.

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.

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