

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 16-173)

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**Overview and Legal and Fiscal Impact**

The regulations amend the graduation requirements for students in the State by (1) implementing an incremental scoring plan for the PARCC Algebra I and English 10 assessments for students in certain years and (2) providing certain exceptions to certain graduation requirements for certain years under certain circumstances.

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, .06 and .09

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**Legal Analysis**

**Background**

The Maryland College- and Career-Ready Standards were implemented in public schools in the State during the 2013-2014 school year. As a result of the new curriculum, Maryland also required the use of a new assessment system – the Partnership for Assessment of Readiness for College and Careers (PARCC). PARCC measures student progress and tracks status on a trajectory toward college and career readiness. In December 2014, the Maryland State Department of Education proposed regulations to delay the graduation assessment requirement of passing the PARCC assessment in English 10 and Algebra I until the 2016-2017 school year in order to allow students, teachers, parents, schools, and others to adapt to the new curriculum and the new assessment. The regulations were published in the March 20, 2015 issue of the *Maryland Register* and were adopted by the State Board of Education on May 19, 2015.

In October 2015, the department released PARCC college placement cut scores and PARCC performance levels. Of the five possible PARCC performance levels, a numerical score of level 4 or level 5 indicates a student is college and career ready.

In February 2016, the department began to determine what the proper PARCC English 10 and Algebra I passing score for graduation should be. The department proposed to the State board that the PARCC passing score for graduation should start at PARCC performance level 3. The State board countered and suggested that the department should consider aligning the passing score for graduation to PARCC performance level 4, which indicates that a student is college and career ready. In March 2016, the department presented the State board with two additional passing score options. The State board directed the department to further develop the option which included a phased-in, incremental score increase plan.

In July 2016, in response to a letter from the Chair of the Commission to Review Maryland's Use of Assessments and Testing in Public Schools, the State Board of Education voted to change the Biology High School Assessment from a high school graduation requirement to a participation graduation requirement for the 2016-2017 school year. According to the Commission, this action is necessary because the Biology High School Assessment will not be aligned with the biology curriculum during the 2016-2017 school year.

### **Summary of Regulations**

The regulations amend the methods in which a student can satisfy the State graduation assessment requirement by implementing an incremental increase in the passing scores that are necessary for a student to achieve on the PARCC Algebra I and English 10 assessments. More specifically, the incremental increase is as follows:

- school year 2016-2017: a score of 725 (level 3 – not career and college ready);
- school year 2017-2018: a score of 733 (level 3 – not career and college ready);
- school year 2018-2019: a score of 741 (level 3 – not career and college ready); and
- school year 2019-2020 and beyond: a score of 750 (level 4 – career and college ready).

The regulations establish that for the High School Assessment in biology and government, a student can satisfy the State graduation assessment requirement by achieving a passing score as determined by the department.

The regulations also create two exceptions to the graduation assessment requirement. The first exception is in Algebra I and English 10 for students who are first-time test takers who graduate in either school year 2016-2017 or 2017-2018. The regulations require these students to pass a course in Algebra I or English 10 and take the applicable PARCC Algebra I or English 10 assessments, but does not require the students to pass the applicable PARCC Algebra I or English 10 assessments (nor is the student required to complete a Bridge Plan for Academic Validation – an alternative path for students who, after two attempts, do not pass High School Assessment exams). The second exception is for the Biology High School Assessment. The regulations provide that students who take the Biology High School Assessment in the 2016-2017 school year will satisfy the graduation requirement for biology simply by taking the assessment.

The regulations also require the State board to review and assess updated information on the graduation assessment requirement scores at least yearly and through the end of the assessment implementation period.

Finally, the regulations make stylistic and definitional changes to reflect the changes above.

## **Legal Issues**

The regulations present no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The State board cites §§ 2-205 and 7-203 of the Education Article as statutory authority for the regulations. Section 2-205(c) gives the State board general authority to adopt "...regulations for the administration of the public schools." Section 2-205(h)(1) requires the State board, with the advice of the State Superintendent, to establish basic policy and guidelines for the program of instruction for the public schools.

Section 7-203(a) requires the State board to establish a program of educational accountability for the operation and management of the State's public schools. Section 7-203(b)(2)(iii) requires the State board and the State Superintendent to implement assessment programs in reading, language, math, science, and social studies. More specifically, § 7-203(b)(2)(iii)3 requires certain assessments to be administered to students in the State that measure a student's skills and knowledge of specified concepts.

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 Maryland State Department of Education advises that the regulations have no impact on State or local governments. The Department of Legislative Services advises that, although the regulations impact the pathways through which high school students may meet graduation requirements, they are not anticipated to significantly impact the number of students enrolled in a particular school year. It is anticipated that any minimal administrative costs can be handled within existing budgeted funds. Thus, the Department of Legislative Services concurs that there is no fiscal impact on State or local governments.

## **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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