

(PRE-FILED)

By: **Delegates Gutierrez and Marriott**
Requested: October 18, 2005
Introduced and read first time: January 11, 2006
Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 2006

CHAPTER _____

1 AN ACT concerning

2 **Public Schools - Graduation Rate Formula - Collecting, Maintaining,**
3 **Analyzing, and Reporting**

4 FOR the purpose of requiring county boards of education to collect, maintain, and
5 analyze certain graduation rates using certain formulas by certain dates;
6 requiring county boards to report certain information to the public and to the
7 State Department of Education in a certain format; requiring the Department to
8 compile certain information, calculate certain graduation rates, and post certain
9 graduation rates on its website; stating a certain purpose; authorizing certain
10 county boards and the Department to develop and implement certain additional
11 indicators; requiring the Department to ensure that certain information is
12 comparable for certain purposes; requiring the Department to implement
13 certain training, a certain system for verification of the accuracy of certain data,
14 and a public awareness campaign; requiring the Department to provide certain
15 technical support and serve as a certain repository; requiring certain reports;
16 requiring a certain report to be posted on a certain website; requiring the use of
17 certain graduation rates for certain purposes; defining certain terms; and
18 generally relating to the collecting, maintaining, analyzing, and reporting of
19 graduation rate and interim graduation rate data.

20 BY adding to
21 Article - Education
22 Section 7-203.2
23 Annotated Code of Maryland
24 (2004 Replacement Volume and 2005 Supplement)

Preamble

1 WHEREAS, The high schools of the State play an integral role in preparing
2 students for college and work in the 21st century; and

3 WHEREAS, It is of critical importance to the success of our economy, civic life,
4 and assurance of equal opportunity that public high schools provide this preparation;
5 and

6 WHEREAS, Without accurate data regarding graduation rates it is extremely
7 difficult to evaluate the efficacy of the State's system of public education; and

8 WHEREAS, Better information can lead to better policies and program
9 implementation; and

10 WHEREAS, Parents and community members, who are critical to ensuring
11 strong educational accountability, are hampered in their efforts to improve our
12 schools if they do not have accurate data; and

13 WHEREAS, It is of critical importance that accurate data be collected,
14 maintained, analyzed, and publicly reported by our State's education system with
15 respect to high school student graduation rates; and

16 WHEREAS, Existing data from independent researchers indicate that when
17 graduation rates are disaggregated by racial and ethnic groups, students with
18 disabilities, students who are limited English proficient, and socioeconomically
19 disadvantaged students, many of these subgroups are experiencing particularly low
20 rates of high school graduation; and

21 WHEREAS, The State of Maryland should be committed to developing and
22 implementing a student record data system with unique student identifiers that can
23 track students from kindergarten through postsecondary education; and

24 WHEREAS, The State of Maryland should be committed to maintaining a data
25 and public reporting system that accurately accounts for all students when
26 calculating high school graduation rates and informs the public of progress toward
27 the goal of universal high school graduation; now, therefore,

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

Article - Education

30 7-203.2.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) (I) "FOUR-YEAR COHORT" MEANS A GROUP OF STUDENTS WHO
34 ENTER NINTH GRADE TOGETHER.

- 1 (II) "FOUR-YEAR COHORT" ALSO INCLUDES A STUDENT WHO:
2 1. TRANSFERS INTO THE GROUP:
3 A. DURING THE NINTH GRADE OF THE GROUP'S FIRST YEAR
4 IN HIGH SCHOOL;
5 B. DURING THE TENTH GRADE OF THE GROUP'S SECOND
6 YEAR IN HIGH SCHOOL;
7 C. DURING THE ELEVENTH GRADE OF THE GROUP'S THIRD
8 YEAR IN HIGH SCHOOL; OR
9 D. DURING THE TWELFTH GRADE OF THE GROUP'S FOURTH
10 YEAR IN HIGH SCHOOL;
11 2. IS RETAINED IN GRADE; OR
12 3. IS ENROLLED IN A GED PROGRAM.
- 13 (III) "FOUR-YEAR COHORT" DOES NOT INCLUDE A STUDENT WHO:
14 1. DIES BEFORE GRADUATION;
15 2. TRANSFERS OUT OF THE GROUP; OR
16 3. THE COUNTY BOARD CONFIRMS HAS PERMANENTLY LEFT
17 THE UNITED STATES.
- 18 (IV) STUDENTS RETAINED IN GRADE ARE ONLY COUNTED ONCE AS
19 MEMBERS OF THEIR ORIGINAL COHORT.
- 20 (3) "GRADUATION RATE" MEANS THE PERCENTAGE OBTAINED FROM
21 APPLYING THE GRADUATION RATE FORMULA.
- 22 (4) (I) "GRADUATION RATE FORMULA" MEANS THE NUMBER OF
23 STUDENTS WHO GRADUATE ON TIME WITH A MARYLAND HIGH SCHOOL DIPLOMA
24 DIVIDED BY THE NUMBER OF STUDENTS IN THE FOUR-YEAR COHORT.
- 25 (II) "GRADUATION RATE FORMULA" DOES NOT INCLUDE STUDENTS
26 WHO GRADUATE ON TIME WITH A GED OR OTHER CERTIFICATE NOT ALIGNED WITH
27 STATE STANDARDS.
- 28 (5) (I) "ON TIME" MEANS ON OR BEFORE THE CONCLUSION OF A
29 FOUR-YEAR COHORT'S FOURTH YEAR OF HIGH SCHOOL.
- 30 (II) "ON TIME" INCLUDES A SENIOR SUMMER SESSION IN A
31 JURISDICTION THAT OFFERS SENIOR SUMMER SESSIONS.
- 32 (6) (I) "TRANSFER OUT" MEANS A STUDENT WHO THE COUNTY BOARD
33 CONFIRMS, VIA WRITTEN DOCUMENTATION, HAS ENROLLED IN ANOTHER HIGH

1 SCHOOL OR OTHER EDUCATIONAL PROGRAM FROM WHICH THAT STUDENT IS
2 EXPECTED TO RECEIVE A ~~REGULAR~~ MARYLAND HIGH SCHOOL DIPLOMA.

3 (II) "TRANSFER OUT" DOES NOT INCLUDE A STUDENT ENROLLED
4 IN:

5 1. A GED PROGRAM; OR

6 2. AN ALTERNATIVE EDUCATION PROGRAM THAT DOES NOT
7 ISSUE OR PROVIDE CREDITS TOWARD A ~~REGULAR~~ MARYLAND HIGH SCHOOL
8 DIPLOMA.

9 (B) THE PURPOSE OF THIS SECTION IS TO:

10 (1) INITIATE A PROCESS BY WHICH THE STATE MAY ACHIEVE THE GOAL
11 OF COLLECTING, MAINTAINING, ANALYZING, AND PUBLICLY REPORTING DATA
12 RELATING TO THE GRADUATION RATES OF STUDENTS IN PUBLIC HIGH SCHOOLS AS
13 AN ESSENTIAL STEP IN ADDRESSING GAPS IN EDUCATIONAL ACHIEVEMENT AMONG
14 A DIVERSE STUDENT POPULATION; AND

15 (2) EXPLICITLY DELINEATE THE DUTIES AND RESPONSIBILITIES OF THE
16 DEPARTMENT AND THE COUNTY BOARDS IN THIS REGARD.

17 (C) (1) BEGINNING ON OR BEFORE SEPTEMBER 1, ~~2010~~ 2011, AND EACH YEAR
18 THEREAFTER, A COUNTY BOARD SHALL:

19 (I) COLLECT, MAINTAIN, AND ANALYZE GRADUATION RATES FOR
20 PUBLIC SCHOOLS, ~~SCHOOL DISTRICTS~~ LOCAL SCHOOL SYSTEMS, AND THE STATE;
21 AND

22 (II) REPORT THE INFORMATION REQUIRED UNDER ITEM (I) OF THIS
23 PARAGRAPH TO:

24 1. THE PUBLIC IN THE AGGREGATE AND DISAGGREGATED
25 BY AMERICAN INDIAN, AFRICAN AMERICAN, HISPANIC, WHITE, ASIAN/PACIFIC
26 ISLANDER, STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, STUDENTS WHO
27 RECEIVE FREE AND REDUCED PRICED MEALS, AND STUDENTS WHO RECEIVE
28 SPECIAL EDUCATION SERVICES; AND

29 2. THE DEPARTMENT.

30 (2) BEGINNING ON OR BEFORE OCTOBER 1, ~~2010~~ 2011, AND EACH YEAR
31 THEREAFTER, THE DEPARTMENT SHALL:

32 (I) COMPILE THE INFORMATION RECEIVED UNDER PARAGRAPH (1)
33 OF THIS SUBSECTION AND CALCULATE A GRADUATION RATE FOR THE STATE; AND

34 (II) POST THE INFORMATION OBTAINED UNDER THIS SUBSECTION
35 FOR EACH COUNTY ON ITS WEBSITE IN THE AGGREGATE AND DISAGGREGATED BY
36 AMERICAN INDIAN, AFRICAN AMERICAN, HISPANIC, WHITE, ASIAN/PACIFIC

1 ISLANDER, STUDENTS WHO ARE LIMITED ENGLISH PROFICIENT, STUDENTS WHO
2 RECEIVE FREE AND REDUCED PRICED MEALS, AND STUDENTS WHO RECEIVE
3 SPECIAL EDUCATION SERVICES.

4 (D) (1) THE COUNTY BOARDS AND THE DEPARTMENT MAY DEVELOP AND
5 IMPLEMENT ADDITIONAL INDICATORS TO COLLECT, MAINTAIN, ANALYZE, AND
6 PUBLICLY REPORT DATA REGARDING ALTERNATIVE HIGH SCHOOL COMPLETIONS.

7 (2) THE DEPARTMENT SHALL ENSURE THAT THE INFORMATION
8 COLLECTED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS COMPARABLE FOR
9 PUBLIC SCHOOLS AND ~~SCHOOL DISTRICTS~~ LOCAL SCHOOL SYSTEMS IN THE STATE.

10 (E) THE DEPARTMENT SHALL:

11 (1) IMPLEMENT TRAINING FOR ADMINISTRATORS AND OTHER
12 PERSONNEL RESPONSIBLE FOR COLLECTING, MAINTAINING, ANALYZING, AND
13 PUBLICLY REPORTING DATA REGARDING FOUR-YEAR COHORTS AND GRADUATION
14 RATES;

15 (2) IMPLEMENT A STANDARD PROCESS FOR VERIFYING THE ACCURACY
16 OF DATA INCLUDING:

17 (I) STATISTICAL CHECKS AND ANALYSES; AND

18 (II) ON-SITE AUDITS OF RECORD-KEEPING PROCEDURES;

19 (3) IMPLEMENT A PUBLIC AWARENESS CAMPAIGN INCLUDING
20 OUTREACH TO CIVIC ASSOCIATIONS, COMMUNITY-BASED GROUPS, AND PARENT
21 ORGANIZATIONS AND THE SOLICITATION OF SUGGESTIONS AND COMMUNITY
22 SUPPORT REGARDING THE NEED FOR COLLECTING, MAINTAINING, ANALYZING, AND
23 PUBLICLY REPORTING ACCURATE DATA REGARDING FOUR-YEAR COHORTS AND
24 GRADUATION RATES;

25 (4) PROVIDE TECHNICAL SUPPORT TO THE COUNTY BOARDS WITH
26 COLLECTING, MAINTAINING, ANALYZING, AND PUBLICLY REPORTING GRADUATION
27 RATE DATA; AND

28 (5) SERVE AS A CENTRAL REPOSITORY FOR THIS DATA.

29 (F) (1) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE STATE BOARD
30 SHALL REPORT TO THE GOVERNOR AND, SUBJECT TO § 2-1246 OF THE STATE
31 GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY, REGARDING:

32 (I) THE IMPLEMENTATION OF THIS SECTION;

33 (II) STATISTICAL ANALYSES AND DATA VERIFICATION PROCESSES
34 DEVELOPED UNDER THIS SECTION; AND

1 (III) DISCREPANCIES DISCOVERED WHILE COLLECTING,
2 MAINTAINING, ANALYZING, AND PUBLICLY REPORTING THE INFORMATION
3 REQUIRED UNDER THIS SECTION.

4 (2) THE REPORT REQUIRED UNDER THIS SUBSECTION SHALL BE
5 POSTED ON THE DEPARTMENT'S WEBSITE.

6 SECTION 2. AND BE IT FURTHER ENACTED, That on or before September 1,
7 2006, September 1, 2007, September 1, 2008, ~~and~~ September 1, 2009, and September
8 2010, each county board shall:

9 (1) collect, maintain, and analyze an interim graduation rate by dividing
10 the number of students that receive a regular high school diploma in a given year by
11 the number of students that enrolled in the ninth grade four years earlier; and

12 (2) report the information required under item (1) of this section to:

13 (i) the public in the aggregate and disaggregated by American
14 Indian, African American, Hispanic, White, Asian/Pacific Islander, students who are
15 limited English proficient, students who receive free and reduced priced meals, and
16 students who receive special education services; and

17 (ii) the State Department of Education.

18 SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1,
19 2006, October 1, 2007, October 1, 2008, ~~and~~ October 1, 2009, and October 1, 2010, the
20 State Department of Education shall:

21 (1) compile the information received under Section 2 of this Act and
22 calculate an interim graduation rate for the State; and

23 (2) post the information obtained under Section 2 of this Act for each
24 county and the interim graduation rate for the State on its website in the aggregate
25 and disaggregated by American Indian, African American, Hispanic, White,
26 Asian/Pacific Islander, students who are limited English proficient, students who
27 receive free and reduced priced meals, and students who receive special education
28 services.

29 SECTION 4. AND BE IT FURTHER ENACTED, ~~That in~~ That:

30 (a) Unless the State Board of Education chooses to comply with subsection (b)
31 of this section before 2011, in 2006, 2007, 2008, ~~and~~ 2009, and 2010, for the purpose of
32 determining Adequate Yearly Progress under the federal No Child Left Behind Act,
33 the State Department of Education shall use the interim graduation rates determined
34 under Sections 2 and 3 of this Act as the additional high school indicator.

35 (b) Notwithstanding the provisions of subsection (a) of this section, by 2011,
36 the State Department of Education shall use as the additional high school indicator
37 the graduation rate as defined under § 7-203.2 of the Education Article, as enacted by
38 Section 1 of this Act, including permissible adjustments consistent with the federal

1 No Child Left Behind Act that allow additional time for students with disabilities,
2 students with limited English proficiency, and other students when educationally
3 appropriate based on an individualized review of a student's pathway to graduation.

4 SECTION 5. AND BE IT FURTHER ENACTED, That on or before August 1,
5 2006, the State Department of Education shall report to the Governor and, subject to
6 § 2-1246 of the State Government Article, to the General Assembly, regarding
7 measures being taken to implement Sections 2 and 3 of this Act and shall include the
8 categories and codes being used for identifying, tracking, calculating, and publicly
9 reporting transfers out of a four-year cohort, as defined by § 7-203.2 of the Education
10 Article. This report shall be posted on the Department's website.

11 SECTION 6. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 July 1, 2006.