

# SENATE BILL 967

F2, F1

8lr3293

---

By: **Senator Rosapepe**

Introduced and read first time: February 28, 2008

Assigned to: Rules

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Education – College Access for Qualified Students**

3 FOR the purpose of altering the requirements of certain plans submitted by county  
4 boards of education to the State Board of Education; providing that certain  
5 students who achieve a certain score on a certain community college placement  
6 examination and successfully complete a certain assessment and a certain other  
7 examination, be considered high school graduates and, under certain  
8 circumstances, be eligible for certain student financial assistance; establishing a  
9 Study Group on Expanding Enrollment Options for High School Students;  
10 establishing the membership and staffing of the Study Group; providing for the  
11 designation of co–chairs of the Study Group; requiring the Study Group to  
12 review, evaluate, and make findings and recommendations regarding certain  
13 issues; requiring the Study Group to submit a report to the Governor and the  
14 General Assembly by a certain date; prohibiting a member of the Study Group  
15 from receiving certain compensation; authorizing a member of the Study Group  
16 to receive certain reimbursements; providing for the termination of certain  
17 provisions of this Act; and generally relating to early college access for high  
18 school students.

19 BY repealing and reenacting, with amendments,  
20 Article – Education  
21 Section 5–401, 7–205, 18–14A–01, 18–14A–02, and 18–14A–03  
22 Annotated Code of Maryland  
23 (2006 Replacement Volume and 2007 Supplement)

24 BY repealing and reenacting, without amendments,  
25 Article – Education  
26 Section 7–206 and 18–14A–04  
27 Annotated Code of Maryland  
28 (2006 Replacement Volume and 2007 Supplement)

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## 1 Preamble

2 WHEREAS, Many Maryland students find that the traditional 4-year  
3 enrollment plan for high school completion does not serve their personal academic  
4 interests and needs and are in search of legitimate approaches to the high school  
5 program configuration that permits from 3 to 5 years of enrollment as appropriate to  
6 their needs; and

7 WHEREAS, Some Maryland students are pursuing an accelerated high school  
8 course sequence and find that they need specialized academic experiences in lieu of or  
9 during their senior year to facilitate attainment of their personal academic goals; and

10 WHEREAS, Some Maryland high school students find that the course offerings  
11 available at community colleges, 4-year colleges, and universities better match their  
12 personal academic goals; and

13 WHEREAS, Maryland high schools typically provide Advanced Placement  
14 courses or International Baccalaureate programs that equate to freshman level college  
15 or university courses, and that often are accepted by colleges and universities for  
16 college credit; and

17 WHEREAS, Some Maryland high school students achieve their academic work  
18 their senior year through dual enrollment arrangements that involve courses taught  
19 at the student's home high school and other courses that are taught at a community  
20 college, 4-year college, or university, with the college or university work accepted by  
21 the student's high school toward the awarding of the Maryland high school diploma;  
22 and

23 WHEREAS, Dually enrolled students are expected to defray the costs of higher  
24 education enrollment while dually enrolled at both the high school and the college or  
25 university, and are ineligible to access financial aid offered through higher education  
26 institutions such as those available through the federal Pell Grant Program; and

27 WHEREAS, Financially challenged families frequently need financial  
28 assistance in order to support the student's academic work as they transition into  
29 higher education; and

30 WHEREAS, Local school systems would be able to serve accelerated students  
31 more effectively if they were able to develop cooperative agreements involving the  
32 student, parent, and the higher education institution; and

33 WHEREAS, Some students, particularly students with disabilities and English  
34 Language Learners, find that it takes more than 4 years to successfully complete their  
35 high school programs; and

36 WHEREAS, Schools frequently have difficulty matching the 4-year high school  
37 program to the individual needs of students who more appropriately would complete  
38 the high school program in more or less time than the standard; now, therefore,

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

3 **Article – Education**

4 5–401.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Local performance standards” means standards for student and  
7 school performance developed by a county board.

8 (3) “Plan” means a comprehensive master plan.

9 (4) “State performance standards” means standards for student and  
10 school performance approved by the State Board.

11 (5) “Update” means an annual update to a county board’s  
12 comprehensive master plan.

13 (b) (1) Each county board shall develop and implement a comprehensive  
14 master plan that describes the goals, objectives, and strategies that will be used to  
15 improve student achievement and meet State performance standards and local  
16 performance standards in each segment of the student population.

17 (2) (i) Each county board shall submit a plan to the Department on  
18 or before October 1, 2003.

19 (ii) Each county board shall submit an update to the plan  
20 required under paragraph (2)(i) of this subsection for review and approval by the State  
21 Superintendent of Schools on or before:

22 1. October 15, 2008; and

23 2. October 15, 2009.

24 (3) (i) On or before October 15, 2010, each county board shall  
25 submit a plan to the Department.

26 (ii) Beginning in 2011, each county board shall submit an  
27 annual update for review and approval by the State Superintendent of Schools on or  
28 before October 15 of each year.

29 (4) (i) Subject to subsection (i) of this section, the plan and updates  
30 required under paragraph (3) of this subsection shall cover a 5–year period.

1 (ii) At least 60 days before submitting a plan or update to the  
2 Department, a county board shall provide a copy of the plan or update to the:

- 3 1. County council and if applicable, county executive; or
- 4 2. County commissioners.

5 (5) Each county board shall submit with the update required under  
6 paragraph (3)(ii) of this subsection:

7 (i) A detailed summary of how the board's current year  
8 approved budget and increases in expenditures over the prior year are consistent with  
9 the master plan; and

10 (ii) A summary of how the board's actual prior year budget and  
11 additional expenditures in the prior year's budget aligned with the master plan.

12 (c) The plan or update shall include:

13 (1) Goals and objectives as required under subsections (d) through (f)  
14 of this section that are aligned with State performance standards and local  
15 performance standards;

16 (2) Implementation strategies for meeting goals and objectives;

17 (3) Methods for measuring progress toward meeting goals and  
18 objectives;

19 (4) Time lines for implementation of the strategies for meeting goals  
20 and objectives;

21 (5) Time lines for meeting goals and objectives;

22 (6) A description of the alignment of the county board's budget with  
23 goals, objectives, and strategies for improving student achievement;

24 (7) The impact of the proposed goals, objectives, and implementation  
25 strategies on public school facilities and capital improvements that may be needed to  
26 implement the plan or update; and

27 (8) Any other information required by the State Superintendent.

28 (d) The plan or update shall include goals, objectives, and strategies  
29 regarding the performance of:

30 (1) Students requiring special education, as defined in § 5-209 of this  
31 title;

1                   (2)     Students with limited-English proficiency, as defined in § 5-208 of  
2 this title;

3                   (3)     Prekindergarten students;

4                   (4)     Kindergarten students;

5                   (5)     Gifted and talented students, as defined in § 8-201 of this article;

6                   **(6)     STUDENTS ENROLLED IN EARLY COLLEGE ACCESS**  
7 **PROGRAMS, INCLUDING STUDENTS WHO QUALIFY UNDER § 7-205(B) OF THIS**  
8 **ARTICLE AS HIGH SCHOOL GRADUATES BY ACHIEVING A SCORE ON THE**  
9 **PLACEMENT EXAMINATION AT A COMMUNITY COLLEGE THAT ALLOWS THE**  
10 **STUDENT TO ENROLL AT THE COMMUNITY COLLEGE IN A REGULAR,**  
11 **NONREMEDIAL COURSE OF INSTRUCTION;**

12                   ~~[(6)]~~ **(7)**     Students enrolled in career and technology courses;

13                   ~~[(7)]~~ **(8)**     Students failing to meet, or failing to make progress toward  
14 meeting, State performance standards, including any segment of the student  
15 population that is, on average, performing at a lower achievement level than the  
16 student population as a whole; and

17                   ~~[(8)]~~ **(9)**     Any other segment of the student population identified by  
18 the State Superintendent.

19                   (e)     With regard to subsection ~~[(d)(7)]~~ **(D)(8)** of this section, the plan or  
20 update shall include strategies to address any disparities in achievement identified for  
21 any segment of the student population.

22                   (f)     (1)    (i)     The State Superintendent shall review each plan or update  
23 to determine whether the plan or update complies with the requirements of  
24 subsections (b) through (e) of this section.

25                               (ii)    If the State Superintendent determines that a plan or  
26 update does not comply with the requirements of subsections (b) through (e) of this  
27 section, the State Superintendent may require specific revisions to the plan or update.

28                               (2)    (i)     The State Superintendent may review the content of each  
29 plan or update to assess whether the plan or update will have the effect of improving  
30 student achievement and increasing progress toward meeting State performance  
31 standards.

32                               (ii)    If the State Superintendent determines that a plan or  
33 update will not have the effect of improving student achievement and increasing  
34 progress toward meeting State performance standards, the State Superintendent may  
35 require specific revisions to the plan or update.

1           (3)    A county board may not implement a plan or update unless it has  
2    been approved by the State Superintendent.

3           (g)   (1)    A county board may submit a preexisting management plan to the  
4    Department as the county board's plan under subsection (b) of this section.

5           (2)    If the State Superintendent determines that the preexisting  
6    management plan meets the requirements set forth in this section, the State  
7    Superintendent shall approve the preexisting management plan as the county board's  
8    plan.

9           (h)   (1)    The State Superintendent annually shall review how each county  
10   board's current year approved budget and actual prior year budget align with the  
11   master plan and any updates to the master plan. This review may be based on the  
12   information required to be submitted by the county board under subsection (b)(5) of  
13   this section and any other information required by the State Superintendent.

14           (2)    The State Superintendent annually shall report the results of the  
15   budget review by December 31 to the Governor, the county governing body, and,  
16   subject to § 2-1246 of the State Government Article, the General Assembly.

17           (i)   (1)    If a school system fails to demonstrate progress toward improving  
18   student achievement and meeting State performance standards in each segment of the  
19   student population during a school year, the State Superintendent shall review the  
20   content of the plan, any updates to the plan, and the results of the annual review  
21   required under subsection (h)(1) of this section to assess whether the plan or update  
22   will have the effect of improving student achievement and increasing progress toward  
23   meeting State performance standards.

24           (2)    If the State Superintendent determines that a plan or update will  
25   not have the effect of improving student achievement and increasing progress toward  
26   meeting State performance standards, the State Superintendent shall require specific  
27   revisions to the plan or update.

28           (j)    The State Superintendent shall advise the Governor and the General  
29   Assembly concerning the distribution of State funds to a county that fails to make  
30   progress toward improving student achievement and meeting State performance  
31   standards in each segment of the student population.

32           (k)   (1)    The State Superintendent shall review academic intervention  
33   programs and behavior modification programs to identify best practices.

34           (2)    The State Superintendent shall periodically report on the best  
35   practices to the State Board, the county boards, the Governor, and, subject to § 2-1246  
36   of the State Government Article, the General Assembly.

1           (1)   (1)   Subject to paragraph (2) of this subsection, the Department shall  
2 adopt regulations as necessary to implement this section.

3           (2)   The Department shall consult with county superintendents and  
4 county boards before promulgating proposed regulations to implement this section.

5           (m)   The Department may provide technical assistance to county boards in  
6 developing and implementing a plan.

7           (n)   The Governor shall include an appropriation for the Department in the  
8 State budget for each fiscal year in amount sufficient to cover the costs associated with  
9 implementing this section.

10   7-205.

11           (a)   The promotion of students in a public school and graduation from a public  
12 high school shall be in accordance with:

13                   (1)   Policies established by the county board; and

14                   (2)   The rules and regulations of the State Board.

15           **(B)   (1)   THIS SUBSECTION APPLIES TO A STUDENT WHO:**

16                           **(I)   IF ENROLLED AT A PUBLIC HIGH SCHOOL, ACHIEVES A**  
17 **SCORE ON THE PLACEMENT EXAMINATION AT A COMMUNITY COLLEGE THAT**  
18 **ALLOWS THE STUDENT TO ENROLL AT THE COMMUNITY COLLEGE IN A**  
19 **REGULAR, NONREMEDIAL COURSE OF INSTRUCTION;**

20                           **(II)  IF UNDER 18 YEARS OF AGE, OBTAINS WRITTEN**  
21 **PERMISSION FROM THE STUDENT'S PARENT OR LEGAL GUARDIAN TO ENROLL**  
22 **AT THE COMMUNITY COLLEGE IN A REGULAR, NONREMEDIAL COURSE OF**  
23 **INSTRUCTION; AND**

24                           **(III) SUCCESSFULLY COMPLETES:**

25                                   **1.   THE HIGH SCHOOL ASSESSMENTS REQUIRED**  
26 **UNDER REGULATIONS ADOPTED BY THE STATE BOARD; AND**

27                                   **2.   THE REQUIREMENTS FOR OBTAINING A HIGH**  
28 **SCHOOL DIPLOMA BY EXAMINATION UNDER § 7-206 OF THIS SUBTITLE.**

29           **(2)   A STUDENT SUBJECT TO THIS SUBSECTION:**

30                           **(I)   SHALL BE CONSIDERED A HIGH SCHOOL GRADUATE;**  
31 **AND**

1                   **(II) ON ENROLLMENT AT AN INSTITUTION OF HIGHER**  
2 **EDUCATION IN THE STATE, AND SUBJECT TO PARAGRAPH (1) OF THIS**  
3 **SUBSECTION, IS ELIGIBLE FOR STUDENT FINANCIAL ASSISTANCE UNDER:**

4                   **1. STATE LAW, INCLUDING THE DUAL ENROLLMENT**  
5 **GRANT PROGRAM UNDER TITLE 18, SUBTITLE 14A OF THIS ARTICLE; AND**

6                   **2. APPLICABLE FEDERAL LAW.**

7           **[(b)] (C)**    (1) Each student who graduates from a public high school shall  
8 receive the same type of diploma or certificate, regardless of the high school attended  
9 or the course taken.

10                   (2) The diploma or certificate shall state that the student has  
11 completed a program of studies satisfactorily in accordance with the requirements of  
12 the State Board.

13 7-206.

14           (a) An individual may obtain a high school diploma by examination as  
15 provided in this section if the individual:

16                   (1) Has not obtained a high school certificate or diploma;

17                   (2) Has resided in this State or on a federal reservation in this State  
18 for at least 3 months, except that the State Board may waive this residence  
19 requirement if it considers the waiver justified;

20                   (3) Is 16 years old or older; and

21                   (4) Has withdrawn from a regular full-time public or private school  
22 program for at least 3 months, except that the State Board may waive the 3-month  
23 withdrawal requirement if the State Board considers the waiver justified.

24           (b) The State Board shall examine individuals for a high school diploma at  
25 least twice each year at places throughout this State that are reasonably convenient  
26 for the applicants.

27           (c) The examination shall:

28                   (1) Be offered in appropriate high school subject areas; and

29                   (2) Be of a comprehensive nature as determined by the State Board.

30           (d) An individual who fails an examination may take retests.



1 (e) A member of the armed forces may earn the Maryland high school  
2 diploma by taking the examinations furnished by the United States Armed Forces  
3 Institute and given by the appropriate service officer.

4 (f) The diploma shall be awarded in accordance with the rules and  
5 regulations adopted by the State Board.

6 18-14A-01.

7 (a) In this section, "dually enrolled student" means a student who is dually  
8 enrolled in:

9 (1) A secondary school in the State; and

10 (2) An institution of higher education in the State.

11 (b) In cooperation with institutions of higher education in the State, the  
12 Commission shall establish and administer a grant program for dually enrolled  
13 students.

14 (c) A recipient of a dual enrollment grant shall:

15 (1) Be a resident of the State;

16 (2) **(I)** Be a dually enrolled student; **OR**

17 **(II) BE ENROLLED IN CLASSES AT AN INSTITUTION OF**  
18 **HIGHER EDUCATION IN THE STATE IN ACCORDANCE WITH § 7-205(B) OF THIS**  
19 **ARTICLE;** and

20 (3) Demonstrate financial need according to criteria established by the  
21 Commission.

22 (d) For courses completed under the program, a recipient of a dual  
23 enrollment grant is not required to receive credit from a secondary school and an  
24 institution of higher education at the same time.

25 18-14A-02.

26 (a) Funds for the Dual Enrollment Grant Program shall be allocated by the  
27 Commission to an institution of higher education based on the number of [dually]:

28 **(1) DUALY** enrolled students receiving credit for courses completed  
29 at the institution; **AND**

1                   **(2) STUDENTS ENROLLED IN CLASSES AT AN INSTITUTION OF**  
2 **HIGHER EDUCATION IN THE STATE IN ACCORDANCE WITH § 7-205(B) OF THIS**  
3 **ARTICLE.**

4           (b) Funds for the Dual Enrollment Grant Program shall be as provided in the  
5 annual budget of the Commission by the Governor.

6 18-14A-03.

7           The Commission shall:

8                   (1) Establish guidelines for the awarding of dual enrollment grants to  
9 dually enrolled students **AND TO STUDENTS WHO ARE ENROLLED IN CLASSES AT**  
10 **AN INSTITUTION OF HIGHER EDUCATION IN THE STATE IN ACCORDANCE WITH §**  
11 **7-205(B) OF THIS ARTICLE;** and

12                   (2) Adopt any other guidelines or regulations necessary for the  
13 administration of this subtitle.

14 18-14A-04.

15           An institution of higher education that receives State funds under this subtitle  
16 shall provide the Commission with an annual audit of the use of the funds.

17           SECTION 2. AND BE IT FURTHER ENACTED, That:

18           (a) There is a Study Group on Expanding Enrollment Options for High  
19 School Students.

20           (b) The Study Group consists of the following members:

21                   (1) Two members of the Senate of Maryland, one of whom shall be the  
22 co-chair of the Study Group, appointed by the President of the Senate;

23                   (2) Two members of the House of Delegates, one of whom shall be the  
24 co-chair of the Study Group, appointed by the Speaker of the House;

25                   (3) The State Superintendent of Schools, or an individual designated  
26 by the State Superintendent;

27                   (4) One representative of the Public Schools Superintendents  
28 Association, designated by the Association;

29                   (5) The Secretary of the Maryland Higher Education Commission, or  
30 an individual designated by the Secretary;

1           (6) Two principals of Maryland comprehensive high schools, one from  
2 a large enrollment (1,400 or more students) high school and one from a small  
3 enrollment (less than 1,000 students) high school, designated by the Maryland  
4 Association of Secondary School Principals;

5           (7) One representative of the Maryland Association of Boards of  
6 Education, designated by the Association;

7           (8) One assistant superintendent for instruction, designated by the  
8 State Superintendent of Schools;

9           (9) One representative of the Community Colleges Association of  
10 Maryland, designated by the Association;

11           (10) One representative of Maryland public 4-year colleges and  
12 universities, designated by the Chancellor of the University System of Maryland;

13           (11) One representative of Maryland's independent 4-year colleges or  
14 universities, designated by the Maryland Association of Independent Colleges and  
15 Universities; and

16           (12) One representative of the Maryland business community  
17 designated by the Maryland Chamber of Commerce.

18           (c) The State Department of Education, the University System of Maryland,  
19 and the Maryland Higher Education Commission jointly shall provide staff support for  
20 the Study Group.

21           (d) A member of the Study Group:

22           (1) May not receive compensation for serving on the Study Group; but

23           (2) Is entitled to reimbursement for expenses under the Standard  
24 State Travel Regulations, as provided in the State budget.

25           (e) (1) The Study Group shall review, evaluate, and make findings and  
26 recommendations regarding the following issues relating to enrollment options for the  
27 senior year for Maryland high school students:

28           (i) Data regarding students over the past three years who have  
29 participated in Advanced Placement courses, International Baccalaureate programs,  
30 dual enrollment, and early admission to college programs;

31           (ii) Data regarding students over the past three years who  
32 dropped out of high school and selected alternative routes for completion of their  
33 educational goals, including the GED;

1 (iii) Benefits and disadvantages of Advanced Placement and  
2 International Baccalaureate programs, dual enrollment, and early admission to college  
3 programs;

4 (iv) Benefits and disadvantages of GED and other alternative  
5 routes for completion of educational goals for students exiting high school before  
6 graduation;

7 (v) Evaluation of the quality of academic experiences for high  
8 school students taking college or university courses versus Advanced Placement or  
9 International Baccalaureate programs;

10 (vi) Support and guidance provided and needed for families of  
11 students seeking challenging academic experiences in their senior year of high school  
12 or in lieu of the senior year of high school;

13 (vii) Support and guidance provided and needed for families of  
14 struggling students who find that the 4-year high school program is inadequate to  
15 meet their needs;

16 (viii) Fiscal implications for local school systems, colleges and  
17 universities, and families on account of the offering of quality experiences for high  
18 school seniors;

19 (ix) School accountability issues associated with the  
20 implementation of programs for high school students seeking challenging academic  
21 experiences and for those needing more than four years to complete a successful high  
22 school experience; and

23 (x) Successful efforts in other states that are reconfiguring high  
24 school experiences to meet student needs with nontraditional schedules.

25 (2) The Study Group's findings and recommendations at a minimum  
26 shall include:

27 (i) Short-term strategies for reconfiguring high school  
28 programs for nontraditional students;

29 (ii) Funding and fiscal considerations that must be considered if  
30 high school programs are reconfigured for nontraditional students;

31 (iii) Recommendations about the lack of uniformity among  
32 Maryland colleges and universities in acceptable minimum Advanced Placement  
33 scores for college credit;

34 (iv) Examination of the awarding of Advanced Placement credit  
35 by colleges and universities;

1                   (v) Recommendations for State Board action regarding the role  
2 of GED programs as alternative graduation routes, revisions in high school graduation  
3 requirements, and reexamination of the definition of the high school senior year, as  
4 necessary;

5                   (vi) Recommendations related to appropriate long-term funding  
6 strategies for students in dual enrollment or senior year placement at colleges or  
7 universities;

8                   (vii) A uniform plan that recognizes and supports the multiple  
9 pathways that students take to achieve the Maryland high school diploma in fewer or  
10 more than the traditional 4-year time frame; and

11                   (viii) Requisite record keeping that would need to be initiated to  
12 ensure legal sufficiency and compliance with State and federal laws.

13                   (3) On or before December 1, 2008, the Study Group shall report its  
14 findings and recommendations to the Governor and, in accordance with § 2-1246 of  
15 the State Government Article, the General Assembly.

16                   SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
17 take effect June 1, 2008. It shall remain effective for a period of 1 year and 1 month  
18 and, at the end of June 30, 2009, with no further action required by the General  
19 Assembly, this Act shall be abrogated and of no further force and effect.

20                   SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
21 Section 3 of this Act, this Act shall take effect October 1, 2008.