

# HOUSE BILL 1223

F1  
SB 436/08 – EHE

9lr3023  
CF SB 857

By: **Delegate Braveboy**

Introduced and read first time: February 13, 2009

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: April 6, 2009

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Public High Schools and Public High School Students –**  
3 **~~Revisions and Requirements~~ Data Collection System**

4 FOR the purpose of requiring the State Department of Education to develop a certain  
5 data collection system ~~and evaluate certain information relating to certain~~  
6 ~~students who earn a GED on or before a certain date; identifying the purpose of~~  
7 ~~a certain provision of law; requiring the State Board of Education to include~~  
8 ~~certain information in certain reports; identifying the intent of the General~~  
9 ~~Assembly relating to the review of certain course content, scheduling, and~~  
10 ~~examinations and certain preparations and interventions provided to certain~~  
11 ~~students; requiring certain county boards of education to partner with certain~~  
12 ~~community colleges to offer certain discounts to certain students who take~~  
13 ~~certain courses under certain circumstances; requiring certain children under a~~  
14 ~~certain age to attend a public school regularly during the entire school year,~~  
15 ~~subject to certain exceptions; raising the age to which certain individuals are~~  
16 ~~responsible for a child's attendance at school or receipt of certain instruction;~~  
17 ~~requiring certain children to attend alternative educational programs or to be~~  
18 ~~given certain information regarding GED programs by certain county boards;~~  
19 ~~requiring certain students to participate in certain virtual learning~~  
20 ~~opportunities; requiring certain virtual learning opportunities to include certain~~  
21 ~~types of opportunities; requiring a certain report; requiring the Department, in~~  
22 ~~consultation and cooperation with the Maryland Higher Education Commission,~~  
23 ~~to implement a certain student-identifying data system to be used for certain~~  
24 ~~purposes on or before a certain date; requiring the Department, in consultation~~  
25 ~~and cooperation with the Commission and other stakeholders, to determine~~  
26 ~~certain standards to be used to define a certain term; making certain stylistic~~

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~changes;~~ and generally relating to public high schools and public high school students.

BY repealing and reenacting, with amendments,  
Article – Education  
Section 7–203.2, ~~7–301(a), (e), (d), and (e), and 7–1002~~  
Annotated Code of Maryland  
(2008 Replacement Volume)

~~BY adding to~~  
~~Article – Education~~  
~~Section 7–204.1, 7–205.1, and 7–301(a)~~  
~~Annotated Code of Maryland~~  
~~(2008 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~  
~~Article – Education~~  
~~Section 7–301(b)~~  
~~Annotated Code of Maryland~~  
~~(2008 Replacement Volume)~~

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

### Article – Education

7–203.2.

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

(2) (i) “Four–year cohort” means a group of students who enter ninth grade together.

(ii) “Four–year cohort” also includes a student who:

1. Transfers into the group:

A. During the ninth grade of the group’s first year in high school;

B. During the tenth grade of the group’s second year in high school;

C. During the eleventh grade of the group’s third year in high school; or

D. During the twelfth grade of the group’s fourth year in high school;

2. Is retained in grade; or

3. Is enrolled in a GED program.

(iii) “Four-year cohort” does not include a student who:

1. Dies before graduation;

2. Transfers out of the group; or

3. The county board confirms has permanently left the United States.

(iv) Students retained in grade are only counted once as members of their original cohort.

(3) “Graduation rate” means the percentage obtained from applying the graduation rate formula.

(4) (i) “Graduation rate formula” means the number of students who graduate on time with a Maryland high school diploma divided by the number of students in the four-year cohort.

(ii) “Graduation rate formula” does not include students who graduate on time with a GED or other certificate not aligned with State standards.

(5) (i) “On time” means on or before the conclusion of a four-year cohort’s fourth year of high school.

(ii) “On time” includes a senior summer session in a jurisdiction that offers senior summer sessions.

(6) (i) “Transfer out” means a student who the county board confirms, via written documentation, has enrolled in another high school or other educational program from which that student is expected to receive a Maryland high school diploma.

(ii) “Transfer out” does not include a student enrolled in:

1. A GED program; or

2. An alternative education program that does not issue or provide credits toward a Maryland high school diploma.

(b) The purpose of this section is to:

(1) Initiate a process by which the State may achieve the goal of collecting, maintaining, analyzing, and publicly reporting data relating to the graduation rates of students in public high schools as an essential step in addressing gaps in educational achievement among a diverse student population; [and]

(2) Explicitly delineate the duties and responsibilities of the Department and the county boards in this regard; **AND**

**(3) PROVIDE THE BASIS FOR MAKING SOUND EDUCATIONAL DECISIONS AFFECTING HIGH SCHOOL REFORM IN THE STATE WHILE RECOGNIZING THAT SOME STUDENTS WILL COMPLETE HIGH SCHOOL REQUIREMENTS IN 3 YEARS, SOME IN 4 YEARS, AND SOME IN 5 YEARS.**

(c) (1) Beginning on or before September 1, 2011, and each year thereafter, a county board shall:

(i) Collect, maintain, and analyze graduation rates for public schools, local school systems, and the State; and

(ii) Report the information required under item (i) of this paragraph to:

1. The public in the aggregate and disaggregated by American Indian, African American, Hispanic, White, Asian/Pacific Islander, students who are limited English proficient, students who receive free and reduced priced meals, and students who receive special education services; and

2. The Department.

(2) Beginning on or before October 1, 2011, and each year thereafter, the Department shall:

(i) Compile the information received under paragraph (1) of this subsection and calculate a graduation rate for the State; and

(ii) Post the information obtained under this subsection for each county on its website in the aggregate and disaggregated by American Indian, African American, Hispanic, White, Asian/Pacific Islander, students who are limited English proficient, students who receive free and reduced priced meals, and students who receive special education services.

**(D) BEGINNING ON OR BEFORE JULY 1, 2012, THE DEPARTMENT SHALL:**

~~(1) DEVELOP~~ **DEVELOP A DATA COLLECTION SYSTEM TO COLLECT DATA REGARDING STUDENTS WHO GRADUATE FROM HIGH SCHOOL IN 3 YEARS, 4 YEARS, OR 5 YEARS; AND**

~~(2) EVALUATE THE NUMBER OF STUDENTS WHO EARN A CED  
PRIOR TO THE AGE OF 20 YEARS.~~

[(d)] (E) (1) The county boards and the Department may develop and implement additional indicators to collect, maintain, analyze, and publicly report data regarding alternative high school completions.

(2) The Department shall ensure that the information collected under paragraph (1) of this subsection is comparable for public schools and local school systems in the State.

[(e)] (F) The Department shall:

(1) Implement training for administrators and other personnel responsible for collecting, maintaining, analyzing, and publicly reporting data regarding four-year cohorts and graduation rates;

(2) Implement a standard process for verifying the accuracy of data including:

(i) Statistical checks and analyses; and

(ii) On-site audits of record-keeping procedures;

(3) Implement a public awareness campaign including outreach to civic associations, community-based groups, and parent organizations and the solicitation of suggestions and community support regarding the need for collecting, maintaining, analyzing, and publicly reporting accurate data regarding four-year cohorts and graduation rates;

(4) Provide technical support to the county boards with collecting, maintaining, analyzing, and publicly reporting graduation rate data; and

(5) Serve as a central repository for this data.

[(f)] (G) (1) On or before November 1 of each year, the State Board shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly, regarding:

(i) The implementation of this section;

(ii) Statistical analyses and data verification processes developed under this section; ~~and~~

(iii) Discrepancies discovered while collecting, maintaining, analyzing, and publicly reporting the information required under this section; ~~AND~~

~~(IV) THE REASONS STUDENTS OPT TO TAKE THE CED  
RATHER THAN COMPLETE A 3 YEAR, 4 YEAR, OR 5 YEAR COURSE OF HIGH  
SCHOOL EDUCATION.~~

(2) The report required under this subsection shall be posted on the  
Department's website.

~~7-204.1.~~

~~IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:~~

~~(1) EACH COUNTY BOARD REVIEW STUDENT MASTERY OF COURSE  
CONTENT, EFFICIENCY, AND EFFICACY OF A SEMESTER LONG COURSE  
SCHEDULE, AND THE UTILIZATION OF COURSE COMPLETION BY EXAMINATION  
TO ENSURE THAT:~~

~~(I) THESE PRACTICES DO NOT CREATE BARRIERS TO  
GRADUATION; AND~~

~~(II) STUDENTS HAVE FLEXIBILITY TO COMPLETE HIGH  
SCHOOL IN A TIME FRAME THAT MEETS THE STUDENT'S INDIVIDUAL NEEDS;  
AND~~

~~(2) EACH PUBLIC HIGH SCHOOL IN THE STATE:~~

~~(I) PREPARE A HIGH SCHOOL ASSESSMENT STATUS  
REPORT DURING A STUDENT'S SOPHOMORE YEAR AND JUNIOR YEAR OF HIGH  
SCHOOL; AND~~

~~(II) DOCUMENT THE INTERVENTIONS OFFERED AND  
EMPLOYED, IF ANY, TO ENSURE THAT THE STUDENT IS READY TO TAKE THE  
HIGH SCHOOL ASSESSMENT.~~

~~7-205.1.~~

~~EACH COUNTY BOARD SHALL PARTNER WITH ONE OR MORE COMMUNITY  
COLLEGES IN THE COUNTY TO OFFER A 50% DISCOUNT ON TUITION TO PUBLIC  
HIGH SCHOOL STUDENTS WHO TAKE COLLEGE COURSES WHILE ENROLLED IN  
HIGH SCHOOL.~~

~~7-301.~~

~~(A) THIS SECTION DOES NOT APPLY TO A CHILD UNDER THE AGE OF 17  
YEARS WHO:~~

~~(1) HAS OBTAINED A MARYLAND HIGH SCHOOL DIPLOMA, AN EQUIVALENT OUT OF STATE HIGH SCHOOL DIPLOMA, OR A GED;~~

~~(2) IS A STUDENT WITH DISABILITIES AND HAS COMPLETED THE REQUIREMENTS FOR A MARYLAND HIGH SCHOOL CERTIFICATE OF COMPLETION;~~

~~(3) IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING THE SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS TO CHILDREN OF THE SAME AGE INCLUDING HOME SCHOOLING UNDER COMAR 13A.10.01;~~

~~(4) IS SEVERELY ILL AND REQUIRES HOME OR HOSPITAL INSTRUCTION;~~

~~(5) IS MARRIED;~~

~~(6) IS IN MILITARY SERVICE;~~

~~(7) IS COMMITTED BY COURT ORDER TO AN INSTITUTION WITHOUT AN EDUCATIONAL PROGRAM;~~

~~(8) PROVIDES FINANCIAL SUPPORT TO THE CHILD'S FAMILY AS DOCUMENTED BY A LOCAL DEPARTMENT OF SOCIAL SERVICES;~~

~~(9) SUBJECT TO THE APPROVAL OF THE COUNTY SUPERINTENDENT, HAS BEEN EXPELLED UNDER § 7-305 OF THIS SUBTITLE;~~

~~(10) IS PREGNANT OR A PARENT AND IS ENROLLED IN AN ALTERNATIVE EDUCATIONAL PROGRAM;~~

~~(11) ATTENDS AN ALTERNATIVE EDUCATIONAL PROGRAM;~~

~~(12) SUBJECT TO WRITTEN PARENTAL CONSENT AND WRITTEN AGREEMENT WITH THE COUNTY BOARD, ATTENDS A PUBLIC SCHOOL ON A PART-TIME BASIS AND ATTENDS A PRIVATE CAREER SCHOOL AS DEFINED UNDER § 10-101 OF THIS ARTICLE OR PARTICIPATES IN GED COURSES ON A PART-TIME BASIS; OR~~

~~(13) IS WAIVED FROM THE PROVISIONS OF THIS SECTION BY THE STATE SUPERINTENDENT.~~

~~[(a)] (A-1) (1) Except as otherwise provided in this section, each child who resides in this State and is 5 years old or older and under [16] 17 shall attend a public~~

~~school regularly during the entire school year unless the child is otherwise receiving regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age.~~

~~(2) In accordance with regulations of the State Board of Education, a child who resides in this State and is 5 years old may be exempted from mandatory school attendance for 1 year if the child's parent or guardian files a written request with the local school system asking that the child's attendance be delayed due to the child's level of maturity.~~

~~(3) Except as provided in subsection (f) of this section or in regulations of the State Board of Education, each child who resides in this State shall attend a kindergarten program regularly during the school year prior to entering the first grade unless the child is otherwise receiving regular, thorough instruction in the skills and studies usually taught in a kindergarten program of a public school.~~

~~(b) A county superintendent, school principal, or an individual authorized by the county superintendent or principal may excuse a student for a lawful absence.~~

~~(c) Each person who has legal custody or care and control of a child who is 5 years old or older and under [16] 17 shall see that the child attends school or receives instruction as required by this section.~~

~~(d) (1) This section applies to any child who has a mental, emotional, or physical handicap.~~

~~(2) This section does not apply to a child:~~

~~(i) Whose mental, emotional, or physical condition makes [his] THE CHILD'S instruction detrimental to [his] THE CHILD'S progress; or~~

~~(ii) Whose presence in school presents a danger of serious physical harm to others.~~

~~(3) With the advice of the school principal, supervisor, pupil personnel supervisor, or visiting teacher and with the written recommendation of a licensed physician or a State Department of Education certified or licensed psychologist, the county superintendent may:~~

~~(i) Make other appropriate provisions for the free education of any student excepted from attendance under paragraph (2) of this subsection; or~~

~~(ii) Permit the parents or guardians of that student to withdraw [him] THE CHILD from public school, for as long as the attendance of the child in a public school would be detrimental to [his] THE CHILD'S progress or [his] THE CHILD'S presence in school would present a danger of serious physical harm to others.~~



~~(4) If a child is withdrawn from a public school under this subsection, the county board shall make other appropriate provisions for the education of the child.~~

~~(5) If an appropriate educational placement is not available immediately, the county board shall make interim provisions for the education of the child until an appropriate placement becomes available.~~

~~(e) (1) Any person who induces or attempts to induce a child to [absent himself] BE ABSENT unlawfully from school or employs or harbors any child who is absent unlawfully from school while school is in session is guilty of a misdemeanor and on conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30 days, or both.~~

~~(2) Any person who has legal custody or care and control of a child who is 5 years old or older and under [16] 17 who fails to see that the child attends school or receives instruction under this section is guilty of a misdemeanor and:~~

~~(i) For a first conviction is subject to a fine not to exceed \$50 per day of unlawful absence or imprisonment not to exceed 10 days, or both; and~~

~~(ii) For a second or subsequent conviction is subject to a fine not to exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or both.~~

~~(3) As to any sentence imposed under this section, the court may suspend the fine or the prison sentence and establish terms and conditions which would promote the child's attendance. The suspension authority provided for in this subsection is in addition to and not in limitation of the suspension authority under § 6-221 of the Criminal Procedure Article.~~

~~7-1002.~~

~~(A) A STUDENT ENROLLED IN A PUBLIC HIGH SCHOOL IN THE STATE SHALL PARTICIPATE IN AT LEAST ONE VIRTUAL LEARNING OPPORTUNITY DURING HIGH SCHOOL.~~

~~[(a)] (B) The Department shall provide Maryland virtual learning opportunities that include:~~

~~(1) Offering a distance learning program to provide Maryland public school students with equal opportunities to develop a strong academic foundation;~~

~~(2) Offering expanded educational choices INCLUDING NONTRADITIONAL LEARNING OPPORTUNITIES not otherwise available to students through on-line courses and services; and~~

~~(3) Expanding the professional development opportunities available to educational staff in Maryland public schools through on-line courses and services.~~

~~[(b)] (C) With the approval of the State Board and the State Superintendent, the Department shall:~~

~~(1) Develop on-line courses and services;~~

~~(2) Procure on-line courses and services;~~

~~(3) Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and~~

~~(4) Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.~~

~~[(e)] (D) (1) There is a Maryland Virtual Learning Opportunities Fund.~~

~~(2) The State Board may set reasonable fees for on-line courses and services.~~

~~(3) The fees charged shall be set so as to produce funds to support maintenance of Maryland virtual learning opportunities.~~

~~(4) The State Board shall pay all funds collected under this subtitle to the Comptroller of the State.~~

~~(5) The Comptroller shall distribute the fees to the Maryland Virtual Learning Opportunities Fund.~~

~~(6) The Fund is a continuing, nonlapsing fund not subject to § 7-302 of the State Finance and Procurement Article.~~

~~(7) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this subtitle.~~

~~(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2-1220 of the State Government Article.~~

~~[(d)] (E) The State Board may adopt regulations to implement the provisions of this section.~~

~~[(e)] (F) The Department shall submit to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly, on or before September 1, [2004] 2010, a report on the progress of the Maryland Virtual Learning~~

1 ~~Opportunities Program, including a description of the available on-line courses and~~  
2 ~~services.~~

3 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1,~~  
4 ~~2012, the State Department of Education, in consultation and cooperation with the~~  
5 ~~Maryland Higher Education Commission, shall implement a common~~  
6 ~~student identifying data system to track students beginning in high school through~~  
7 ~~college enrollment and completion.~~

8 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before September~~  
9 ~~1, 2010, the State Department of Education, in consultation and cooperation with local~~  
10 ~~educational stakeholders, the Maryland Higher Education Commission, and other~~  
11 ~~segments of higher education in the State shall determine the standards that shall be~~  
12 ~~used to define "college readiness" in the State.~~

13 SECTION 4. 2. AND BE IT FURTHER ENACTED, That this Act shall take  
14 effect October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.