

SENATE BILL 857

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SB 436/08 – EHE

9lr1441
CF 9lr3023

By: **Senators Pugh and McFadden**

Introduced and read first time: February 6, 2009

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public High Schools and Public High School Students –**
3 **Revisions and Requirements**

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

29 BY repealing and reenacting, with amendments,
30 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 7–203.2, 7–301(a), (c), (d), and (e), and 7–1002
2 Annotated Code of Maryland
3 (2008 Replacement Volume)

4 BY adding to
5 Article – Education
6 Section 7–204.1, 7–205.1, and 7–301(a)
7 Annotated Code of Maryland
8 (2008 Replacement Volume)

9 BY repealing and reenacting, without amendments,
10 Article – Education
11 Section 7–301(b)
12 Annotated Code of Maryland
13 (2008 Replacement Volume)

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

16 **Article – Education**

17 7–203.2.

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

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

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

22 1. Transfers into the group:

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

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

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

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

31 2. Is retained in grade; or

32 3. Is enrolled in a GED program.

1 (iii) “Four–year cohort” does not include a student who:
2 1. Dies before graduation;
3 2. Transfers out of the group; or
4 3. The county board confirms has permanently left the
5 United States.

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

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

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

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

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

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

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

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

24 1. A GED program; or
25 2. An alternative education program that does not issue
26 or provide credits toward a Maryland high school diploma.

27 (b) The purpose of this section is to:

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

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

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

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

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

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

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

17 2. The Department.

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

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

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

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

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

32 (2) EVALUATE THE NUMBER OF STUDENTS WHO EARN A GED
33 PRIOR TO THE AGE OF 20 YEARS.

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

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

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

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

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

13 (i) Statistical checks and analyses; and

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

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

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

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

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

26 (i) The implementation of this section;

27 (ii) Statistical analyses and data verification processes
28 developed under this section; [and]

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

31 **(IV) THE REASONS STUDENTS OPT TO TAKE THE GED**
32 **RATHER THAN COMPLETE A 3-YEAR, 4-YEAR, OR 5-YEAR COURSE OF HIGH**
33 **SCHOOL EDUCATION.**

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

3 **7-204.1.**

4 **IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT:**

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

9 (I) **THESE PRACTICES DO NOT CREATE BARRIERS TO**
10 **GRADUATION; AND**

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

14 (2) **EACH PUBLIC HIGH SCHOOL IN THE STATE:**

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

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

21 **7-205.1.**

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

26 7-301.

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

29 (1) **HAS OBTAINED A MARYLAND HIGH SCHOOL DIPLOMA, AN**
30 **EQUIVALENT OUT-OF-STATE HIGH SCHOOL DIPLOMA, OR A GED;**

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

4 (3) IS RECEIVING REGULAR, THOROUGH INSTRUCTION DURING
5 THE SCHOOL YEAR IN THE STUDIES USUALLY TAUGHT IN THE PUBLIC SCHOOLS
6 TO CHILDREN OF THE SAME AGE INCLUDING HOME SCHOOLING UNDER COMAR
7 13A.10.01;

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

10 (5) IS MARRIED;

11 (6) IS IN MILITARY SERVICE;

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

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

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

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

20 (11) ATTENDS AN ALTERNATIVE EDUCATIONAL PROGRAM;

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

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

28 [(a)] (A-1) (1) Except as otherwise provided in this section, each child who
29 resides in this State and is 5 years old or older and under [16] 17 shall attend a public
30 school regularly during the entire school year unless the child is otherwise receiving

1 regular, thorough instruction during the school year in the studies usually taught in
2 the public schools to children of the same age.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (3) As to any sentence imposed under this section, the court may
21 suspend the fine or the prison sentence and establish terms and conditions which
22 would promote the child's attendance. The suspension authority provided for in this
23 subsection is in addition to and not in limitation of the suspension authority under §
24 6-221 of the Criminal Procedure Article.

25 7-1002.

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

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

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

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

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

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

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

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

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

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

12 **[(c)] (D)** (1) There is a Maryland Virtual Learning Opportunities Fund.

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

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

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

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

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

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

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

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

30 **[(e)] (F)** The Department shall submit to the Governor and, subject to §
31 2-1246 of the State Government Article, the General Assembly, on or before
32 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. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2009.