

**Department of Legislative Services**  
Maryland General Assembly  
2009 Session

**FISCAL AND POLICY NOTE**

Senate Bill 903 (Senators Muse and Exum)  
Education, Health, and Environmental Affairs

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**Education - High School Assessment - Graduation Requirement - Prohibition**

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This emergency bill prohibits the State Board of Education from including the passing of statewide, mandatory, curriculum-based examinations or assessments in its requirements for graduation from a public high school in the State for students graduating in the 2008-2009 school year.

The bill terminates one year from the date it is enacted.

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**Fiscal Summary**

**State Effect:** Prohibiting the State Board of Education from requiring students from the class of 2009 to pass the Maryland High School Assessments (HSAs) in order to graduate from high school does not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** Potential minimal.

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**Analysis**

**Current Law:** Policies, rules, and regulations for the graduation of students from Maryland public schools are established by local boards of education and the State Board of Education.

By regulation, a student must complete the credit requirements established by the State Board of Education, a student service requirement, and any local school system requirements to qualify for graduation from a public high school in Maryland. Beginning

with the cohort of students who entered grade nine in the 2005-2006 school year, each student will also be required to pass each HSA or achieve a combined total score on HSAs in order to qualify for a high school diploma.

Students who have taken but have not passed HSAs and who have met all other graduation requirements and demonstrated good faith participation in remediation programs may complete subject-based senior projects instead of passing HSAs. Emergency regulations adopted by the State Board of Education in December 2008 also allow for waivers from the HSA requirements for 2009 only. A waiver will only be granted in special cases when a decision by a local school system contributed to a student's inability to meet the HSA requirement.

**Background:** After many years of consideration, the State Board of Education decided in 2004 to make passage of HSAs mandatory for high school graduation beginning with students who entered ninth grade in or after 2005. The class of 2009 is the first class for which the majority of students must pass HSAs. HSAs are end-of-course tests taken in four subject areas: algebra; biology; government; and English. Students take each HSA after completing the applicable course and may subsequently take the test multiple times each year until a passing score is achieved.

Committee narrative in the 2007 *Joint Chairmen's Report* noted that the State Board of Education planned to undertake a thorough examination of student performance on HSAs following the spring 2007 administration of the tests and commended the board for taking up the issue one year earlier than required by regulations. The committees also requested that, in its review of HSAs, the board hold five regional public hearings "to educate the public about current policies ... and to hear the public's concerns." The five hearings were held in Baltimore City and Allegany, Charles, Prince George's, and Talbot counties in September 2007, and more than 120 participants testified at the hearings.

After hearing concerns from the public, as well as local superintendents of schools and other stakeholders, the Maryland State Department of Education (MSDE) addressed some of the concerns voiced at the public hearings. First, to address concerns about the time it takes to score assessments, MSDE will implement a purely multiple choice format for HSAs beginning in May 2009. MSDE estimates that this change, along with the use of a new test provider, will shorten the grading time from nine weeks to three weeks. To address concerns about HSA pass rates and the availability of effective remediation, students will be given the opportunity to take each HSA up to five times per year, and students who are having difficulty passing the tests will be provided online remediation tools available on the MSDE web site. In addition, the State board approved the Bridge Plan for Academic Validation option that allows a student who is unable to pass HSAs to instead complete a subject-based project to demonstrate subject mastery. Finally, the State board altered the minimum score requirement for HSAs. Previously, a student

could qualify for graduation with a qualifying combined score on the four tests as long as a minimum score on each test was achieved. The State board retained the qualifying combined score option, but with no minimum required scores for individual tests.

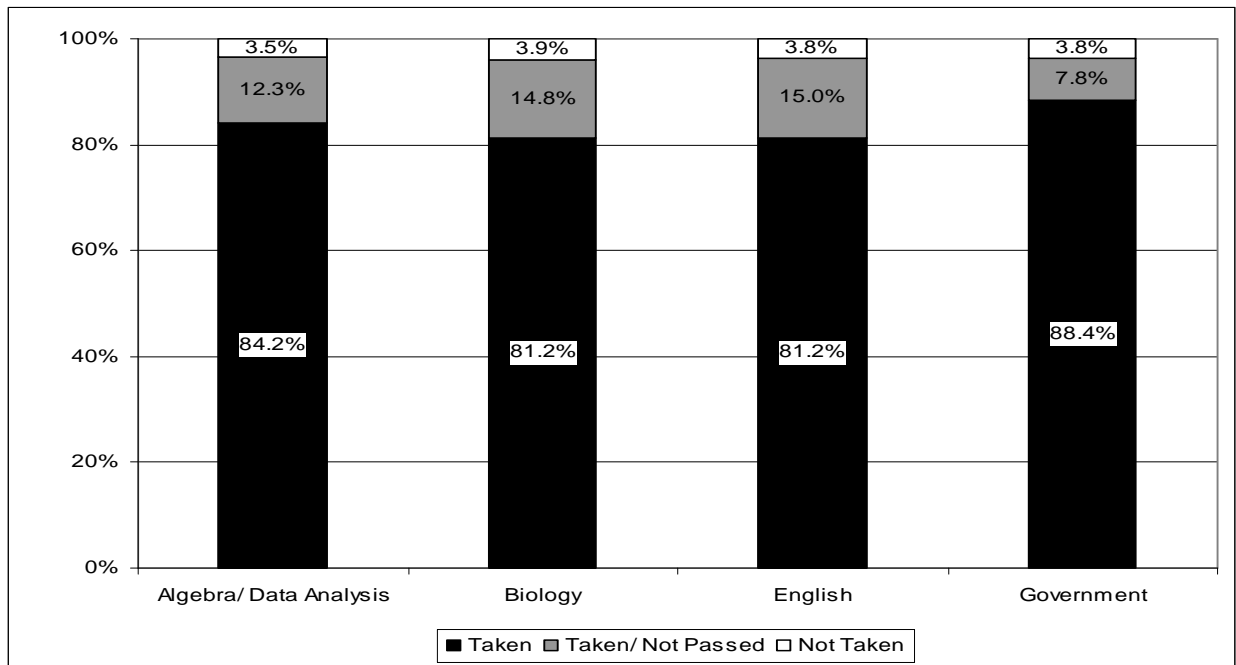
After agreeing to these adjustments to the HSA process, the State board voted eight to four in October 2007 to retain HSAs as a graduation requirement. Members of the State board argued that, although HSAs are not a panacea for deficiencies in Maryland's public schools, they are an important tool in the effort to ensure a consistent and adequate education for all Maryland students. The State board also noted that it hopes HSAs will increase accountability, ensure the value of a Maryland high school diploma, and prepare students for future academic and job-related pursuits. After getting additional information about students' progress in meeting HSA requirements in fall 2008, the State board voted again (seven to four this time, with one member absent) to retain HSAs as a graduation requirement for the class of 2009.

There are more than 55,500 students in the class of 2009, many of whom have already passed HSAs; however, at the end of the 2007-2008 school year there were still students who had yet to take and pass the HSAs. **Exhibit 1** shows, for each of the four HSAs, the percentage of students who had not taken the assessment, the percentage who had taken the assessment but had not passed it, and the percentage of students who had taken and passed the assessment as of the end of the 2007-2008 school year. The exhibit reveals that over 80% of students who had taken an HSA in a particular subject have passed that HSA. MSDE recently reported that fewer than 4,000 students in the class of 2009 have yet to meet the HSA requirements.

**Small Business Effect:** One of the arguments for requiring HSAs for high school graduation has been the need to ensure businesses that individuals who have earned Maryland high school diplomas have mastered skills that will enable them to be successful in work environments. If HSAs are eliminated as a graduation requirement, businesses may have less confidence in the skills of high school graduates and may find that some graduates are not adequately prepared for the workplace.

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**Exhibit 1**  
**Percentage of Class of 2009 that Had Taken and Passed High School Assessments**  
**By the End of the 2007-2008 School Year**



Source: Maryland State Department of Education; Department of Legislative Services

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2009  
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