

Chapter 346

(Senate Bill 95)

AN ACT concerning

Division of Workforce Development and Adult Learning – Adult Education and Literacy Services – Revisions

FOR the purpose of repealing the Workforce Creation and Adult Education Transition Council; repealing an obsolete reporting requirement; altering the responsibility of the Department of Labor, Licensing, and Regulation as it relates to the development of a certain State plan; repealing a certain provision of law authorizing each county board of education to establish and maintain day and evening schools for adults; specifying the purpose of adult education and literacy services; altering the list of examples of adult education and literacy services for which certain grants may be used; altering the information required to be included on a certain list compiled by the Department; requiring the Department and the State Board of Education, rather than the State Board alone, to award diplomas to certain individuals; altering the circumstances under which an individual may obtain a high school diploma by examination under a certain provision of law; exempting a current member of the armed forces from a certain residency requirement; altering the method by which a member of the armed forces may earn a Maryland high school diploma; defining a certain term; altering a certain definition; making conforming changes; making a stylistic change; and generally relating to adult education and literacy services.

BY adding to

Article – Labor and Employment
Section 11–801 and 11–805
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, with amendments,

Article – Labor and Employment
Section 11–801, 11–802, 11–804, 11–806, 11–807, and 11–808
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

BY repealing

Article – Labor and Employment
Section 11–803 and 11–805
Annotated Code of Maryland
(2008 Replacement Volume and 2015 Supplement)

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

Article – Labor and Employment

11–801.

IN THIS SUBTITLE, “ADULT EDUCATION” MEANS ACADEMIC INSTRUCTION AND EDUCATION SERVICES BELOW THE POSTSECONDARY LEVEL FOR INDIVIDUALS:

(1) WHO ARE AT LEAST 16 YEARS OLD;

(2) WHO ARE NOT ENROLLED OR REQUIRED TO BE ENROLLED IN HIGH SCHOOL UNDER STATE LAW; AND

(3) WHO:

(I) ARE BASIC SKILLS DEFICIENT;

(II) DO NOT HAVE A HIGH SCHOOL DIPLOMA OR ITS RECOGNIZED EQUIVALENT AND HAVE NOT ACHIEVED AN EQUIVALENT LEVEL OF EDUCATION; OR

(III) ARE ENGLISH LANGUAGE LEARNERS.

[11–801.] 11–802.

(a) There is an Adult Education and Literacy Services Office in the Division of Workforce Development and Adult Learning of the Department.

(b) The Adult Education and Literacy Services Office shall be the sole agency in the State responsible for administering and supervising policy and funding for adult education and literacy.

[11–802.] 11–803.

The Adult Education and Literacy Services Office, with the approval of the Secretary, may adopt regulations to carry out this subtitle.

[11–803.]

(a) There is a Workforce Creation and Adult Education Transition Council in the Department to coordinate the Integration of Adult Education and Literacy Services with the Division of Workforce Development and its programs.

(b) The Transition Council shall consist of the following members:

- (1) one member of the Senate, appointed by the President;
- (2) one member of the House of Delegates, appointed by the Speaker;
- (3) the Secretary, who shall serve as Cochair;
- (4) the Secretary of Commerce;
- (5) the Secretary of the Department of Public Safety and Correctional Services;
- (6) the State Superintendent of Schools, who shall serve as Cochair;
- (7) the Secretary of Higher Education;
- (8) the Chancellor of the University System of Maryland;
- (9) a representative of the Maryland Association for Adult Community and Continuing Education;
- (10) a representative of the Maryland Workforce Development Association;
- (11) a representative of the Maryland Association of Community Colleges;
- (12) the Chair of the Governor's Workforce Investment Board; and
- (13) ten members appointed by the Governor, including representatives from the following communities of interest:
 - (i) family literacy;
 - (ii) adult basic education;
 - (iii) career and technical education;
 - (iv) workplace literacy;
 - (v) correctional education;
 - (vi) community libraries;
 - (vii) English as a second language providers;
 - (viii) organized labor;
 - (ix) employers; and

(x) nonprofit organizations involved in programs to promote economic self-sufficiency.

(c) The Transition Council shall:

(1) develop a plan for the seamless transition of the adult education, literacy, and correctional education programs from the State Department of Education to the Department;

(2) actively assist in the development of a new State plan for adult education;

(3) identify existing adult education programs in other units of State government and develop strategies to make the agencies part of a coordinated program;

(4) recommend a framework for a new State system of delivering adult education and workforce programs through the Department that:

(i) provides for the effective alignment of adult education, literacy, and correctional education programs with workforce development programs;

(ii) tracks outcomes of adult education students; and

(iii) is consistent with applicable federal laws;

(5) review the overlapping responsibilities of correctional education as they relate to implementation of adult correctional education and juvenile services education;

(6) determine the advisability of transferring correctional education services in light of the potential negative impact the transfer could have on the effective operation of juvenile services education; and

(7) recommend the composition and responsibilities of a State Advisory Council on Adult Education, Literacy, and Workforce Development.

(d) The Department shall provide staff to the Transition Council.

(e) (1) On or before December 31, 2008, the Transition Council shall complete its work and shall report to the Governor and, subject to the provisions of § 2-1246 of the State Government Article, to the General Assembly, on its activities and recommendations.

(2) The report shall include a summary of the plan for the seamless transition of the adult education, literacy, and correctional education programs from the State Department of Education including:

- (i) strategies for ensuring program continuity for clients of the affected programs;
- (ii) strategies for ensuring continuity in the State administration of affected grant programs;
- (iii) provisions regarding affected employees, including a specific analysis of the transfer of employees with shared responsibilities for adult correctional education and juvenile services education such as grant managers and program coordinators;
- (iv) strategies for coordinating the activities and responsibilities of units of State government involved in administering the transferred programs; and
- (v) strategies for addressing potential challenges to implementing the transition of the affected programs in a manner that ensures the continued delivery of quality content to clients of the affected programs.]

11-804.

The Department shall be responsible for the development of the [State plan for adult education and literacy services and its submission to the federal Department of Education] **COMPONENTS OF THE STATE PLAN REQUIRED TO BE SUBMITTED UNDER FEDERAL LAW TO CARRY OUT ADULT EDUCATION AND LITERACY SERVICES.**

[11-805.

(a) In accordance with the applicable rules and regulations of the Department, each county board of education may establish and maintain day and evening schools for adults.

(b) The purpose of these schools for adults is to provide:

(1) a general program of continuing education for the improvement of the civic, occupational, and general intelligence of adults; and

(2) programs to enable adults to make a wise use of their leisure time.

(c) A full-time student, at the student's own expense, may register for adult education courses, if space is available, and if that student secures the written permission of the superintendent of schools, or the superintendent's designee, of the county in which the student registers.]

11-805.

THE PURPOSE OF ADULT EDUCATION AND LITERACY SERVICES IS TO:

(1) ASSIST ADULTS TO BECOME LITERATE AND OBTAIN THE KNOWLEDGE AND SKILLS NECESSARY FOR EMPLOYMENT AND SELF-SUFFICIENCY;

(2) ASSIST ADULTS WHO ARE PARENTS OR FAMILY MEMBERS TO OBTAIN THE EDUCATION AND SKILLS NECESSARY:

(I) TO BECOME FULL PARTNERS IN THE EDUCATIONAL DEVELOPMENT OF THEIR CHILDREN; AND

(II) TO LEAD TO SUSTAINABLE IMPROVEMENTS IN THE ECONOMIC OPPORTUNITIES FOR THEIR FAMILY;

(3) ASSIST ADULTS IN ATTAINING A SECONDARY SCHOOL DIPLOMA AND IN THE TRANSITION TO POSTSECONDARY EDUCATION AND TRAINING, INCLUDING THROUGH CAREER PATHWAYS; AND

(4) ASSIST IMMIGRANTS AND OTHER INDIVIDUALS WHO ARE ENGLISH LANGUAGE LEARNERS BY:

(I) IMPROVING THEIR ENGLISH LANGUAGE PROFICIENCY IN READING, WRITING, SPEAKING, AND COMPREHENSION SKILLS;

(II) IMPROVING MATHEMATICS SKILLS; AND

(III) ACQUIRING AN UNDERSTANDING OF THE AMERICAN SYSTEM OF GOVERNMENT, INDIVIDUAL FREEDOM, AND THE RESPONSIBILITIES OF CITIZENSHIP.

11-806.

(a) (1) The Adult Education and Literacy Services Office shall distribute competitive grants for adult education and literacy services in accordance with the State plan for [adult education and family literacy] **SERVICES REQUIRED UNDER THE AUTHORIZING FEDERAL LAW FOR ADULT EDUCATION AND LITERACY SERVICES.**

(2) The grants distributed under this section shall be based on need and performance.

(3) Grants under this section may be used for adult education and literacy services, including:

(i) **[GED] BASIC SKILLS** instruction;

(ii) **PREPARATION AND INSTRUCTION FOR OBTAINING A HIGH SCHOOL DIPLOMA BY EXAMINATION UNDER § 11–808 OF THIS SUBTITLE;**

(iii) the [Maryland Adult External High School] **NATIONAL EXTERNAL DIPLOMA** Program under § 11–807 of this subtitle;

[(iii)] (iv) **Workplace Literacy Services AND WORKFORCE PREPARATION ACTIVITIES;**

[(iv)] (v) **English for speakers of other languages AND INTEGRATED ENGLISH LITERACY AND CIVICS EDUCATION;**

[(v)] (vi) **family literacy; [and]**

[(vi)] (vii) **literacy instruction; AND**

(viii) **INTEGRATED EDUCATION AND TRAINING.**

(b) Funding for the competitive grants under this section shall be as provided in the State budget.

(c) On or before August 1 each year, the Department shall:

(1) compile a list by county of **ADULT EDUCATION AND LITERACY SERVICES GRANT RECIPIENTS FOR** adult education and literacy services offered to the public;

(2) distribute the list to the county board and county superintendent or chief executive officer of each local school system in the State; and

(3) post the list on its public website.

11–807.

(a) In this section, “Program” means the [Maryland Adult External High School] **NATIONAL EXTERNAL DIPLOMA** Program [established for the citizens of Maryland] **ADOPTED** under regulations [adopted] by the Secretary in consultation with the State Board of Education.

(b) (1) The Department and the State Board of Education recognize demonstrated competencies in adults, whether or not those competencies were acquired in a formal school setting.

(2) In response to its recognition of competencies, the Department shall provide alternative requirements and methods of obtaining a Maryland high school diploma.

(3) The **DEPARTMENT AND THE** State Board of Education shall award diplomas to the individuals meeting the requirements of this subtitle.

(c) (1) For each fiscal year the Governor shall include in the annual budget bill submitted to the General Assembly, including any proposed supplemental budget, a General Fund appropriation for the [Maryland Adult External High School] Program in an amount not less than the amount of the Governor's General Fund appropriation for the Program in fiscal year 2006.

(2) In each annual budget, the Governor shall include federal funds, to the extent available, for the Program in an amount not less than the amount of the Governor's federal fund appropriation for the Program in fiscal year 2006.

11-808.

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

(1) has not obtained a high school diploma;

(2) resides in this State;

(3) is [16 years old or older] **NOT SUBJECT TO COMPULSORY SCHOOL ATTENDANCE UNDER § 7-301 OF THE EDUCATION ARTICLE**; and

(4) has withdrawn from a regular full-time public or private school program.

(b) The Department shall offer examinations to individuals who are pursuing a high school diploma under this subtitle at least twice each year at places throughout the State that are reasonably convenient for the applicants.

(c) The examination shall:

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

(2) be of a comprehensive nature as determined by the State Board of Education.

(d) An individual who fails an examination may repeat taking the examination.

(e) A **CURRENT** member of the armed forces **IS EXEMPT FROM THE RESIDENCY REQUIREMENT IN SUBSECTION (A)(2) OF THIS SECTION AND** may earn a Maryland high school diploma by [taking the examinations furnished by the United States Armed Forces Institute and given by the appropriate service officer] **ACHIEVING A PASSING SCORE ON THE EXAMINATION OFFERED UNDER SUBSECTION (B) OF THIS SECTION.**

(f) The diploma shall be awarded in accordance with the regulations adopted by the Secretary and the State Board of Education.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2016.

Approved by the Governor, May 10, 2016.