

# HOUSE BILL 1381

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CF SB 866

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By: **Delegates Clippinger, Lisanti, Carey, and Buckel**

Introduced and read first time: February 10, 2017

Assigned to: Economic Matters and Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Adult High School Pilot Program**

3 FOR the purpose of establishing an Adult High School Pilot Program; providing for the  
4 purpose of the Program; providing that the Program is under the authority and  
5 supervision of the State Department of Education and the Department of Labor,  
6 Licensing, and Regulation; authorizing the Department, in consultation with the  
7 Department of Labor, Licensing, and Regulation, to approve up to a certain number  
8 of pilots; establishing requirements for a pilot under the Program; requiring the  
9 Department and the Department of Labor, Licensing, and Regulation to consider  
10 certain items when considering whether to approve a certain pilot; providing that a  
11 certain pilot is not a public school for certain purposes; requiring an applicant to  
12 submit a certain plan to the Department and the Department of Labor, Licensing,  
13 and Regulation that includes certain information; requiring the Department, in  
14 consultation with the Department of Labor, Licensing, and Regulation, to approve  
15 or disapprove certain items within a certain period of time; requiring the State Board  
16 of Education to grant a certain pilot a waiver from certain regulations; prohibiting  
17 the State Board from granting a waiver of a certain assessment requirement in a  
18 certain regulation; requiring a pilot to be subject to the requirements of a certain  
19 federal law; requiring the Department and the Department of Labor, Licensing, and  
20 Regulation to establish qualifications for operators of pilots under the Program;  
21 providing for the minimum content of certain qualifications; requiring certain  
22 operators to adopt certain written standards; requiring certain standards to be  
23 submitted to the Department and Department of Labor, Licensing, and Regulation  
24 for approval; authorizing an operator to partner with certain entities; requiring an  
25 Advisory Board to govern a pilot; providing for the membership, appointments,  
26 officers, and filling of vacancies for an Advisory Board; authorizing the operator or  
27 the Advisory Board to apply for and accept certain funding from certain entities;  
28 requiring an operator to conduct a certain evaluation each year; requiring an  
29 operator, after receiving certain approval from the Advisory Board, to submit a  
30 certain evaluation report to certain departments; requiring, beginning on a certain  
31 date, a certain operator to submit certain information to certain departments;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 requiring the Department and the Department of Labor, Licensing, and Regulation  
 2 to jointly submit to the Governor and the General Assembly a certain report on or  
 3 before a certain date; requiring the Department and the Department of Labor,  
 4 Licensing, and Regulation to send a certain written notice to certain pilots under  
 5 certain circumstances; requiring the Department and the Department of Labor,  
 6 Licensing, and Regulation to jointly adopt certain regulations; defining certain  
 7 terms; and generally relating to the Adult High School Pilot Program.

8 BY adding to

9 Article – Education

10 Section 9.7–101 through 9.7–110 to be under the new title “Title 9.7. Adult High  
 11 School Pilot Program”

12 Annotated Code of Maryland

13 (2014 Replacement Volume and 2016 Supplement)

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

16 **Article – Education**

17 **TITLE 9.7. ADULT HIGH SCHOOL PILOT PROGRAM.**

18 **9.7–101.**

19 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
 20 INDICATED.

21 (B) “OPERATOR” MEANS A PRIVATE NONPROFIT ENTITY THAT  
 22 ESTABLISHES A PILOT UNDER THE PROGRAM.

23 (C) “PILOT” MEANS AN ADULT HIGH SCHOOL ESTABLISHED BY AN  
 24 OPERATOR UNDER THE PROGRAM.

25 (D) “PROGRAM” MEANS THE ADULT HIGH SCHOOL PILOT PROGRAM.

26 (E) (1) “WRAPAROUND SERVICES” MEANS INDIVIDUALIZED SERVICES,  
 27 EXCLUDING REGULAR SCHOOL PROGRAMS AND SERVICES, THAT ARE PROVIDED TO  
 28 THE STUDENT AND THE STUDENT’S FAMILY.

29 (2) “WRAPAROUND SERVICES” INCLUDES:

30 (I) CHILD CARE;

31 (II) TRANSPORTATION;

- 1           **(III) HOUSING REFERRALS;**
- 2           **(IV) MENTAL HEALTH;**
- 3           **(V) CRISIS INTERVENTION;**
- 4           **(VI) SUBSTANCE ABUSE PREVENTION OR TREATMENT; AND**
- 5           **(VII) LEGAL AID.**

6 **9.7-102.**

7           **(A) THERE IS AN ADULT HIGH SCHOOL PILOT PROGRAM.**

8           **(B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN**  
9 **ALTERNATIVE METHOD FOR ADULTS WHO DID NOT GRADUATE FROM HIGH SCHOOL**  
10 **TO EARN A HIGH SCHOOL DIPLOMA AND POTENTIALLY TO EARN POSTSECONDARY**  
11 **EDUCATION CREDITS AND INDUSTRY-RECOGNIZED CERTIFICATION IN AN**  
12 **ENVIRONMENT THAT MEETS THE NEEDS OF THE ADULT LEARNER.**

13           **(C) THE PROGRAM IS UNDER THE AUTHORITY AND SUPERVISION OF THE**  
14 **DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.**

15 **9.7-103.**

16           **(A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**  
17 **LABOR, LICENSING, AND REGULATION, MAY APPROVE UP TO SIX PILOTS.**

18           **(B) A PILOT ESTABLISHED UNDER THE PROGRAM SHALL:**

19                   **(1) OPERATE FROM A FIXED PHYSICAL LOCATION;**

20                   **(2) ENROLL STUDENTS WHO:**

21                           **(I) ARE 21 YEARS OLD OR OLDER;**

22                           **(II) DO NOT HAVE A HIGH SCHOOL DIPLOMA; AND**

23                           **(III) DID NOT COMPLETE THE REQUIREMENTS FOR HIGH**  
24 **SCHOOL GRADUATION THROUGH GED TESTING OR A NATIONAL EXTERNAL**  
25 **DIPLOMA PROGRAM;**

26                   **(3) ENROLL A MAXIMUM OF 350 STUDENTS;**

1           **(4) OFFER WRAPAROUND SERVICES NECESSARY FOR THE ADULT**  
2 **LEARNER; AND**

3           **(5) GRANT A MARYLAND HIGH SCHOOL DIPLOMA ON COMPLETION OF**  
4 **THE REQUIRED COURSE OF STUDY.**

5           **(C) WHEN CONSIDERING WHETHER TO APPROVE A PILOT UNDER THIS**  
6 **SECTION, THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND**  
7 **REGULATION SHALL:**

8           **(1) GIVE PRIORITY TO A PILOT LOCATED IN A COUNTY OR**  
9 **GEOGRAPHIC AREA THAT HAS A HIGH SCHOOL ATTAINMENT RATE THAT IS LOWER**  
10 **THAN THE STATE AVERAGE HIGH SCHOOL ATTAINMENT RATE;**

11           **(2) CONSIDER GEOGRAPHIC DIVERSITY IN LOCATIONS FOR THE**  
12 **PILOTS; AND**

13           **(3) APPROVE ONE PILOT IN A RURAL AREA FOR EACH TWO PILOTS**  
14 **APPROVED IN URBAN AREAS.**

15           **(D) A PILOT ESTABLISHED UNDER THE PROGRAM IS NOT A PUBLIC SCHOOL**  
16 **FOR PUBLIC FINANCING PURPOSES UNDER TITLE 5 OF THIS ARTICLE.**

17 **9.7-104.**

18           **(A) (1) TO ESTABLISH A PILOT UNDER THE PROGRAM, AN APPLICANT**  
19 **SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,**  
20 **LICENSING, AND REGULATION A PLAN THAT DESCRIBES IN DETAIL THE PILOT**  
21 **OPERATOR, THE PILOT PROGRAM DESCRIPTION, THE PROPOSED CURRICULUM,**  
22 **ASSESSMENT PROCEDURES, PERFORMANCE STANDARDS, WRAPAROUND SERVICES,**  
23 **THE BUDGET, AND THE PROPOSED BYLAWS ADOPTED BY THE PILOT'S ADVISORY**  
24 **BOARD.**

25           **(2) THE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL**  
26 **INCLUDE:**

27           **(I) THE PROPOSED CURRICULUM AND PERFORMANCE**  
28 **STANDARDS THAT ALIGN WITH THE MARYLAND COLLEGE AND CAREER READY**  
29 **STANDARDS;**

30           **(II) INITIAL STUDENT INTAKE ASSESSMENT PROCEDURES;**

1 (III) PLANS FOR THE PROVISION OF REMEDIAL INSTRUCTION TO  
2 PREPARE STUDENTS FOR SECONDARY-LEVEL ACADEMIC INSTRUCTION, IF  
3 NECESSARY;

4 (IV) PLANS FOR WORKING WITH STUDENTS WITH DISABILITIES;

5 (V) A DESCRIPTION OF ASSESSMENT INSTRUMENTS FOR  
6 MEASURING STUDENT PROGRESS AND COLLEGE AND CAREER READINESS;

7 (VI) A DESCRIPTION OF ANY PROGRAMS OR PARTNERSHIPS  
8 WITH ORGANIZATIONS OR BUSINESSES FOR PROVIDING JOB SKILLS, INDUSTRY  
9 CERTIFICATIONS, OR HIGHER EDUCATION CREDITS;

10 (VII) THE WRAPAROUND SERVICES OFFERED;

11 (VIII) A DESCRIPTION OF THE ADVISORY AND COACHING  
12 SERVICES THAT PROVIDE SUPPORT FOR STUDENTS TO:

13 1. ESTABLISH CAREER PATHWAYS IN HIGH NEED AND  
14 GROWTH INDUSTRY SECTORS; AND

15 2. MAKE EFFECTIVE TRANSITIONS INTO  
16 POSTSECONDARY EDUCATION AND INDUSTRY CREDENTIALING OPPORTUNITIES;

17 (IX) THE PILOT'S GOVERNANCE PLAN; AND

18 (X) A DETAILED BUDGET FOR THE INITIAL 3-YEAR OPERATING  
19 PERIOD THAT DEMONSTRATES THE PILOT'S FINANCIAL SELF-SUFFICIENCY.

20 (B) WITHIN 60 DAYS OF THE DATE OF RECEIPT OF A PLAN SUBMITTED  
21 UNDER SUBSECTION (A) OF THIS SECTION:

22 (1) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT  
23 OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR DISAPPROVE THE  
24 PILOT'S CURRICULUM; AND

25 (2) IF THE DEPARTMENT APPROVES THE PILOT'S CURRICULUM  
26 UNDER ITEM (1) OF THIS SUBSECTION, THE DEPARTMENT, IN CONSULTATION WITH  
27 THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR  
28 DISAPPROVE THE APPLICANT'S PLAN AND PILOT.

29 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,  
30 WITHIN 30 DAYS OF THE DATE OF APPROVAL OF THE PLAN AND PILOT UNDER

1 SUBSECTION (B)(2) OF THIS SECTION AND IN ACCORDANCE WITH THE AUTHORITY  
2 OF THE STATE BOARD UNDER § 2-205 OF THIS ARTICLE TO GRANT WAIVERS FROM  
3 REGULATIONS ADOPTED BY THE STATE BOARD, THE STATE BOARD SHALL GRANT  
4 THE PILOT A WAIVER FROM ANY REGULATION THAT CONFLICTS WITH THE PURPOSE  
5 AND GOALS OF THE PILOT'S PLAN APPROVED BY THE DEPARTMENT, INCLUDING THE  
6 STUDENT SERVICE REQUIREMENT IN COMAR 13A.03.02.05.

7 (2) A WAIVER REQUIRED UNDER PARAGRAPH (1) OF THIS  
8 SUBSECTION MAY NOT BE GRANTED RELATED TO ASSESSMENT REQUIREMENTS IN  
9 COMAR 13A.03.02.06.

10 (D) A PILOT SHALL BE SUBJECT TO THE REQUIREMENTS OF § 504 OF THE  
11 REHABILITATION ACT OF 1973.

12 9.7-105.

13 (A) (1) THE DEPARTMENT AND THE DEPARTMENT OF LABOR,  
14 LICENSING, AND REGULATION SHALL ESTABLISH QUALIFICATIONS FOR  
15 OPERATORS OF PILOTS UNDER THE PROGRAM.

16 (2) THE QUALIFICATIONS SHALL, AT A MINIMUM, REQUIRE AN  
17 OPERATOR TO:

18 (I) BE REGISTERED AS A NONPROFIT ORGANIZATION IN THE  
19 STATE;

20 (II) HAVE PREVIOUS EXPERIENCE AND MEASURED SUCCESS IN  
21 PROVIDING EDUCATION SERVICES TO ADULT LEARNERS, INCLUDING INDUSTRY  
22 CERTIFICATION AND JOB PLACEMENT SERVICES;

23 (III) HAVE PREVIOUS EXPERIENCE PROVIDING EDUCATION  
24 SERVICES OR WORKFORCE DEVELOPMENT SERVICES TO ADULT LEARNERS WHO  
25 HAVE BEEN LIMITED BY EDUCATIONAL DISADVANTAGES, A DISABILITY, A CRIMINAL  
26 RECORD, OR SIMILAR BARRIERS TO EMPLOYMENT OPPORTUNITIES; AND

27 (IV) HAVE SECURED FINANCING TO DEVELOP OR THE  
28 CAPABILITY TO SECURE FINANCING FOR THE DEVELOPMENT OF A PHYSICAL SITE  
29 FOR THE PILOT.

30 (3) AN OPERATOR MAY BE A PARTNERSHIP OF TWO OR MORE  
31 PERSONS THAT MEET THE QUALIFICATIONS REQUIRED UNDER THIS SUBSECTION.

1           **(B) (1) THE OPERATOR SHALL ADOPT WRITTEN STANDARDS FOR THE**  
2 **ADMISSION AND DISMISSAL OF STUDENTS.**

3           **(2) THE STANDARDS AND ANY AMENDMENTS SHALL BE SUBMITTED**  
4 **TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND**  
5 **REGULATION FOR APPROVAL.**

6           **(C) THE OPERATOR MAY PARTNER WITH:**

7                   **(1) A COUNTY BOARD OF EDUCATION; OR**

8                   **(2) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE IF**  
9 **THE OPERATOR INTENDS TO PROVIDE COURSE WORK FOR COLLEGE CREDIT.**

10 **9.7-106.**

11           **(A) AN ADVISORY BOARD SHALL GOVERN A PILOT.**

12           **(B) (1) AN ADVISORY BOARD SHALL CONSIST OF AT LEAST 11 MEMBERS**  
13 **AND NOT MORE THAN 25 MEMBERS.**

14                   **(2) OF THE ADVISORY BOARD MEMBERS:**

15                           **(I) ONE SHALL BE APPOINTED BY THE DEPARTMENT;**

16                           **(II) ONE SHALL BE APPOINTED BY THE DEPARTMENT OF**  
17 **LABOR, LICENSING, AND REGULATION; AND**

18                           **(III) THE REMAINING MEMBERS SHALL BE SELECTED IN**  
19 **ACCORDANCE WITH THE BYLAWS OF THE PILOT.**

20           **(C) A VACANCY SHALL BE FILLED IN THE SAME MANNER IN WHICH THE**  
21 **VACATING MEMBER WAS APPOINTED OR SELECTED.**

22           **(D) THE ADVISORY BOARD SHALL DETERMINE ITS OFFICERS.**

23 **9.7-107.**

24           **THE OPERATOR OR ADVISORY BOARD OF A PILOT MAY APPLY FOR AND**  
25 **ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE FROM A**  
26 **GOVERNMENTAL ENTITY OR ANY NONPROFIT OR OTHER PRIVATE ORGANIZATION.**

27 **9.7-108.**

1           **(A) AN OPERATOR SHALL CONDUCT AN EVALUATION OF THE PILOT EACH**  
2 **YEAR.**

3           **(B) THE OPERATOR, AFTER RECEIVING APPROVAL OF THE ADVISORY**  
4 **BOARD, SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,**  
5 **LICENSING, AND REGULATION AN EVALUATION REPORT FOR THE PRIOR FISCAL**  
6 **YEAR THAT INCLUDES:**

7                   **(1) THE ACADEMIC AND CAREER PROGRESS OF EACH STUDENT**  
8 **ENROLLED IN THE PILOT; AND**

9                   **(2) THE PILOT'S FISCAL YEAR FINANCIAL REPORT.**

10 **9.7-109.**

11           **(A) BEGINNING OCTOBER 1, 2018, AND ON OR BEFORE OCTOBER 1 EACH**  
12 **YEAR THEREAFTER, THE OPERATOR OF A PILOT SHALL SUBMIT TO THE**  
13 **DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION**  
14 **THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:**

15                   **(1) WHETHER STUDENTS ENROLLED IN THE PILOT ARE ON TRACK**  
16 **FOR COMPLETION IN A TIME DETERMINED TO BE REASONABLE BY THE ADVISORY**  
17 **BOARD OF THE PILOT;**

18                   **(2) THE ACADEMIC LEVELS OF THE STUDENTS AT THE TIME OF**  
19 **ENROLLMENT IN THE PILOT;**

20                   **(3) THE NUMBER OF:**

21                           **(i) CREDITS STUDENTS COMPLETED; AND**

22                           **(ii) STUDENTS WHO COMPLETED AND GRADUATED FROM THE**  
23 **PILOT;**

24                   **(4) THE ACADEMIC PROGRESS OF THE STUDENTS AS MEASURED BY**  
25 **THE STUDENT INTAKE ASSESSMENT INSTRUMENT AND THE ASSESSMENT**  
26 **INSTRUMENT USED;**

27                   **(5) THE GRADUATION RATE;**

28                   **(6) THE NUMBER OF POSTSECONDARY EDUCATION CREDITS EARNED**  
29 **AND THE TYPES OF CREDITS SOUGHT;**

1           **(7) THE NUMBER OF INDUSTRY CREDENTIALS EARNED AND THE**  
2 **TYPES OF INDUSTRY CREDENTIALS; AND**

3           **(8) ANY REPORTED POSTGRADUATION EMPLOYMENT.**

4           **(B) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE**  
5 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL JOINTLY SUBMIT**  
6 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**  
7 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT THAT INCLUDES:**

8           **(1) AN EVALUATION OF EACH PILOT APPROVED UNDER THIS**  
9 **SUBTITLE;**

10           **(2) A RECOMMENDATION AS TO EXPANSION, CONTINUATION,**  
11 **MODIFICATIONS TO, OR TERMINATION OF THE PROGRAM;**

12           **(3) DEMOGRAPHIC INFORMATION ON STUDENT ENROLLMENT UNDER**  
13 **THE PROGRAM; AND**

14           **(4) THE FISCAL SOLVENCY OF THE PROGRAM.**

15 **9.7-110.**

16           **(A) IF THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING,**  
17 **AND REGULATION AGREE THAT THE PROGRAM IS NOT EFFECTIVE, THE**  
18 **DEPARTMENT AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL**  
19 **SEND WRITTEN NOTICE TO THE PILOTS THAT THE PROGRAM HAS BEEN**  
20 **DISCONTINUED.**

21           **(B) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND**  
22 **REGULATION SHALL JOINTLY ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.**

23           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
24 1, 2017.