

SENATE BILL 866

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CF 7lr1882

By: **Senator Klausmeier**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

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; providing for the
27 qualifications of teachers and the salaries of certain teachers and certain
28 professional personnel of a pilot; authorizing the operator or the Advisory Board to
29 apply for and accept certain funding from certain entities; requiring an operator to
30 conduct a certain evaluation each year; requiring an operator, after receiving certain
31 approval from the Advisory Board, to submit a certain evaluation report to certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

10 BY adding to

11 Article – Education

12 Section 9.7–101 through 9.7–111 to be under the new title “Title 9.7. Adult High
13 School Pilot Program”

14 Annotated Code of Maryland

15 (2014 Replacement Volume and 2016 Supplement)

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

18 **Article – Education**

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

20 **9.7–101.**

21 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
22 INDICATED.

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

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

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

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

31 (2) “WRAPAROUND SERVICES” INCLUDES:

32 (I) CHILD CARE;

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

7 **9.7-102.**

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

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

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

16 **9.7-103.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **9.7-104.**

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

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

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

1 (II) INITIAL STUDENT INTAKE ASSESSMENT PROCEDURES;

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

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

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

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

11 (VII) THE WRAPAROUND SERVICES OFFERED;

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

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

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

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

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

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

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

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

1 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**
2 **WITHIN 30 DAYS OF THE DATE OF APPROVAL OF THE PLAN AND PILOT UNDER**
3 **SUBSECTION (B)(2) OF THIS SECTION AND IN ACCORDANCE WITH THE AUTHORITY**
4 **OF THE STATE BOARD UNDER § 2-205 OF THIS ARTICLE TO GRANT WAIVERS FROM**
5 **REGULATIONS ADOPTED BY THE STATE BOARD, THE STATE BOARD SHALL GRANT**
6 **THE PILOT A WAIVER FROM ANY REGULATION THAT CONFLICTS WITH THE PURPOSE**
7 **AND GOALS OF THE PILOT'S PLAN APPROVED BY THE DEPARTMENT, INCLUDING THE**
8 **STUDENT SERVICE REQUIREMENT IN COMAR 13A.03.02.05.**

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

12 **(D) A PILOT SHALL BE SUBJECT TO THE REQUIREMENTS OF § 504 OF THE**
13 **REHABILITATION ACT OF 1973.**

14 **9.7-105.**

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

18 **(2) THE QUALIFICATIONS SHALL, AT A MINIMUM, REQUIRE AN**
19 **OPERATOR TO:**

20 **(I) BE REGISTERED AS A NONPROFIT ORGANIZATION IN THE**
21 **STATE;**

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

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

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

32 **(3) AN OPERATOR MAY BE A PARTNERSHIP OF TWO OR MORE**
33 **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 **(A) TEACHERS OF ACADEMIC SUBJECTS IN THE SECONDARY EDUCATION**
25 **CURRICULUM SHALL BE CERTIFIED IN ACCORDANCE WITH THE REQUIREMENTS OF**
26 **THIS ARTICLE.**

1 **(B) TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT A PILOT**
2 **SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE SALARY**
3 **RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL PERSONNEL OF**
4 **SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE SCHOOL IS**
5 **LOCATED.**

6 **9.7-108.**

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

10 **9.7-109.**

11 **(A) AN OPERATOR SHALL CONDUCT AN EVALUATION OF THE PILOT EACH**
12 **YEAR.**

13 **(B) THE OPERATOR, AFTER RECEIVING APPROVAL OF THE ADVISORY**
14 **BOARD, SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,**
15 **LICENSING, AND REGULATION AN EVALUATION REPORT FOR THE PRIOR FISCAL**
16 **YEAR THAT INCLUDES:**

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

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

20 **9.7-110.**

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

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

28 **(2) THE ACADEMIC LEVELS OF THE STUDENTS AT THE TIME OF**
29 **ENROLLMENT IN THE PILOT;**

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

1 (I) CREDITS STUDENTS COMPLETED; AND

2 (II) STUDENTS WHO COMPLETED AND GRADUATED FROM THE
3 PILOT;

4 (4) THE ACADEMIC PROGRESS OF THE STUDENTS AS MEASURED BY
5 THE STUDENT INTAKE ASSESSMENT INSTRUMENT AND THE ASSESSMENT
6 INSTRUMENT USED;

7 (5) THE GRADUATION RATE;

8 (6) THE NUMBER OF POSTSECONDARY EDUCATION CREDITS EARNED
9 AND THE TYPES OF CREDITS SOUGHT;

10 (7) THE NUMBER OF INDUSTRY CREDENTIALS EARNED AND THE
11 TYPES OF INDUSTRY CREDENTIALS; AND

12 (8) ANY REPORTED POSTGRADUATION EMPLOYMENT.

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

17 (1) AN EVALUATION OF EACH PILOT APPROVED UNDER THIS
18 SUBTITLE;

19 (2) A RECOMMENDATION AS TO EXPANSION, CONTINUATION,
20 MODIFICATIONS TO, OR TERMINATION OF THE PROGRAM;

21 (3) DEMOGRAPHIC INFORMATION ON STUDENT ENROLLMENT UNDER
22 THE PROGRAM; AND

23 (4) THE FISCAL SOLVENCY OF THE PROGRAM.

24 9.7-111.

25 (A) IF THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING,
26 AND REGULATION AGREE THAT THE PROGRAM IS NOT EFFECTIVE, THE
27 DEPARTMENT AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL
28 SEND WRITTEN NOTICE TO THE PILOTS THAT THE PROGRAM HAS BEEN
29 DISCONTINUED.

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

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
4 1, 2017.