

**Department of Legislative Services**  
Maryland General Assembly  
2017 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 866

(Senators Klausmeier and Ferguson)

Education, Health, and Environmental Affairs    Economic Matters and Ways and Means

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**Adult High School Pilot Program**

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This bill establishes an adult high school pilot program to provide an alternative method for adults who did not graduate from high school to earn a high school diploma and potentially earn postsecondary education credits and industry-recognized certification in an environment that meets the needs of an adult learner. The Maryland State Department of Education (MSDE) and the Department of Labor, Licensing, and Regulation (DLLR) jointly administer and supervise the program.

The bill takes effect July 1, 2017.

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**Fiscal Summary**

**State Effect:** MSDE advises that it can implement the pilot program with existing budgeted resources; however, if the pilot is expanded into a statewide program at a future date, MSDE likely requires additional staff to administer the program. DLLR can also carry out its responsibilities under the bill, which generally involve consultation with MSDE, with existing budgeted resources, but likewise may require additional staff if the program is expanded at some future date. No effect on revenues.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** MSDE, in consultation with DLLR, may approve up to six pilot projects, each of which may enroll up to 350 students. Pilot projects must operate from a fixed

physical location and enroll students who are age 21 or older and who do not have a high school diploma and did not complete the requirements for high school graduation through GED or other testing. The pilot sites must provide “wraparound services,” including child care, transportation, substance abuse prevention or treatment, and other related social services.

*Application Process:* In selecting pilot sites, DLLR and MSDE must give priority to pilots located in counties or geographic areas in a county where the high school attainment rate is below the State average. They must also consider geographic diversity; for every two pilot sites selected in an urban area, one must be selected in a rural area. Pilot projects are not public schools for the purposes of public financing of schools.

Only private, nonprofit entities are eligible to apply for and operate an adult high school pilot program; MSDE and DLLR must establish qualifications for nonprofits that wish to operate a pilot site, as specified in the bill. Applications by nonprofit entities must include detailed descriptions of the proposed operator, curriculum, assessment procedures, performance standards, wraparound services, budget, and other features. Among other requirements, the proposed curriculum must be aligned with the Maryland College- and Career-Ready Standards. Within 60 days of receiving a plan submitted by a nonprofit entity, MSDE must approve or disapprove the proposed curriculum. If the curriculum is approved, MSDE, in consultation with DLLR, must approve or disapprove the entire plan.

Within 30 days of MSDE’s final approval of a plan, and in accordance with established procedures, the State Board of Education must grant waivers from any regulation that conflicts with the purpose and goals of the plan, including student community service requirements. However, it may not grant waivers from the required Maryland High School Assessment program. Pilots must comply with Section 504 of the federal Rehabilitation Act of 1973 barring discrimination against students with disabilities, and must provide accommodations equal to those a student would qualify for under the Individuals with Disabilities Education Act (IDEA). Operators may partner with local school boards or public institutions of higher education if they intend to provide course work for college credit.

*Governance and Evaluation:* Each pilot must be governed by an advisory board with between 11 and 25 members; DLLR and MSDE each select 1 member of the board. Each operator must conduct annual evaluations of its program that measure specified outcomes. Evaluation reports are due to MSDE and DLLR annually beginning October 1, 2018. By December 1, 2020, DLLR and MSDE must submit a report to the Governor and General Assembly that includes (1) an evaluation of each pilot; (2) a recommendation to expand, continue, modify, or terminate the program; (3) demographic information on students enrolled in the pilots; and (4) the fiscal solvency of the program. If MSDE and DLLR

agree that the program is not effective, they must send written notice of the program's discontinuation to the pilot projects.

### **Current Law:**

#### *High School Curriculum and Graduation Requirements*

Chapter 533 of 2013 required the State Board of Education to establish high school curriculum and graduation requirements for all public schools that met the following requirements:

- beginning with the 2015-2016 school year, no later than grade 11, all students must be assessed for college readiness in English language arts, literacy, and mathematics using acceptable college placement cut scores; and
- beginning with the 2016-2017 school year, MSDE must, in collaboration with local school systems and public community colleges, develop and implement transition courses or other instructional opportunities to be delivered in grade 12 to students who have not yet achieved college and career readiness by the end of grade 11.

The implementation of transition courses or other instructional opportunities under Chapter 533 must include an assessment or reassessment of the student after completion of the course and may not preclude or replace enrollment in a course otherwise required for graduation from high school.

Chapter 533 established that it is the goal of the State that all students achieve mathematics competency in Algebra II. Beginning with the grade 9 class of 2014, each student must enroll in a mathematics course in each year of high school that the student attends. MSDE must adopt regulations that establish the mathematics and math-related courses that fulfill the requirements of the bill, which may include math-related career and technology courses.

A transitional mathematics course or other instructional opportunities required to be delivered to grade 12 students who have not achieved college and career readiness by the end of grade 11 may only count toward the requirement that each student enroll in a mathematics course in each year of high school if the student has completed all credit-bearing mathematics courses required for graduation (e.g., Algebra, Geometry). Prior to graduation, a high school student must complete 75 hours of community service.

## *Adult Education Programs*

DLLR's Division of Workforce Development and Adult Learning provides opportunities to adult learners for instruction in basic academic skills, workforce preparation, and English language acquisition, along with high school diploma options. The division provides GED testing to candidates who are at least 17 years old and not enrolled in school. Candidates may also complete the National External Diploma Program (NEDP), an applied performance assessment system that assesses high school level skills in life and work contexts. Completers of either the GED or NEDP programs receive a Maryland high school diploma.

## *Section 504 of the Rehabilitation Act and Individuals with Disabilities Education Act*

IDEA requires that a child with disabilities be provided a free appropriate public education in the least restrictive environment from birth through the end of the school year in which the student turns 21 years old, in accordance with an IEP specific to the individual needs of the student. Local school systems are required to make a free appropriate public education available to students with an IEP, including providing necessary accommodations. However, the State, under its supervisory authority required by IDEA, has the ultimate responsibility for ensuring that this obligation is met.

Section 504 of the Rehabilitation Act of 1973 covers eligible students with identified disabilities that do not qualify for an IEP. Similar to an IEP, an eligible student receives a 504 plan that outlines how the child's specific needs are met with [accommodations, modifications](#), and other services that remove barriers to learning.

**Background:** Chapters 243 and 244 of 2016 established the Task Force to Study the Adult High School Concept, staffed by MSDE and DLLR. The task force held four meetings and conducted two site visits during the 2016 interim and submitted its interim report in December 2016. The report indicated that the task force was considering proposing adult high school legislation without funding to allow private groups to establish adult high schools. The report also noted that 9.8% of Maryland residents do not have a high school diploma, which represents more than 200,000 residents.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1381 (Delegate Clippinger, *et al.*) - Economic Matters and Ways and Means.

**Information Source(s):** Baltimore City; Harford County; Maryland State Department of Education; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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