

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1248
Ways and Means

(Delegate Cassilly, *et al.*)

Public Schools - Compulsory School Attendance - GED Program or Alternative Educational Program

This bill exempts a child under the age of 18 who *intends* to attend a general educational development (GED) program or alternative educational program (AEP) from compulsory public school attendance. A student who is exempt from compulsory attendance because the student attends or intends to attend a GED program or AEP must be recorded as a transfer student in the student's academic record.

By July 1, 2019, the State Board of Education must adopt regulations to define the term "alternative educational program" and provide guidance to local school systems on the development and implementation of AEPs. The definition of "alternative educational program" must be a broad definition that includes programs to learn a specific trade. **The bill takes effect July 1, 2018. Provisions of the bill requiring the State Board of Education to adopt a definition and to provide guidance terminate June 30, 2019.**

Fiscal Summary

State Effect: The State Board of Education and the Maryland State Department of Education (MSDE) can implement the bill using existing resources.

Local Effect: It is assumed that local school systems can alter students' academic records using existing resources. The bill does not require school systems to offer AEPs.

Small Business Effect: None.

Analysis

Current Law: Aside from specified exceptions, a child age 5 to 17 must attend public school regularly unless the child is otherwise receiving regular, thorough instruction at an alternative setting (*i.e.*, a private or home school). An individual who has legal custody of a child age 5 to 17 and fails to see that the child attends school is guilty of a misdemeanor. Among children excluded from these requirements are children under the age of 18 years who attend an alternative educational program (which may include a GED program) or have obtained a Maryland high school diploma, an equivalent out-of-state high school diploma, or a GED program.

Beginning July 1, 2015, a child under the legal dropout age must return to attendance at a public school regularly during the school year if the child is no longer participating in GED courses and has not obtained a passing score on the GED test that resulted in the issuance of a Maryland high school diploma.

Background: Chapter 266 of 2016 established the Task Force to Combat Habitual Student Truancy. Among several recommendations in its December 2017 report to the General Assembly was the recommendation to explore a waiver process allowing students who are age 16 and have a history of habitual truancy to have the opportunity to pursue alternative diploma programs such as the GED program and the Challenge Program. In discussing this recommendation, the report recommends that students attending alternative programs should not be labeled as drop-outs from public school.

MSDE advises that under the bill it would need to develop a specific transfer code for GED students who are currently coded as “withdrawal.” The Maryland Student Records System Manual indicates that the use of transfer status/codes is based upon the expectation that transferred students are receiving educational services at another school or in an educational program. Further, the sending school is held accountable until appropriate documentation can be presented. MSDE is not aware of a means for providing documentation and evidence in support of the intention to attend a GED program or an AEP. (The bill does not specify a process for declaring the intention to attend a GED program or an AEP.)

The Division of Workforce Development and Adult Learning within the Department of Labor, Licensing, and Regulation (DLLR) oversees the administration of the GED program and the National External Diploma Program (NEDP). Successful passage of the NEDP or all modules of the GED results in the awarding of a Maryland high school diploma. DLLR advises that GED candidates must be officially withdrawn from (as opposed to transferred from) a regular full-time public or private school.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education; Department of Labor, Licensing, and Regulation; Department of Legislative Services

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nb/rhh

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