

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulation  
State Board of Education**  
(DLS Control No. 18-233)

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**Overview and Legal and Fiscal Impact**

The regulation requires local school systems to accept certain credits students have earned in other Maryland school systems, include certain items in their written policies on grading and reporting, and file certain grade change validity audits with the State Superintendent of Schools. The Maryland State Department of Education must verify the local school systems' compliance with the requirements and require and monitor completion of certain corrective action plans.

The regulation presents no legal issues of concern.

There is no fiscal impact on State agencies and minimal impact on local school systems.

**Regulation of COMAR Affected**

**State Board of Education:**

General Instruction Programs:

Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.08

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**Legal Analysis**

**Background**

Each local school system in the State must file its written policy on grading and reporting with the State Superintendent each year. On February 27, 2018, the State Superintendent shared the results of the department's review of the most recently filed policies with the State Board of Education and recommended strengthening the regulations governing grading policies. The Attorney General's Office provided an additional review of local school system policies, which it shared with the State board on June 20, 2018. This regulation is an outcome of those reviews and recommendations and was considered by the State board at its meeting on July 24, 2018.

**Summary of Regulation**

The regulation adds grading and reporting requirements for local school systems. Specifically, the regulation requires each school system in Maryland to recognize and accept credits that a student earned toward graduation in any other Maryland school system. The

regulation also specifies that a local school system's written policy on grading and reporting must include explanations of:

- the grading scale;
- the calculation of a final grade;
- the weight given to honors, Advanced Placement, International Baccalaureate, and dual enrollment courses;
- how attendance is factored into a student's grade; and
- grade changing procedures, including a timeline for final grade changes, personnel authorized to change final grades, documentation that must be maintained, the timing of and procedures for auditing the validity of grade changes, and appeal procedures.

In addition, each local school system must submit a copy of its grade change validity audit to the State Superintendent by October 1 each year.

Upon receipt of the policy on grading and reporting and the grade change validity audit, the department must verify that the policy and audit meet the requirements of the regulation. If the local school system's policy on grading and reporting or the grade change validity audit do not meet the requirements of the regulation, the department must require the school system to develop a corrective action plan to come into compliance with the regulation and must monitor the school system's progress.

## **Legal Issues**

The regulation presents no legal issues of concern.

## **Statutory Authority and Legislative Intent**

The State board cites §§ 2-205, 7-203, 7-205, and 7-205.1 of the Education Article as statutory authority for the regulation. Section 2-205 requires the State board to determine the elementary and secondary educational policies of the State and to adopt regulations for the administration of the public schools. Section 7-203 requires the State board, the State Superintendent, each county board of education, and each public school to implement a program of education accountability that includes the establishment and attainment of educational goals and objectives for reading, writing, mathematics, science, and social studies. Section 7-205 specifies that the promotion of students and graduation from a public high school must be in accordance with county board of education policies and the regulations of the State board. Finally, section 7-205.1 requires the State board to establish high school curriculum and graduation requirements for all public schools.

This authority is correct and complete. The regulation complies with the legislative intent of the law.

## **Fiscal Analysis**

There is no fiscal impact on State agencies and minimal impact on local school systems.

### **Agency Estimate of Projected Fiscal Impact**

The department advises that there will be a minimal fiscal impact on some local school systems to conduct annual audits of grade changes and their validity. The Department of Legislative Services concurs and notes that the expenditures are likely absorbable by most local school systems.

### **Impact on Budget**

There is no impact on the State operating or capital budget.

### **Agency Estimate of Projected Small Business Impact**

The department advises that the regulation has minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

## **Contact Information**

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