

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 21-011)

Overview and Legal and Fiscal Impact

The regulations (1) replace references to the Maryland High School Assessments (MHSAs) with references to the Maryland Comprehensive Assessments (MCAs); (2) alter certain credit and assessment requirements for high school students beginning in the 2021–2022 school year; and (3) alter the requirements of earning certificate endorsements and a Maryland high school diploma, beginning at specified times.

The regulations present no legal issues of concern.

There is no material fiscal impact on State or local agencies.

Regulation of COMAR Affected

State Board of Education:

General Instruction Programs: Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.02-.04, .06-.10, and .12

Legal Analysis

Background

The federal Every Student Succeeds Act requires certain assessments of students in grades 3 through 12. Maryland is in the process of transitioning from the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment to the Maryland Comprehensive Assessment Program (MCAP) to meet those requirements. During this transition period, the Maryland State Department of Education has already begun to refer to Maryland’s assessment program, which includes high school assessments, as MCAP.

Under existing regulations, to be awarded a Maryland high school diploma, a student must be enrolled in a Maryland public school system, have earned a minimum of 21 credits in specified subjects, and meet specified graduation assessment requirements in one of the following ways:

- by taking and passing the MHSAs in English, algebra, science, and government;
- by taking and passing approved alternative assessments for the MHSAs;

- by successfully completing the Bridge Plan for Academic Validation; or
- through a waiver of the MHSA graduation requirement in certain circumstances.

The options available to a student and the cut scores required depend on when the student first entered grade 9 and which year the student first took the assessment.

Chapter 548 of 2019 established a restriction on assessment requirements for high school graduation. Specifically, Chapter 548 prohibits the State Board of Education from requiring a passing score on a standardized assessment to evaluate a student for graduation from high school until the assessment has been field-tested and piloted for at least one year.

Chapter 36 of 2021 established a goal of the State that each student shall meet the college and career readiness standard before the end of 10th grade and no later than the time the student graduates. The standard must address a student’s literacy in English language arts, mathematics and, when practicable, science. Initially, meeting the college and career readiness standards requires students to achieve the equivalent of a score of 4 or 5 in the mathematics and English portions of the PARCC grade 10 assessments or the MCAP grade 10 assessments or any successor assessments.

Summary of Regulations

The regulations make several changes relating to high school graduation and assessment requirements, including repealing obsolete provisions, updating references, and altering existing regulations to detail end-of-course assessments. More specifically, the regulations:

- * replace references to the Maryland High School Assessments with references to the Maryland Comprehensive Assessments;
- * detail the minimum number of credits that must be earned and the required subjects for a student beginning high school in the 2020–21 school year or later to be awarded a high school diploma;
- * establish the methods by which credits may be earned outside the scope of the regular school day and school year;
- * beginning in a certain year, require students to meet the assessment requirements for certain courses by passing the course and taking the Maryland Comprehensive Assessments aligned with those courses;
- * require that the Maryland Comprehensive Assessment to account for a certain percentage of a student’s final grade in certain aligned subjects;
- * define reporting requirements for students who have or have not taken a Maryland Comprehensive Assessment;

- * require that, beginning in the 2022–2023 school year, each school principal inform a student’s parents or guardians annually of the student’s progress on completing the course credit, including an end–of–course Maryland Comprehensive Assessment;
- * provide that students in the 2020–2021 and 2021–2022 school years taking certain portions of the Maryland Comprehensive Assessment meet the graduation assessment requirement for that subject; and
- * alter requirements necessary for the award of a Maryland high school diploma or certificate.

Legal Issues

The regulations present no legal issues of concern.

Statutory Authority and Legislative Intent

The State board cites §§ 2-205, 7-203, 7-205, 7-205.1, and 8-404 of the Education Article as statutory authority for the regulations. Section 2-205 requires the State board to determine the elementary and secondary educational policies of the State and to adopt bylaws, rules, and regulations for the administration of the public schools. Section 7-203 requires the State board, State Superintendent of Schools, each county board of education, and each public school to implement a program of education accountability for the operation and management of the public schools, including measuring educational goals and objectives through school quality indicators and student assessments. Section 7-205 requires the promotion of students in a public school and graduation from a public high school to be in accordance with policies established by the county board and the rules and regulations of the State board. Section 7-205.1 requires the State board to establish high school curriculum and graduation requirements for all public schools in accordance with specified criteria. Section 8-404 requires the State board to adopt regulations that enumerate standards relating to the identification, evaluation, educational placement, and provision of a free public education of certain students identified as needing special education or services. Specifically, subsection (c) mandates that the standards for the education of a child with a disability who is enrolled in a school other than a school run by a local school system may not be lower than the standards for the education of a child with a disability enrolled in a school run by a local school system.

The cited authority is correct and complete and the regulations comply with the legislative intent of the law.

Fiscal Analysis

There is no material fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations alter high school graduation and assessment requirements, including requiring four rather than three math credits to graduate and changing the requirements for credits to count toward graduation. The high school assessments are also changed from standalone graduation requirements to counting for 20% of a student's final grade in the related course. The department advises that the regulations have no fiscal impact. The Department of Legislative Services advises that altering graduation and assessment requirements may alter the courses taken by students, the number of students that are required to retake assessments, and potentially, time to graduation for individual students. However, overall, these impacts are anticipated to have no material fiscal impact on State aid, the department, or local school systems. The department advises that existing general and local funds will be used for the changes to the assessment. The Department of Legislative Services advises that any such costs are minimal since the department is already in the process of changing the high school assessments for reasons unrelated to the regulations.

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 regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

Contact Information

Legal Analysis: Kelvin V. Lucas – (410) 946/(301) 970-5350

Fiscal Analysis: Caroline L. Boice – (410) 946/(301) 970-5510