

**Maryland General Assembly  
Department of Legislative Services**

**Proposed Regulations  
State Board of Education**  
(DLS Control No. 22-284)

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**Overview and Legal and Fiscal Impact**

The regulations alter the requirements for earning a Maryland high school diploma.

The regulations present no legal issues of concern.

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

**Regulations 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, .09, and .09-1

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**Legal Analysis**

**Summary of Regulations**

These regulations alter the provisions for earning credit and State assessment requirements for graduation from a public high school.

Credit for College Courses

The regulations alter the requirements for college courses for which a student may earn credit to include a requirement that the course prepares students to earn an industry-recognized credential or college credit.

Maryland Comprehensive Assessments

The regulations repeal the requirement that a local school system provide appropriate assistance for students who have not achieved satisfactory scores on the Maryland Comprehensive Assessment (MCA), including repealing the Bridge Plan for Academic Validation as an alternative path to satisfying the graduation assessment requirement.

The regulations also repeal the requirement in existing regulations that to meet all assessment requirements, a student must achieve a passing score on all MCAs, meet a combined score requirement, or complete a Bridge Project for assessment areas where the student did not pass. Rather, the regulations provide that a student shall meet all assessment requirements by taking all MCAs. MCAs shall only be required for science and government, repealing the MCA requirements for algebra and English. Students shall be required to take the end of course MCA during the regular administration if the student is taking courses aligned with the MCA for science and government. The MCAs for science and government shall account for 20 percent of the student's final grade in the respective course.

The regulations also repeal a requirement that a school system state on the student's performance record card whether the student has taken an MCA for a respective course and a requirement that each principal inform a student and their parents or guardians annually on the student's progress on completing the course credit.

#### Appeal of Denial of Diploma

The regulations require a school system, on or before April 1, to notify each student who may fail to graduate because the student has not taken all of the MCAs. A school principal is required, by April 1, to consider whether to recommend to the local superintendent a waiver of the MCA graduation requirement for a senior who has not fulfilled the requirements, if the student has or is expected to meet all of the other graduation requirements.

### **Legal Issues**

The regulations present no legal issues of concern.

### **Statutory Authority and Legislative Intent**

The State Board of Education cites Education Article, §§2-205, 7-203, 7-205, 7-205.1, and 8-404 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 7-205 provides that graduation from a public high school shall be in accordance with 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.

The remaining cited authority is not relevant to these regulations.

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

## **Technical Corrections and Special Notes**

In response to suggestions from the Department of Legislative Services, staff for the State board has agreed to add COMAR 13A.03.02.07 to the Notice of Proposed Action and revise the Statement of Purpose for accuracy.

## **Fiscal Analysis**

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

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

The regulations remove the requirement that a student earn a passing score on specified assessments to graduate from high school. Instead, a student must have taken specified assessments (*i.e.*, algebra, English, science, and government or an alternative approved by the department). Further, the regulations remove the high school end of course assessment requirement for algebra and English; thus, the assessments for algebra and English will no longer account for 20% of a student's final grade in the related course. The science and government assessments will remain end of course assessments that account for 20% of a student's final grade in the related course. The requirement that the four assessments count for 20% of a student's final grade in the respective course was adopted by the State Board of Education on May 25, 2021 and is scheduled to begin in the 2022–2023 school year. Finally, the regulations remove the bridge plan for validation as an option to meet the pass score requirement as a passing score is no longer required for graduation.

The department advises that these changes are due to the college and career readiness (CCR) standards found in the Blueprint for Maryland's Future (Chapter 36 of 2021 and Chapter 55 of 2021). According to the Blueprint, students must be assessed beginning with the 2021–2022 school year for CCR by the end of grade 10. Initially meeting CCR must require the student to achieve the equivalent of a score of 4 or 5 in the mathematics and English portions of the Partnership for Assessment of Readiness for College and Career grade 10 assessments or the Maryland Comprehensive Assessment Program grade 10 assessments or any successor assessments. After the completion of an empirical study required by State law, the CCR standard must reflect the results of the study. It is assumed that the algebra and English CCR assessments will be retaken by a student until the student demonstrates the CCR standard. Thus, instead of retaking the assessments to meet the graduation requirements, students will retake the assessments to demonstrate the CCR standard.

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 (minimally), 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 funds will be used for the changes. The Department of Legislative Services advises that any such changes will have a minimal fiscal effect, as, in particular, the assessments (excluding the government assessment) are

required to be administered by federal law and the changes are, in part, necessitated by prior changes in State law. Further, the circumstances under which a student must retake an assessment are only altered, not established or eliminated.

### **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**

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