

**Maryland General Assembly
Department of Legislative Services**

**Proposed Regulations
State Board of Education**
(DLS Control No. 23-095)

Overview and Legal and Fiscal Impact

The regulations alter high school graduation and assessment requirements, including (1) delaying the requirement that the science and government assessments count as 20% of a student's final grade by one year to students entering the ninth grade beginning in the 2023-2024 school year and (2) removing the end of course requirement for mathematics and English language arts.

The regulations present no legal issue of concern.

There is no 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

Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.04

Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.06

Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.07

Graduation Requirements for Public High Schools in Maryland: COMAR 13A.03.02.09

Graduation Requirements for Public High Schools in Maryland:

COMAR 13A.03.02.09-1

Test Administration and Data-Reporting Policies and Procedures: COMAR 13A.03.04.01

Test Administration and Data-Reporting Policies and Procedures: COMAR 13A.03.04.02

Legal Analysis

Summary of Regulations

The regulations alter high school graduation and 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 Assessment Program

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 Program (MCAP) assessments, 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 MCAPs, meet a combined score requirement, or complete a Bridge Project for assessment areas where the student did not pass. Rather, the regulations provide that, for the 2022–2023 school year, a student shall meet all assessment requirements by taking all MCAP assessments. Also, beginning in the 2022–2023 school year, students shall be required to take the end of course MCAP assessment during the regular administration if the student is taking courses aligned with the MCAP and for students entering the ninth grade, the MCAP assessments for science and government shall account for 20% 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 MCAP assessment 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 for certain courses.

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 any of the MCAP assessments. A school principal is required, by April 1, to consider whether to recommend to the local superintendent a waiver of the MCAP 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.

Test Administration and Data–Reporting Policies and Procedures

The regulations repeal obsolete provisions and update references, replacing references to Local School Systems and the Multi–State Alternative Assessment with references to Local Education Agencies and the Alternative Maryland Comprehensive Assessment for Government, respectively.

Legal Issues

The regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The State Board of Education 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.

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

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The regulations alter high school graduation and assessment requirements, including (1) delaying the requirement that the science and government assessments count as 20 percent of a student's final grade by one year to the 2023-2024 school year and (2) removing the requirement that the mathematics and English language arts assessments count as 20 percent of a student's final grade. 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.

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.

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