MARYLAND STATE DEPARTMENT OF EDUCATION
Preparing World-Class Students

Lillian M. Lowery, Ed.D.
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • MarylandPublicSchools.org

TO: Members of the State Board of Education

FROM: Lillian M. Lowery, Ed.D.

DATE: August 28, 2012

SUBJECT: COMAR 13A.03.02.09 Graduation Requirements for High School Students (AMEND) Permission to Publish

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PURPOSE:

To request that the State Board of Education grant Permission to Publish proposed amendments to COMAR 13A.03.02.09 Graduation Requirements for High School Students. These amendments are required to reinstate the Government High School Assessment (HSA) as a graduation requirement for students entering 9th grade in the 2013-2014 school year.

BACKGROUND/HISTORICAL PERSPECTIVE:

The Government HSA was one of the four HSAs administered and required for graduation until funding for the Government HSA was eliminated from the FY12 budget. The last administration of the Government HSA was in the 2010-2011 school year and the graduating class of 2011 was the last class to need the Government HSA for graduation.

During the 2012 General Assembly session, legislation was introduced to reinstate the Government HSA to support the teaching and engagement of students in the area of government and civics. Both the House and the Senate unanimously passed their respective bills and on May 22, 2012, Governor Martin O'Malley signed Senate Bill 293 and House Bill 1227 into Maryland law (Chapters 476 and 477) resulting in the reinstatement of the Government HSA. The Governor placed funds in the FY13 budget for the Government HSA.

Beginning with the 2012-2013 school year, all students enrolled in the Government course will take the Government HSA. The first administration of the test will occur in January 2013.

At the April 2012 State Board Meeting, the State Board approved the reinstatement of Government as a graduation requirement for students entering 9th grade in the 2013-2014 school year.

EXECUTIVE SUMMARY:

In the 2012-2013 School Year:

- The Government HSA will be administered to all students taking the Government course; but passing the Government HSA will not become a graduation requirement for any of those students.
- All students who are taking Government in 2012-2013 would take the Government HSA in either the January 2013 or May 2013 administrations.
- The Government HSA in the 2012-2013 administration will only include Selected Response (SR) items.
- In the 2012-2013 school year, work on Constructed Response (CR) items for the January 2014 administration and beyond will begin.

In the 2013-2014 School Year:

- The Government HSA will be administered to all students taking the Government course.
- Students entering 9th grade will be required to pass the Government HSA along with Algebra/Data Analysis, English and Biology HSAs.

The COMAR 13A.03.02.09 regulation will clarify which students require the Government HSA for graduation and those that do not require it. This clarification is necessary because there are a group of students (those entering 9th grade from 2008 to 2012) for whom the assessment was not required due to the hiatus in the administration. The purpose of the chart below is to clarify the the requirement by year of entrance of the student into 9th grade.

Entering 9th Grade In …	Government HSA Needed?
2005-2006	Yes
2006-2007	Yes
2007-2008	Yes
2008-2009	No
2009-2010	No
2010-2011	No
2011-2012	No
2012-2013	No
2013-2014 and beyond	Yes

ACTION:

The Board is requested to grant Permission to Publish to proposed amendments to COMAR COMAR 13A.03.02.09.

LML:mlg

Draft – August 7, 2012

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 4-110, 4-111, 7-205, 7-205.1, 7-206, and 8-404, Annotated Code of Maryland

.09 Diplomas and Certificates.

A. [Beginning with students entering grade 9 in the 2005—2006 school year] [t]*T*he types of diplomas and certificates specified in §§B—D of this regulation shall be awarded to:

(1) students entering grade 9 in the 2005-2006; 2006-2007; 2007-2008 school years who graduated on or before the school year 2010-2011;

(2)students entering 9th grade in school years 2008-2009; 2009-2010; 2010-2011; 2011-2012; 2012-2013 except that a passing score on the Maryland High School Assessment in government shall not be a graduation requirement.

(3) students entering 9th grade in the 2013-2014 school year and each school year thereafter.

B. Maryland High School Diploma. Except as provided in Regulation .12B of this chapter, to be awarded a Maryland high school diploma, a student shall:

(1) Complete the enrollment, credit, and service requirements as specified in this chapter;

(2) Complete local school system requirements; and

(3) Satisfy one of the following:

(a) Achieve a passing score as established by the Department on the Maryland High School Assessments for algebra/data analysis, biology, English, and government;

(b) Achieve an overall combined score as established by the Department on the Maryland High School Assessments for algebra/data analysis, biology, English, and government;

(c) Achieve a score as established by the Department on Department-approved substitute assessments for algebra/data analysis, biology, English, and government, aligned with the

Maryland High School Assessments such as Advanced Placement examinations, SAT I, SAT II, and International Baccalaureate examinations; or

(d) If the student is unable to meet the requirements in §B(3)(a)—(c) of this regulation, then satisfactorily complete the requirements of the Bridge Plan for Academic Validation.

[C. Bridge Plan for Academic Validation.]

(1) The Bridge Plan for Academic Validation shall consist of:

(a) Specific modules developed by the Department in each of the High School Assessment content areas;

(b) The assignment by the local school system of one or more modules for completion by each student meeting the eligibility criteria;

(c) Scoring by local review panels of the completed modules according to State-developed, Statewide scoring protocols;

(d) A recommendation from the local review panels to the local superintendent as to the outcome of the scoring of each student's module or modules;

(e) Acceptance or rejection by the local superintendent of the local review panel's recommendations; and

(f) An opportunity for the student to appeal the local superintendent's decision to the State Superintendent of Schools.

(2) Eligibility Criteria. A student may participate in the Bridge Plan for Academic Validation if the student has:

(a) Failed one or more High School Assessments at least twice;

(b) Received a passing grade and earned credit in the course or courses related to the assessment or assessments;

(c) Demonstrated overall satisfactory attendance in the most recent school year completed;

(d) Demonstrated satisfactory progress toward achieving the high school diploma requirements specified in COMAR 13A.03.02.09B(1) and (2); and

(e) Participated successfully in appropriate assistance as defined in COMAR 13A.03.02.07D after having failed one or more of the High School Assessments.

[D]*C.* Maryland High School Diploma by Examination.

(1) General Educational Development Testing Program. A Maryland High School Diploma by Examination may be awarded for satisfactory performance on approved general educational development tests if the student meets those requirements as defined in Education Article, §7-206, Annotated Code of Maryland, and COMAR 13A.03.03.01.

(2) Maryland Adult External High School Diploma Program. A Maryland High School Diploma by Examination may be awarded for demonstrating competencies in general life skills and individual skills on applied performance tests if the student meets those requirements as defined in COMAR 13A.03.03.02.

[E] *D.* Maryland High School Certificate of Program Completion.

(1) This certificate shall be awarded only to students with disabilities who cannot meet the requirements for a diploma but who meet the following standards:

(a) The student is enrolled in an education program for at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the agreement of the parents of the student with disabilities, to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life, with the world of work including but not limited to:

(i) Gainful employment;

(ii) Work activity centers;

(iii) Sheltered workshops; and

(iv) Supported employment; or

(b) The student has been enrolled in an education program for 4 years beyond grade 8 or its age equivalent and will have reached age 21 by the end of the student's current school year.

(2) An Exit Document that describes the student's skills shall accompany the Maryland High School Certificate of Program Completion.

(3) The decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student's last year in high school unless the student is participating in the alternative Maryland School Assessment Program (alt-MSA).

[F.] *E.* Local Endorsements. Consistent with procedures established by the Department, each local school system may add endorsements to the diploma as incentives for students to meet locally established requirements and outcomes in instruction beyond the minimums specified by the State.

[G. Review Requirement. By the end of calendar year 2008, the State Board shall review the results of the Maryland High School Assessments and determine whether revisions to the requirements are appropriate.]

IMPACT STATEMENTS

Part A
(check one option)

Estimate of Economic Impact

❑ The proposed action has no economic impact.

or

X The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

The proposed regulation will have a minimal additional fiscal impact on local education agencies (LEAs) depending on the budget allocations within each district. Once the Government High School Assessment (HSA) becomes a graduation requirement, LEAs will need to offer bridge plans and other remedial options to students. The impact should be minimal as most LEAs already have a budget for bridge plans and remediation. This had been an existing requirement that was paused for budget reasons.

II. Types of Economic Impacts.

	Revenue (R+/R-) Expenditure (E+/E-)	Magnitude
A. On issuing agency:		
B. On other State agencies:		
C. On local governments:	E+	Minimal

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:		
E. On other industries or trade groups:		
F. Direct and indirect effects on public:		

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Each of the LEAs will be required to offer students bridge plans and remediation options for passing the Government HSA once it becomes a graduation requirement. The costs of the plans may have an impact on the LEAs, but it should be minimal as this is a reinstatement of an earlier policy.

Part B
(check one option)

Economic Impact on Small Businesses

X The proposed action has minimal or no economic impact on small businesses.

or

❑ The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

X The proposed action has no impact on individuals with disabilities.

or

☐ The proposed action has an impact on individuals with disabilities as follows:

Part C

(For legislative use only; not for publication.)

A. Fiscal Year in which regulations will become effective: **FY 2014**

B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

❑ Yes X❑ No

C. If "yes," state whether general, special (exact name), or federal funds will be used:

D. If "no," identify the source(s) of funds necessary for implementation of these regulations:

Local Education Agency (LEA) Funds

E. If these regulations have no economic impact under Part A, indicate reason briefly:

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Comparison to Federal Standards
(Check one option)

X There is no corresponding federal standard to this proposed regulation.

or

❑ There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

or

❑ In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

(1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:

(2) Benefit to the public health, safety or welfare, or the environment:

(3) Analysis of additional burden or cost on the regulated person:

(4) Justification for the need for more restrictive standards: