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State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: January 22, 2013
SUBJECT: Graduation Requirements for High School Students
COMAR 13A.03.02.09 (ADOPTION)

PURPOSE:

To request adoption of the COMAR changes to graduation requirements for high school students- COMAR 13A.03.02.09 due to the reinstatement of the Government High School Assessment (HSA) as a graduation requirement for students entering 9th grade in the 2013-2014 school year. Amendments to Regulation .09 under COMAR 13.03.02 were published in the Maryland Register on November 2, 2012 (attached).

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.

At the August 2012 State Board Meeting, the State Board approved the publication of the COMAR changes for comment. The changes were published and the deadline for comments was January 2, 2013. No comments were received.

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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 clarifies which students require the Government HSA for graduation and those that do not require it. This clarification was 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 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:

Adoption of new COMAR changes reinstating the Government HSA as a graduation requirement.

Attachment

PROPOSED ACTION ON REGULATIONS

1455

.05 Proportional Registration of Rental Motor Vehicles.

A. — F. (text unchanged)

G. *When vehicles are added to the fleet after the first day of the licensing year, the same percentage factor used at the beginning of that licensing year shall be used in determining the number of additional vehicles required to be registered in Maryland.*

[G.] H. — [H.] I. (text unchanged)

.08 Preservation of Records and Audit.

A. Records.

(1) — (3) (text unchanged)

(4) *Monthly and yearly records shall be maintained to accurately reflect the inventory count and Maryland registrations. Inventory records shall include a:*

(a) *Count of the vehicles not rented, located in each jurisdiction, at the time of the inventory count;*

(b) *Count of the entire fleet owned or operated, whether rented or not rented, at the time of the inventory count, and*

(c) *Listing of registration plate numbers and dates purchased each year.*

(5) *Registration records and cancelled checks representing payment for license plates purchased or renewed shall be available for auditor review.*

B. — C. (text unchanged)

JOHN T. KUO
Administrator
Motor Vehicle Administration

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

13A.03.02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 7-203, and 7-205, Annotated Code of Maryland

Notice of Proposed Action [12-304-P]

The Maryland State Board of Education proposes to amend Regulation .09 under COMAR 13A.03.02 Graduation Requirements for High School Students in Maryland. This action was considered at the Maryland Board of Education meeting on August 28, 2012.

Statement of Purpose

The purpose of this action is to reinstate the Government High School Assessment (HSA) as a graduation requirement for students entering 9th grade in the 2013—2014 school year.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

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 Impact.	Revenue (R+/R-)	Magnitude
	Expenditure (E+/E-)	
A. On issuing agency:	NONE	
B. On other State agencies:	NONE	
C. On local governments:	(E+)	Minimal
	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

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.

Economic Impact on Small Businesses

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

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Mary Gable, Assistant State Superintendent, Division of Academic Policy, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-0473 (TTY 410-333-6442), or email to mgable@msde.state.md.us, or fax to 410-333-2275. Comments will be accepted through December 3, 2012. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on January 22, 2013, at 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.09 Diplomas and Certificates.

A. [Beginning with students entering grade 9 in the 2005—2006 school year, the] *The 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, and 2007—2008 school years who graduated on or before the school year 2010—2011;*

(2) *Students entering grade 9 in the 2008—2009, 2009—2010, 2010—2011, 2011—2012, and 2012—2013 school years except that a passing score on the Maryland High School Assessment in government shall not be a graduation requirement; and*

(3) *Students entering grade 9 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) — (2) (text unchanged)

(3) Satisfy one of the following:

(a) — (c) (text unchanged)

(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 *as set forth in §F of this regulation.*

[C.] F. (text unchanged)

[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] *Labor and Employment Article, [§7-206] §11-808, Annotated Code of Maryland, and COMAR [13A.03.03.01] 09.37.01.04.*

(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] 09.37.01.20.

[E.] D. — [F.] E. (text unchanged)

[G.] (proposed for repeal)

LILLIAN M. LOWBRY, Ed.D.
State Superintendent of Schools

Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-301, 7-303—7-305, 7-308 and 8-404, Annotated Code of Maryland; Federal Statutory Reference: 20 U.S.C. §1232g

Notice of Proposed Action
(12-300-P)

The Maryland State Board of Education proposes to amend Regulations .11, .12, and .15, and adopt new Regulation .21 under COMAR 13A.08.01 General Regulations. This action was considered at the Maryland State Board of Education meeting on July 24, 2012.

Statement of Purpose

The purpose of this action is to have each local board of education adopt a set of regulations that: (1) reflect a rehabilitative discipline philosophy based on the goals of fostering, teaching, and acknowledging positive behavior; (2) are designed to keep students in school so that they may graduate college and career ready; (3) prohibit disciplinary policies that trigger automatic discipline without the use of discretion; and (4) explain why and how long-term suspensions or expulsions are last resort options.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. The proposed addition to COMAR 13A.08.01.11F(1)(b) requires assigning a school staff person the responsibility of serving as a liaison between teachers and the suspended student or his/her parents. Recognizing the current fiscal situation at both the State and local levels, there are a variety of

low-cost options to meet the liaison requirement, including assigning an additional planning period to a teacher, and/or designating this duty to a portion of a current administrator or counselor's job responsibilities if they have not already done so. The use of technology is another way to ensure that suspended students are able to continue their instructional program while out of school. Currently, most local school systems have instructional portals through Blackboard or Schoolmax, which allow class work and instructional materials to be posted and accessed by students and parents.

Since COMAR 13A.08.01.03 was adopted, suspension from school has been deemed a lawful absence. COMAR 13A.08.01.05B(5) has required that each local school system institute make-up work requirements including classroom teacher and student responsibilities, time limits, and grading policy for make-up work.

The proposed addition to COMAR 13A.08.01.11F(1)(b) strengthens the existing requirement by adding an explicit liaison component. The proposed regulation requires a liaison between teachers and suspended students or his/her parents. Some schools and districts already have an identified person who serves the liaison role during the suspension process. The Dropout Prevention/School Completion Intervention/Resource Guide (2011) contains a listing of alternative schools and programs reported by local school systems. Twenty-two school systems reported they provide either alternative programming and/or alternative school assignments to suspended students.

School systems that have schools with high rates of suspension are encouraged by the Department to implement Positive Behavioral Interventions and Supports (PBIS) and/or a similar evidenced-based behavior modification program to reduce the number of office referrals and suspensions. MSDR, at the 2013 PBIS Summer Institute, will give priority to schools that have high rates of out-of-school suspensions (300 + suspensions.)

For the school systems that currently have alternative education programs in place, the expense of providing education services to suspended/expelled students is already included in their budgets.

The proposed addition of data collection in COMAR 13A.08.01.12 and .15 requiring annual reporting of school arrests and referrals to law enforcement agencies or to the juvenile justice system will require changes to the Maryland Student Records System Manual and the collection of new data. The Department is able to absorb these costs through its current data collection systems.

Local school systems might experience economic impact by having to update their student data collection systems to record school arrests and referrals to law enforcement agencies or to the juvenile justice system. Estimated costs would vary depending on the local school systems' budget and technology systems.

The addition of COMAR 13A.08.01.21 will require the Department to enter into a contract with experts to design a Disproportionate Impact Model and analyze local school system discipline data to determine whether there is a disproportionate impact on minority students. Current studies done by the Department are being expanded to include this new requirement.

Revenue (R+/R-)

II. Types of Economic Impact

Expenditure (E+/E-) Magnitude

- A. On issuing agency: NONE
- B. On other State agencies: NONE
- C. On local governments:

Costs on local education agency (E+) Minimal