



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

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

TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *lmlowery*
DATE: April 22, 2014
SUBJECT: COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland
PERMISSION TO PUBLISH

PURPOSE:

To seek approval of the State Board to publish proposed amendments to the Graduation Requirements regulations, COMAR 13A.03.02.

HISTORICAL BACKGROUND:

There are four actions that impact Graduation Requirements regulations: (1) the transition from the current Maryland High School Assessments to the new Maryland High School Assessments developed by PARCC; (2) the passage of the Maryland College and Career Readiness and College Completion Act of 2013; (3) the implementation of the Maryland College- and Career-Ready Standards; and (4) changes in Special Education transition planning. Thus, amendments to that regulation are necessary. The attachment shows the amendments in yellow highlight.

EXECUTIVE SUMMARY:

Many of the amendments are merely changes in terminology. For example, the term “data analysis” was deleted because that is no longer a component of the new algebra assessment. The term “HSA” was replaced in every instance with the term “Maryland High School Assessment.” In COMAR 13A.03.02.02(B)(5), that term is now defined as “the tests...developed or adopted by the Department” rather than just tests “developed by the Department” in order to include the PARCC Assessments within the term Maryland High School Assessments.

We also eliminated the year to year implementation dates for some courses and testing requirements because they were out of date.

Other amendments are more substantive. Specifically:

- **Mathematics Courses Added**
COMAR 13A.03.02.03, Enrollment and Credit Requirements, adds the requirement for students entering the 9th grade in school year 2014-2015 to enroll in a mathematics course in each year of high school that the student attends. This is a mandate contained in the College and Career Readiness and College Completion Act of 2013.

We have included a 4 year cap on that requirement so that students returning for a 5th or 6th high school year to complete education requirements would not be required to enroll in a mathematics course unless, of course, such a course is needed to meet graduation requirements.

- **Dual Enrollment Tuition Payment Requirements Updated**

COMAR 13A.03.02.04, College Courses, is amended to reflect the new payment requirements contained in the College and Career Readiness and College Completion Act of 2013.

- **Retest Opportunities**

COMAR 13A.03.02.06D, Maryland High School Assessments, has been amended to limit to one (1) the number of Maryland High School Assessment retest opportunities a student may have upon failure to pass a particular test so that a student can move quickly to the Bridge Plan.

- **Reporting Student Performance**

COMAR 13A.03.02.06F, Student Reporting Requirements, has been amended based on concerns this Board expressed last year while reviewing this regulation. With the amendment, school systems may no longer report on the student's performance record card the failure of a Maryland High School Assessment, particularly if the student successfully completed a Bridge Plan in that assessment area. With the amendment, a school system will indicate only that the student "has or has not met all assessment requirements" and will not report the option used to meet the requirements.

- **Special Education Changes**

COMAR 13A.03.02.09C, Maryland High School Certificate of Program Completion, has been amended to delete out-of-date terms; add references to Alternative Academic Achievement Standards; and to add a requirement that if a student with disabilities participates in a graduation ceremony prior to the completion of the student's education program (*i.e.* the special education student will return to school until age 21), at the graduation ceremony the school system must issue to the student something more than a "Certificate of Attendance." The certificate may be called a Certificate of Achievement or some other similarly titled certificate.

ACTION:

I am requesting the State Board of Education approve the proposed amendments to COMAR 13A.03.02 Graduation Requirements for publication in the Maryland Register.

Attachments

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, 7-203, 7-205, 7-205.1, 7-206, and 8-404, Annotated Code of Maryland

.01 Scope.

A. This chapter sets out the enrollment, credit, student service, and State assessment requirements for graduation from a public high school in Maryland.

B. It is the expectation of the State Board that each student enrolled in a public school system in Maryland shall earn a Maryland High School Diploma in accordance with the requirements forth out in this chapter.

C. Upon notifying the State Superintendent of Schools, each local school system may establish graduation requirements beyond the minimum requirements established by the State Board.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Combined score" means the total of the passing scores established by the Department on the Maryland High School Assessments in algebra[*data analysis*], biology, English, and government.

(2) "Credit" means successful demonstration of a specified unit of study.

(3) "Department" means the State Department of Education.

(4) "Individualized education program (IEP)" means a written description for a student with a disability that is developed, reviewed, and revised in accordance with 20 U.S.C. §1414 and COMAR 13A.05.01.

(5) "Maryland High School Assessments" means the tests in algebra[*data analysis*], biology, English, and government *developed or adopted* by the Department that are aligned with and measure a student's skills and knowledge as set forth in the content standards for those subjects.

(6) "Minimum score" means an acceptable score established by the Department below the passing score on a Maryland High School Assessment that may be used by a student to satisfy the combined score option.

.03 Enrollment.

The student shall satisfactorily complete 4 years of approved study beyond the eighth grade unless one of the alternatives in Regulation .10 or .11 of this chapter is satisfied.

.04] .03 Enrollment and Credit Requirements.

A. To be awarded a diploma, a student shall be enrolled in a Maryland public school system and shall have earned a minimum of 21 credits that include the following specified *core* credits:

(1) English—four credits of organized instruction in [listening and speaking, reading and literature, and written composition and use of language,] *comprehension of literary and informational text, writing, speaking and listening, language, and literacy*, of which one credit shall be aligned with the Maryland High School Assessment for English;

(2) Fine arts—one credit in visual arts, music, theater, or dance, or a combination of these;

(3) Mathematics—three credits, including one with instruction in algebra aligned with the Maryland High School Assessment for algebra[*data analysis*] or one or more credits in subsequent mathematics courses for which Algebra I is a prerequisite, and one with instruction in geometry aligned with the content standards for geometry;

(a) Students entering the 9th grade class of 2014-2014 school year shall enroll in a mathematics course in each year of high school that the student attend, up to a maximum of four years of attendance, unless in the 5th or 6th year a mathematics course is needed to meet a graduation requirement.

(4) Physical education—one-half credit;

(5) Health education—one-half credit;

(6) Science—three credits of which one shall be in biology aligned with the Maryland High School Assessment for biology and two from the earth, life, environmental science, or physical sciences, or all of the above, in which laboratory experiences are an integral component;

(7) Social studies—three credits including one credit in United States history, one credit in world history, and one credit in local, State, and national government aligned with the Maryland High School Assessment for government;

(8) Technology education—one credit that includes the application of knowledge, tools, and skills to solve practical problems and extend human capabilities; and

(9)[*Earn o*] One of the following:

(a) Two credits of world language or two credits of American Sign Language;

- (b) Two credits of advanced technology education; or
- (c) Successfully complete a State-approved career and technology program.

B. Elective programs and instruction shall be developed at the discretion of the local school system, open to enrollment for all students, and shall focus on in-depth study in required subject areas, exploration, or application and integration of what has been learned.

C. [Beginning with students entering high school in 2011—2012.a] All students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Superintendent of Schools.

[.05] .04 Other Provisions for Earning Credit.

A. In addition to earning credits during the regular school day and year, credits may be earned, at the discretion of the local school system, through the means specified in §§B—J of this regulation.

B. Summer School.

(1) Each local school system may provide summer school programs for original and review credit as determined by the needs of students.

(2) Credit instruction shall meet the aggregate time requirements specified by the local school system.

(3) Consistent with local school system policy and procedure, credit may be given for acceptable summer study offered by approved public and nonpublic institutions in or outside of Maryland.

C. Evening School. A local school system may provide evening school programs for credit as an extension of the regular school day as determined by the needs of students.

D. [Correspondence and] Online Courses.

(1) Consistent with local school system policy and procedure, credit may be given for [correspondence courses and for] Department-approved online courses.

(2) If credit is to be applied toward minimum graduation requirements, [the correspondence course or] the Department-approved online course shall be provided by the local school system.

E. Tutoring.

(1) Tutoring may be considered only after all the resources of the school system have been used fully and when it is determined that the best interests of the students are being served.

(2) If tutoring is recommended by the school and approved by the local school system for credit to be applied toward minimum graduation requirements, then the tutor, the program of study, and examination shall be provided by the local school system.

F. Work Study Programs, Job Entry Training Programs, or Experience Outside the School.

(1) Consistent with local school system policy and procedure, actual time spent in work study, job entry training, or other experience may be counted for credit when identified as an integrated part of a planned study program.

(2) For work or experience outside the school which is approved and supervised by the local school system, not more than nine elective credits toward meeting graduation requirements may be granted to a student.

G. College Courses.

(1) Consistent with *the payment requirement of Md. Educ. Art. Code Ann § 18-14A-04 and -05*, local school system policies and procedures and with prior approval of the local superintendent of schools or the superintendent's designee, credit toward high school graduation may be given for courses offered by accredited colleges.

[2] The cost of these courses shall be borne by the student.]

H. Independent Study/Internship. Consistent with local school system policy and procedure, credit toward high school graduation may be earned for independent study or internships in which a student successfully demonstrates pre-established curricular objectives.

I. Credit through Examination.

(1) Credit toward high school graduation may be earned by passing an examination that assesses student demonstration of local school system curricular objectives.

(2) A student who would be eligible to graduate but for attaining credit in either English 12 or Algebra II may obtain that credit by taking a State-approved examination and achieving a passing score as defined by the Maryland State Department of Education.

(3) Credit toward high school graduation may be earned by middle school students if the following criteria are met:

(a) The student has taken a high school level course meeting the local school system curricular objectives; and

(b) The student passes an examination that assesses student demonstration of course objectives and the examination is equivalent in content coverage and rigor to examinations given to high school students for the course content area.

(4) The determination to allow high school credit by examination for middle school students shall be made by the local school system.

[J. A student shall take the requisite Maryland High School Assessment during its next regular administration if the student received credit for taking, by the methods identified in §§B—I of this regulation, any of the following courses aligned with the High School Assessment:

(1) Algebra/data analysis;

(2) Biology;

- (3) English; or
- (4) Government.]

(Moved to .06A)

[.06] .05 Student Service.

To graduate, students shall complete one of the following:

- A. 75 hours of student service that includes preparation, action, and reflection components and that, at the discretion of the local school system, may begin during the middle grades; or
- B. A locally designed program in student service that has been approved by the State Superintendent of Schools.

[.07] .06 [State]Maryland High School Assessments (formerly .08)

A. A student shall take the requisite Maryland High School Assessment during its next regular administration if the student received credit for taking, by the methods identified in [.04]Regulations .03 and [.05] .04 of this chapter, any of the following courses aligned with the Maryland High School Assessment:

- (1) Algebra;
- (2) Biology;
- (3) English; or
- (4) Government

[A] B. [Beginning with the 2001—2002 school year.] To be awarded the Maryland High School Diploma, all students, including elementary and middle school students who take high school level courses, shall take the Maryland High School Assessment for algebra[data analysis], biology, English, and government after the student completes the required course.

[B. Beginning with the 2001—2002 school year, for elementary and middle school students who take high school level courses, and for students entering the ninth grade, the student's performance on the Maryland High School shall be reported on the student's permanent record.]

[C. Except as provided in Regulation .12B of this chapter, beginning with students who enter ninth grade in 2005, to be awarded a diploma, a student shall satisfy one of the assessment options provided in Regulation .09B of this chapter.] (~~delete redundant to .09~~)

[D. Appropriate Assistance.]

[(1)] C. Each local school system shall provide appropriate assistance to strengthen areas of weaknesses for students who have not achieved satisfactory scores on the Maryland High School Assessments.

[(2)] D. Each student who fails a Maryland High School Assessment shall be provided *one* [the] opportunity to retake the appropriate assessment in accordance with the testing schedule issued by the Department.

E. Bridge Plan for Academic Validation

(1)[2] Eligibility Criteria. A student [may] shall participate in the Bridge Plan for Academic Validation if the student has:

- (a) Failed one or more Maryland 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; and
- (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] §.C[06] of this regulation after having failed one or more of the Maryland High School Assessments.

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

- (a) Specific modules developed by the Department in each of the Maryland High School Assessments 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 the local review panels of the completed modules according to State-developed, State-wide 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.

F. Reporting Student Performance

(1) A school system shall state on the student's performance record card only that the student has or has not met all assessment requirements and shall not describe the option used to meet the requirement.

(2) For the purpose of this section, "met all assessment requirements" means passing all or some of the Maryland High School Assessments and successfully completing a Bridge Plan in those assessment areas that the student did not pass.

.07 Notice to Parents or Guardians and Students

A. Each principal shall inform all students and their parents or guardians annually at a minimum of the following:

- (1) Maryland's graduation requirements;
- (2) The student's progress on fulfilling the credit, Maryland High School Assessment, service, and applicable IEP requirements for graduation;
- (3) The results of each Maryland High School Assessment taken or Bridge Plan completed by the student;
- (4) A plan for appropriate assistance, if applicable; and
- (5) The Department's schedule for [Maryland School Assessment and] the Maryland High School Assessment administration.

.08 Grading and Reporting

- A. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13.A.08.02
- B. On October 1 of each school year, each local school system shall file its policies on grading and reporting with State Superintendent of Schools.

[.08 Diplomas and Certificates (Effective through the 2007—2008 school year).

A. For students entering grade 9 in the 2001—2002, 2002—2003, 2003—2004, and 2004—2005 school years, a Maryland high school diploma or Maryland high school certificate shall be awarded.

B. Maryland High School Diploma. To be awarded a Maryland high school diploma, a student shall:

(1) Complete all of the following:

- (a) Complete the enrollment, credit, and service requirements as specified in this chapter;
- (b) Complete local school system requirements; and
- (c) Take:

(i) The Maryland High School Assessments for algebra/data analysis, biology, English, and government; or

(ii) The Department-approved comparable 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

(2) Complete one of the following:

(a) Achieve satisfactory scores on approved general educational development tests if the student meets the requirements as defined in Education Article, §7-206, Annotated Code of Maryland, and COMAR 13A.03.03.01; or

(b) Demonstrate 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.

C. Maryland High School Certificate. This certificate shall be awarded only to a student with disabilities who cannot meet the requirements for a diploma but who:

(1) 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:

- (a) Gainful employment;
- (b) Work activity centers;
- (c) Sheltered workshops; and
- (d) Supported employment; or

(2) 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.

D. 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.

E. This regulation will not be in effect after the 2007—2008 school year except for students who entered grade nine in the 2001—2002, 2002—2003, 2003—2004, and 2004—2005 school years.]

.09 Diplomas and Certificates.

A. The types of diplomas and certificates specified in §§B—D of this regulation shall be awarded to:]any student who meets the requirements for award.

(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 .12[B] 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 as set forth in [§F]Regulation §06.E of this [regulation] chapter.

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 Labor and Employment Article, §11-808, Annotated Code of Maryland, and COMAR 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 09.37.01.20.

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 student and* 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)] (ii) Supported employment; [or] and
- (iii) Day Programming; 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).]

(4) A student with significant cognitive disability may not meet high school graduation requirements, in accordance with §B of this regulation, if a student:

- (a) Participates in an Alternative Assessment based on Alternative Academic Achievement Standards (AA-AAAS); and
- (b) Continues to receive instruction based on Alternative Academic Achievement Standards through high school.

(5) If a student participates in a graduation ceremony prior to the completion of the student's education program, at the ceremony the school system shall issue to the student a Certificate of Achievement or other similarly titled certificate in place of a diploma.

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.

[F. 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:
- Failed one or more High School Assessments at least twice;
 - Received a passing grade and earned credit in the course or courses related to the assessment or assessments;
 - Demonstrated overall satisfactory attendance in the most recent school year completed;
 - Demonstrated satisfactory progress toward achieving the high school diploma requirements specified in COMAR 13A.03.02.09B(1) and (2); and
 - Participated successfully in appropriate assistance as defined in COMAR 13A.03.02.07D after having failed one or more of the High School Assessments.]

.09-1 Appeal of Denial of Diploma for Failure to Meet [HSA] Maryland High School Assessment Requirement.

A. A school system shall notify each senior and the senior's parents or guardians on or before the end of February of the senior year if a student may not graduate. The notice shall explain:

- The reasons the student may not graduate;
- The options available to meet all graduation requirements;
- That a waiver of the Maryland High School Assessment [(HSA)] graduation requirement may be one of the options, if the student meets the criteria set forth in §§C and E of this regulation;
- The waiver process and timeline; and
- That parents or guardians may submit information in writing to the principal concerning eligibility of their child for the waiver.

B. On or before the end of February, the principal shall report to the local superintendent the name and student identification number of each student identified in the February notice.

C. On or before April 1, the school system shall identify each student who may fail to graduate because:

- The student has taken none of the required [HSAs] Maryland High School Assessments; or
- The student has taken some or all of the [HSAs] Maryland High School Assessments and failed some or all of them.

D. On or before April 1, the principal shall report to the local superintendent the name and student identification number of each student identified as meeting the criteria in §C of this regulation.

E. By April 1, for each senior identified in §C of this regulation, the school principal shall consider whether to recommend to the local superintendent a waiver of the [HSA] Maryland High School Assessment graduation requirements that the student has not fulfilled to date if:

- The student meets the following criteria:
 - The student has or will meet all other graduation requirements;
 - The student has or will take all required [HSAs] Maryland High School Assessments before the graduation date; and
 - If the student had an opportunity to participate in one or more interventions, or remediation opportunities, including the Bridge Plan, the student participated in them; and
- The student is prevented from meeting the [HSA] Maryland High School Assessment graduation requirements because:
 - Of a decision made by the local school system about scheduling, course sequencing, or test taking;]
 - (a) Of a decision made by the local school system concerning the provision of [adequate interventions] appropriate assistance as required by Regulation [.07D].06C of this chapter;
 - (b) The student experienced a special, extraordinary, or extenuating circumstance or combination of circumstances preceding the administration of the most recent [HSA] Maryland High School Assessment, such as a recent death in the immediate family, a serious or prolonged illness or pregnancy with medical complications, an accident causing serious injury, or a destructive house fire;
 - (c) The student moved to the United States in the junior or senior year and the student is literate in the student's native language but not literate in English; or
 - (d) The student moved to Maryland in the senior year, has passed all the [HSA] Maryland High School Assessment courses, but has failed the related [HSA] Maryland High School Assessment, and has had no adequate opportunity for intervention.

F. On or about April 1, the principal shall notify the student and the student's parents or guardians that the student is being considered for a waiver of the [HSA] Maryland High School Assessment graduation requirements that the student has not fulfilled to date. The notice shall explain the waiver decision-making process.

G. On or before May 1, the principal of the high school shall make an [HSA] Maryland High School Assessment waiver recommendation to the local superintendent for each student who meets the criteria set forth in §E of this regulation with the participation of:

- The student's IEP team, if the student is a student with disabilities;
- The English Language Learner staff, if the student is an English Language Learner;
- Other school personnel; or
- One or more of them.

H. The principal shall explain the reason for each recommendation under §G of this regulation, whether the recommendation is to grant or deny the waiver.

I. The local superintendent shall review each recommendation and shall:

- (1) Grant or deny the waiver;
- (2) Promptly notify the student and the student's parent or guardian of the decision; and
- (3) If the waiver is granted, include in the notification the local procedures and requirements that must be met for a diploma to be awarded.

J. The superintendent's decision in this matter is not appealable to the local board of education, but may be appealed to the State Superintendent of Schools.

K. A student or the student's parents or guardians may appeal the waiver denial to the State Superintendent by sending a written appeal letter explaining why the waiver denial was an arbitrary or unreasonable decision. The State Superintendent may affirm or reverse the local superintendent's decision and shall inform the student, the student's parents or guardians, the local superintendent, and the State Board in writing of the decision.

L. The decision of the State Superintendent may be appealed to the circuit court pursuant to Maryland Rules 7-201, et seq. On appeal:

(1) If the State Superintendent has reversed the local superintendent's decision to deny the [HSA] *Maryland High School Assessment* waiver and the local school system appeals that decision, the State Superintendent shall defend the decision on appeal; or

(2) If the State Superintendent has affirmed the local superintendent's decision and the aggrieved student appeals, the local superintendent shall defend the State Superintendent's decision on appeal.

M. By August 1, the local superintendent shall send a report to the State Superintendent or the State Superintendent's designee on waiver decisions rendered under this regulation.

N. Nothing in this regulation is intended to establish any right to participate in the graduation ceremony while an appeal is pending. Participation in the graduation ceremony remains at the discretion of the local superintendent.

[O. Section E(2)(a) of this regulation shall sunset on June 30, 2010 with no further action of the State Board of Education.]

[P] O. Section E(2)[(b)] (a) of this regulation, upon review, approval, and promulgation of an amendment of these Regulations by the State Board of Education, shall sunset on June 30, 2015.

.10 Alternatives to 4-year Enrollment Requirement.

A. In recognition of the fact that 4-year enrollment in a public high school may not serve the best interests of some students, the alternatives in §§B and C of this regulation shall be made available.

B. Early College Admission Program. A student may receive a Maryland High School Diploma through acceptance in the early college admission program, if:

(1) The student is accepted for early admission to an accredited college before high school graduation;

(2) All Maryland High School Assessments and student service requirements have been met;

(3) A written request by the student and parent or guardian is made to and approved by the local superintendent of schools certifying the early admission acceptance;

(4) The student's program for the first year of college is approved by the local superintendent of schools if this program is included toward the issuance of a diploma; and

(5) At the conclusion of a full year of study, a written request for a Maryland High School Diploma is submitted to the superintendent together with a transcript or letter from the college to the high school principal indicating that the student has successfully completed a year of college work.

C. Early Admission to Approved Vocational, Technical, or Other Postsecondary School Program. A student may receive a Maryland High School Diploma through acceptance in an early admission program of an approved vocational, technical, or postsecondary school program if:

(1) The student is accepted for early admission by an approved vocational, technical, or postsecondary school program before high school graduation;

(2) All Maryland High School Assessments and student service requirements have been met;

(3) A written request by the student and parent or guardian is made to and approved by the local superintendent of schools certifying the early admission acceptance;

(4) The student's program for the first year of the postsecondary program is approved by the local superintendent of schools if this program is included toward the issuance of a diploma; and

(5) At the conclusion of a full year of study, a written request for a Maryland High School Diploma is submitted to the superintendent together with a transcript or letter from the postsecondary school to the high school principal indicating that the student has successfully completed a year of postsecondary school work.

.11 Alternatives for Structuring Programs.

A. Each local school system shall be permitted to develop alternative ways for individual or groups of students to fulfill graduation requirements.

B. An alternative plan may include a waiver of the fourth year enrollment requirement if all credit, assessments, and student service requirements are met and if the local superintendent of schools or designee determines that the waiver is in the best interest of the student.

C. Procedures for implementing these alternative programs leading to high school diplomas are as follows:

(1) Development and approval of a curricular plan which assures that the content of the specified credits is included and the standards for graduation are met pursuant to the requirements of this chapter with the plan containing a program description, performance requirements, and evaluation procedures; and

(2) The local superintendent of schools is responsible for approving any plan and shall notify the State Superintendent of Schools once approval has been given.

[.12 General Provisions.]

[A. Length of School Year. Maryland public high schools shall be open for at least 180 school days and a minimum of 1,170 school hours during a 10-month period in each school year.]

[B.] .12 Graduation Requirements for Transfer Students.

[(1)] A. Attendance Requirements.

[(a)] (1) To receive a diploma, a student shall be in attendance at a Maryland public high school one full semester immediately preceding graduation in addition to meeting the other diploma requirements.

[(b)] (2) In cases where this requirement creates an undue hardship for a student transferring to or from a Maryland nonpublic school or from an out-of-State school and wishing to receive a Maryland high school diploma, the local superintendent of schools may waive the one full semester attendance requirement.

[(c)] (3) Exception shall be made for a student with disabilities in a State-approved nonpublic program.

[(d)] (4) Students transferring from one Maryland public high school to another during the second semester of their senior year and meeting all requirements for graduation shall be given the option of graduating from either high school by agreement of the local superintendent of schools or the respective local superintendents when more than one local school system is involved.

[(2)] B. Maryland High School Assessment Exemption Requirements.

[(a)] (1) A student who transfers from a nonpublic school or a school out of State is exempt from one or more of the Maryland High School Assessments if, consistent with local school system policy and procedure, the principal of the Maryland public school in which the student enrolls determines that the course taken is aligned with the relevant *Maryland High School Assessment* and awards the student credit for taking any of the courses aligned with the *Maryland High School Assessments*, that is, algebra/[data analysis], biology, English, or government, or all of these, in accordance with the principles set forth in §B[(2)(c)] (3) of this regulation.

[(b)] (2) A student who transfers from a nonpublic school or a school out of State and has not received credit for algebra/[data analysis] but has demonstrated mastery of the [core learning goals] *Maryland College and Career Ready Standards* [of] for algebra/[data analysis] either through an evaluation or successful completion of subsequent mathematics courses for which algebra/[data analysis] is a prerequisite is exempt from the Maryland High School Assessment for algebra/[data analysis].

[(c)] (3) To award credit for taking any of the courses aligned with the *Maryland High School Assessments*, that is, algebra/[data analysis], biology, English, or government, a principal shall determine through the following considerations whether the transfer student demonstrates subject matter knowledge aligned with the content standards for the subject:

[(i)] (a) Administration of standardized tests and examinations;

[(ii)] (b) Observation of the student in the classroom;

[(iii)] (c) Use of interviews that are focused around the student's demonstration of course content knowledge and performance levels; and

[(iv)] (d) Inspection of transcripts, report cards, and other documentation.

[(d)] (4) A student who transfers from a nonpublic school or from a school out of State into a local school system after the first semester of his or her senior year is exempt from the Maryland High School Assessment Requirements.

[(e)] The exemption provided in §B[(2)(d)] (4) of this regulation does not apply to a student with disabilities in a State-approved nonpublic program.

[(3)] C. Local Graduation Requirements. A student who enters a local school system in his or her senior year shall be granted a waiver from locally established graduation requirements unless the student chooses to fulfill the requirements.

[(4)] D. Unavailability of Official Transcript. If the transcript of record is not available, a local superintendent of schools or designee shall determine the appropriate placement of the student within the high school program by an evaluation of the student that shall include one or more of the following:

[(a)] (1) Administration of standardized tests and examination;

[(b)] (2) Observation of the student in a classroom setting;

[(c)] (3) Use of interviews that are focused around the student's demonstration of course content knowledge and performance levels;

[(d)] (4) Inspection of report cards and other documentation.

[C. Notice to Parents or Guardians and Students. Each principal shall inform all students and their parents or guardians annually at a minimum of the following:

(1) Maryland's graduation requirements;

(2) The student's progress on fulfilling the credit, Maryland High School Assessment, service, and applicable IEP requirements for graduation;

- (3) The results of each Maryland High School Assessment taken by the student;
- (4) A plan for appropriate assistance, if applicable; and
- (5) The Department's schedule for Maryland School Assessment and Maryland High School Assessment administration.

(moved to §.07)

D. Grading and Reporting.

(1) Each local school system shall develop a written policy on grading and reporting that shall include but not be limited to the following:

- (a) Establishment of instructional objectives and standards of performance for each course;
 - (b) Factors to be used in determining grades;
 - (c) Reporting contacts between parent (guardian) and teacher; and
 - (d) Compliance with the student record requirements as set forth in COMAR 13A.08.02.
- (2) Each local school system shall file its policies on grading and reporting with the State Superintendent of Schools.]

(moved to §.08)

**LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools**