

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., Interim State Superintendent of Schools: 

DATE: April 30, 2024

SUBJECT: COMAR 13A.03.02.12
General Provisions
PERMISSION TO PUBLISH

Purpose

The purpose of this item is to request permission to publish amendments to COMAR 13A.03.02.12 General Provisions to align with amendments made to §7-205 of the Education Article, Annotated Code of Maryland, regarding application of locally established graduation requirements to homeless students.

Standard Regulation Promulgation Process

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive, and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may be recommended to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

Executive Summary

The proposed amendments update and align the Code of Maryland Regulations (COMAR) with §7-205 of the Education Article, Annotated Code of Maryland. By statute, a county board of education shall waive locally established graduation requirements for a student in foster care or a homeless student if the student while in grade 11 or 12 transfers into the local school system from a different local school system in the State. The county board may not grant a waiver, however, if it makes a finding that the student is reasonably able to complete the locally established graduation requirements in time to graduate from high school. Because current regulation already provides a waiver for students who transfer in their senior year (unless the student chooses to fulfill the requirements), the proposed amendment extends the waiver to junior year for students

in foster care and homeless students, with the limitation that it cannot be granted if a student is reasonably able to fulfill the requirements and still graduate high school on time.

MSDE solicited feedback regarding the proposed amendments via email from each local education agency's homeless liaison, as well as attorneys, advocates, and youth with the Homeless Person's Representation Project. The stakeholders consulted were supportive of the proposed amendments.

Action

Request permission to publish amendments to COMAR 13A.03.02.12 *General Provisions*.

Attachments

COMAR 13A.03.02.12 *General Provisions*

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

.12 General Provisions.

A. (text unchanged)

B. Graduation Requirements for Transfer Students.

(1) – (2) (text unchanged)

(3) Local Graduation Requirements.

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

(b) *A student in foster care or a homeless student who enters a local school system in their junior year shall be granted a waiver from locally established graduation requirements unless the local school system makes a finding that the student is reasonably able to complete the locally established graduation requirements in time to graduate from high school.*

(4) (text unchanged)