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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 30, 2018

SUBJECT: COMAR 13A.03.02
Graduation Requirements for Public High Schools in Maryland
ADOPTION

PURPOSE:

The purpose of this item is to request that the State Board grant permission to adopt COMAR amendments pertaining to section 13A.03.02 *Graduation Requirements for Public High Schools in Maryland*.

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, the 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 recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The proposed amendment includes updates to COMAR 13A.03.02 by replacing the science assessment for HSA Biology and clarifying language throughout the regulation. The MSDE is proposing the removal of cut scores from the document because prior to the last revision, cut scores had not been a part of COMAR but rather they were set as a State Board of Education Action Item. Removing the scores will allow the State Board of Education to approve cut scores without going through the promulgation process.

SUMMARY:

The State Board reviewed the amendments to the regulation and granted permission to publish at the August 22, 2017 State Board meeting. The regulation was published in the Maryland Register from November 29, 2017 to December 27, 2017. There were five public comments, all from Maryland educators. (See attachment.) Four out of the five comments were in support of the proposed amendments but wanted specific course and/or programs to be identified in the science requirement since biology was removed due to the implementation of the Maryland Integrated Science Assessment (MISA). The language in the regulation is not specific so that the Local Educational Agencies (LEAs) may have the latitude to allow students to participate in classes that are not prescribed but are aligned to the Maryland Science Standards and the Maryland High School Assessment for science. The fifth comment was a semantic suggestion in section .06 so that the regulation would have identical language as the Tool Kit to Determine Students' College and Career Ready Designation under the College and Career Readiness and College Completion Act of 2013. The language does not change the content/meaning of the regulation. No changes to the regulation have been made.

ACTION:

Request permission to adopt the proposed amendments to COMAR 13A.03.02 *Graduation Requirements for Public High School Students*.

COMAR 13A.03.02

**Graduation Requirements for Public High Schools in Maryland
Attachment**

| Individual | Comment |
|---|---|
| Jennifer Strelser Gaithersburg High School | As a science teacher in MCPS, my concerns are that the new wording makes it seem that only those science classes can be taken for graduation credit and not electives such as forensics, anatomy/physiology etc. If those classes have not been approved as NGSS classes for our county at the State level, will students be able to use those classes for graduation requirements? |
| Andrew A. Renzulli Supervisor of Science Curriculum, Instruction, and Assessment Howard County | The regulation is generally clear to me for those students who are on a standard science path in high school. What isn't clear to me relates to students enrolled in our specialized programs such as International Baccalaureate and Advanced Placement. I understand that these students, if they receive a qualifying score on one or more of the exams will be exempt from the MISA, but what does that mean for earning credit in the actual core coursework that is identified in the proposed regulation? The way I read it, these students still need three credits representing all of our disciplines. Is that correct? |
| Scott Murphy Montgomery County Public Schools Director Department of Secondary Curriculum and Districtwide Programs | <p>The Maryland State Board of Education proposes to amend Regulations .01—.04, .06, .07, .09, .09-1, .10, and .12 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. Montgomery County Public Schools (MCPS) wishes to comment on Section .03 Enrollment and Credit Requirements, and Section .09 Diplomas and Certificates, as it relates to science credits and Maryland High School Assessment for science.</p> <p>Section .03 Enrollment And Credit Requirements (6) “Three credits of organized instruction which includes a laboratory component engaging in the application of the science and engineering practices, the crosscutting concepts, and disciplinary core ideas including Earth/space science, life science, physical science (chemistry and physics), and engineering and technology, and aligned to the Maryland High School</p> |

Assessment for science.”

Comment: The proposed regulation does not stipulate specific courses or sequence of courses that should be taken to earn the three credits, which MCPS supports. For example, it mentions “life science,” but does not stipulate biology. However, the specific reference to “physical science (chemistry and physics)” could be misconstrued that students are required to take a chemistry course and physics course. As a result, MCPS proposes removing the overly specific reference to “(chemistry and physics)” and simply state “physical science” without the descriptors in parenthesis. In addition, it should be noted that many MCPS students earn the third science credit through an Advanced Placement (AP) or International Baccalaureate (IB) science course. The proposed language could be misinterpreted that students would need to take three credits of Next Generation Science Standards (NGSS) courses before taking an AP or IB course. MCPS plans to continue allowing students to use AP/IB science course work as part of their three science credits. As a result, MCPS recommends including language that the three credits could include “organized instruction in Advanced Placement or International Baccalaureate courses.”

Section .09 Diplomas and Certificates B 3 (c): “Achieve a passing score on an approved alternate assessment as established by the Department, such as MHSA Algebra II, Advanced Placement examinations, SAT, ACT, or International Baccalaureate examinations.” Comment: MCPS interprets this to mean that achieving a passing score on an AP or IB examination in biology, chemistry, physics, or environmental science meets the MHSA requirement for science. Because there are several science examinations in different scientific disciplines available, MCPS proposes that there be specific language denoting that a passing score on any Advanced Placement (AP) or International Baccalaureate (IB) science examination will meet the MHSA requirement in science. C 3: “For all students taking the Maryland Integrated Science Assessment in the 2017–2018 and 2018–2019 school year, taking the MISA assessment will meet the graduation assessment requirement for science.”

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| | <p>Comment: MCPS understands that the Maryland High School Assessment (MHSA) for science will be an integrated science assessment known as the MISA, which covers all disciplinary core ideas of Earth/space science, life science, physical science, and engineering, and technology. This will be the only MHSA that is not an end of course exam and is an integrated assessment covering multiple years of instruction. As a result, as districts phase-in new course sequences that address this integration over multiple years (not a single course), additional time beyond the 2018–2019 school year may be needed to allow students a full sequence of courses and establish the MHSA passing score. Otherwise, the pass requirement will begin in two years for students who have already entered high school as of the 2017–2018 school year.</p> |
| <p>Mary C. H. Weller Coordinator, Secondary Science Howard County Public School System</p> | <p>It is with enthusiasm that I support the proposed revisions to COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. The proposed update supports scientific literacy among Maryland students by encouraging students to complete rigorous coursework aligned to the Maryland Science Standards in a wide breadth of science disciplines. Science literacy for all is critical, and the Maryland Science Standards provide Maryland an unprecedented opportunity to support students as student-scientists who graduate ready to make reasoned and informed decisions grounded in scientific evidence. Specifically, the update emphasizes that students complete coursework supporting each of the science disciplines defined within the Maryland Science Standards: Earth/space science, life science, physical science, and engineering and technology. The revision further aligns the accountability system in science to support scientific literacy in a breadth of science experiences rather than artificially elevating a single science discipline above others simply for assessment purposes.</p> <p>Though I support of the revision, I encourage that the language in regulation .03 Enrollment and Credit Requirements be revised to clarify the expectation that a laboratory component be integral to each of the three science credits that students earn for graduation. Such clarity can be achieved by updating the regulation to read: <i>three credits of organized instruction which include a laboratory component engaging in the science and engineering practices, the crosscutting concepts, and the</i></p> |

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| | <p><i>disciplinary core ideas including Earth/space science, life science, and physical science (chemistry and physics), engineering and technology, aligned to the Maryland High School Assessment for science.</i></p> <p>I look forward to supporting both the implementation of the revised regulation and the development of scientific literacy among all Maryland graduates.</p> |
| <p>David L. Brown Supervisor of Accountability Queen Anne's County Public Schools</p> | <p>I would suggest that section be... (my suggested changes delete red and add highlighted in green). This would make COMAR match what is in the Toolkit.</p> <p><i>[G.] F. [For students who are] If a student is graduating in the school [years 2016—2017 and] year 2017—2018, and [who are] is a first-time test taker[s] of Algebra I and/or English 10 in [those school years if a student has taken an Algebra I and/or English 10 course] that school year, school years 2016-17 or 2017-2018, and has passed the course(s) but failed the Maryland High School Assessment aligned with those course(s), that student is exempt from completing a Bridge [Plan for Academic Validation] Project and will have met the assessment requirement for Algebra I and/or English 10.</i></p> |

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, 4-110, 4-111, 7-203, 7-205, 7-205.1, 7-206, and 8-404, Annotated Code of Maryland

Notice of Proposed Action

[17-283-P]

The Maryland State Board of Education proposes to amend Regulations .01—.04, .06, .07, .09, .09-1, .10, and .12 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland.

Statement of Purpose

The purpose of this action is to replace the science assessment for HSA biology, remove cut scores, and clarify language throughout the regulations.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Dr. Angela Holocker, Assistant State Superintendent, Division of Curriculum, Research, Assessment, and Accountability, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0315 (TTY 410-333-6442), or email to angela.holocker@maryland.gov, or fax to 410-333-1146. Comments will be accepted through December 27, 2017. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on January 30, 2018, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.01 Scope.

A. (text unchanged)

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 *set forth [out]* in this chapter.

C. (text unchanged)

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) “Combined score” means the [total of the passing] *sum of specific scores as established by the Department on the Maryland*

High School Assessments [in] *for algebra, [biology] science, English, and government.*

(2)—(3) (text unchanged)

(4) “HSA” means the high school assessments in [biology] *science* and government aligned with the Maryland [College and Career Ready] Standards.

(5) (text unchanged)

(6) “Maryland High School Assessments” means the HSA, PARCC, or other assessments in algebra, [biology] *science*, 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 Maryland [College and Career Ready] Standards for those subjects.

(7) (text unchanged)

(8) “PARCC Assessment” means the assessments in [Algebra] *algebra* and English aligned with the Maryland [College and Career Ready] Standards.

.03 Enrollment and Credit Requirements.

A. (text unchanged)

B. 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 credits:

(1)—(5) (text unchanged)

(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;] *three credits of organized instruction which includes a laboratory component engaging in the application of the science and engineering practices, the crosscutting concepts, and disciplinary core ideas including Earth/space science, life science, physical science (chemistry and physics), engineering, and technology, aligned to the Maryland High School Assessment for science;*

(7)—(8) (text unchanged)

(9) One of the following:

(a) Two credits of world language [or two credits of], *which may include American Sign Language;*

(b)—(c) (text unchanged)

C.—D. (text unchanged)

.04 Other Provisions for Earning Credit.

A.—H. (text unchanged)

I. Credit through Examination.

(1) (text unchanged)

(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.]

(3) *Notwithstanding any other provision of law, a county board shall award credit to a middle school student for any course for which a high school student would be awarded credit if the middle school student meets the same requirements as the high school student.*

.06 Maryland High School Assessments.

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 Regulations .03 and .04 of this chapter, any of the following courses aligned with the Maryland High School Assessment:

- (1) (text unchanged)
- (2) [Biology] *Science*;
- (3)—(4) (text unchanged)

B. 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, [biology] *science*, English, and government after the student completes the required course or courses.

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.

[D. Each student who failed a Maryland High School Assessment once may participate in the Bridge Plan for Academic Validation and shall be provided at least one opportunity to retake the appropriate assessment in accordance with the testing schedule issued by the Department.]

[E.] *D. Bridge Plan for Academic Validation.*

(1) Eligibility Criteria. [Except for the students identified in §G of this regulation, a student shall participate in the Bridge Plan for Academic Validation if the student has:] *A student is eligible to satisfy the graduation assessment requirement through 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;] *Received credit in the course or courses related to the assessment or assessments;*
- (c)—(e) (text unchanged)

(2) *A student may begin a Bridge Project after one failure of a Maryland High School Assessment.*

(3) *A student may use the score on the Bridge Project to meet the graduation requirement only after the student has taken the Maryland High School Assessment twice and failed twice.*

[(2)] (4) (text unchanged)

[F.] *E. Reporting Student Performance.*

- (1) (text unchanged)
- (2) For the purpose of this section, except for students identified in §G of this regulation, “met all assessment requirements” means achieving a passing score on all Maryland High School Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge [Plan] *Project* in those assessment areas that the student did not pass.

[G.] *F.* [For students who are] *If a student is graduating in the school [years 2016—2017 and] year 2017—2018, and [who are] is a first-time test taker[s] of Algebra I and/or English 10 in [those school years if a student has taken an Algebra I and/or English 10 course] that school year, and has passed the course(s) but failed the Maryland High School Assessment aligned with those course(s), that student is exempt from completing a Bridge [Plan for Academic Validation] Project and will have met the assessment requirement for Algebra I and/or English 10.*

.07 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:

- A.—B. (text unchanged)
- C. The results of each Maryland High School Assessment taken or Bridge [Plan] *Project* completed by the student;
- D. (text unchanged)

E. The Department’s schedule for [Maryland School Assessment and] the Maryland High School Assessment administration.

.09 Diplomas and Certificates.

A. (text unchanged)

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

- (1)—(2) (text unchanged)
- (3) Meet the graduation assessment requirements in the following ways:

(a) Achieve a passing score on the Maryland High School Assessments for Algebra I, *science*, *government*, and English 10[, in the following way:]

- [(i) For school year 2016—2017, a score of 725;
- (ii) For school year 2017—2018, a score of 733;
- (iii) For school year 2018—2019, a score of 741;
- (iv) For school year 2019—2020, and beyond, a score of

750; and

(v) Assessment in English 10 and/or Algebra I, the passing score on the retest shall be the passing score in the year in which the student first took the assessment.

(b) Achieve a passing score as established by the Department on the Maryland High School Assessments for biology and government;]

[(c)] (b) Achieve a combined score(s) as established by the Department on the Maryland High School Assessments;

[(d) If a student has not achieved a passing score on the Maryland High School Assessment in English 10 and/or Algebra I, achieve a score as established by the Department on Department-approved assessments for algebra, and/or English, aligned with the Maryland High School Assessments such as Advanced Placement examinations, SAT, ACT, and International Baccalaureate examinations; or]

(c) *Achieve a passing score on an approved alternative assessment as established by the Department, such as Maryland High School Assessment for Algebra II, Advanced Placement examinations, SAT, ACT, or International Baccalaureate examinations; or*

[(e)] (d) Except for students described in Regulation .06G of this chapter, if a student is unable to meet the requirements in §B(3)(a)—[(d)](c) of this regulation, then *the student shall satisfactorily complete the requirements of the Bridge Plan for Academic Validation as set forth in Regulation [.06E] .06D of this chapter.*

C. Exception To Passing Score Requirement.

- (1)—(2) (text unchanged)
- (3) *For all students taking the Maryland Integrated Science Assessment in the 2017—2018 and 2018—2019 school years, taking the Maryland Integrated Science Assessment will meet the graduation assessment requirement for science.*

D. (text unchanged)

E. Maryland High School Certificate of Program Completion.

- (1) (text unchanged)
- (2) [An Exit Document] *The Maryland Summary of Performance* that describes the student’s skills shall accompany the Maryland High School Certificate of Program Completion.

(3)—(5) (text unchanged)

F.—G. (text unchanged)

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

A.—N. (text unchanged)

[O. Section E(2)(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. (text unchanged)

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

(1)—(4) (text unchanged)

(5) [At the conclusion of a full year of study,] *At the conclusion of the program or after 1 year*, 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. (text unchanged)

.12 General Provisions.

A. (text unchanged)

B. Graduation Requirements for Transfer Students.

(1) (text unchanged)

(2) Maryland High School Assessment Exemption Requirements.

(a) 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] *local superintendent* 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, [biology] *science*, English, or government, or all of these, in accordance with the principles set forth in §B(2)(c) of this regulation.

(b) (text unchanged)

(c) To award credit for taking any of the courses aligned with the Maryland High School Assessments, that is, algebra, [biology] *science*, 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)—(iv) (text unchanged)

(d)—(e) (text unchanged)

(3)—(4) (text unchanged)

KAREN B. SALMON, Ph.D.
State Superintendent of Schools

Title 14

INDEPENDENT AGENCIES

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

14.29.03 Designation of Certified Heritage Areas

Authority: Financial Institutions Article, §§13-1107(6) and 13-1111(b), Annotated Code of Maryland

Notice of Proposed Action

[17-285-P]

The Maryland Heritage Areas Authority (MHAA) proposes to repeal existing Regulation .06 and adopt new Regulation .06 under **COMAR 14.29.03 Designation of Certified Heritage Areas**.

Statement of Purpose

The purpose of this action is to repeal and replace COMAR 14.29.03.06, which requires that all proposed revisions to a

management plan for a certified heritage area, including all certified heritage area boundary amendments, must be reviewed and approved under the same formal regulatory procedures established for review and approval of an original management plan. MHAA, in coordination with the Maryland Coalition of Heritage Areas, have determined that certain management plan revisions—including (i) non-substantial revisions and (ii) heritage area boundary amendments contemplated in the management plan—should be subject to less formal review and approval procedures. The replacement language establishes these less formal procedures, while maintaining that proposals to either (i) substantially revise a management plan or (ii) add land to a heritage area not contemplated in the management plan must adhere to the more formal review and approval procedures. These changes will create efficiencies for the MHAA, local jurisdictions located within certified heritage areas, and heritage area management entities.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

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 Jennifer Ruffner, Administrator, Maryland Heritage Area Authority c/o Maryland Historical Trust, 100 Community Place, 3rd Fl., Crownsville, MD 21032-20123, or call 410-697-9586, or email to jen.ruffner@maryland.gov, or fax to 410-697-9616. Comments will be accepted through December 27, 2017. A public hearing has not been scheduled.

.06 Revisions to Management Plans and Certified Heritage Area Boundaries.

A. *Definitions.*

(1) *In this regulation, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) *“Administrative revision” means a revision of or change to an approved management plan for a certified heritage area that relates to the administration of the heritage area by the heritage area management entity and does not revise or change the management plan’s themes, areas of focus, goals and objectives, or other programmatic components.*

(b) *“Programmatic revision” means a revision of or change to an approved management plan for a certified heritage area that revises or changes the management plan’s themes, areas of focus, goals and objectives, or other programmatic components.*

B. *Administrative Revisions to Approved Management Plans.*

(1) *A management entity for a certified heritage area may propose an administrative revision to the approved management plan for the heritage area by:*

(a) *Submitting the proposal to the Authority in writing; and*

(b) *Providing a copy of the submission to each local jurisdiction located within the heritage area.*

(2) *Within 90 days after receipt of a proposal made under this section, the Authority shall:*

(a) *Complete its review of the proposal;*

(b) *Determine whether the proposal would adequately carry out the purposes of Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland;*