



Karen B. Salmon, Ph.D.
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 28, 2020

SUBJECT: COMAR 13A.03.02
Graduation Requirements for Public High Schools in Maryland
COMAR 13A.03.02.08
Grading and Reporting

PURPOSE:

To review comments received on amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* and COMAR 13A.03.02.08 *Grading and Reporting* and determine a response to the January 3, 2020 letter from Senator Cheryl C. Kagan, Senate Chair, and Delegate Samuel I. Rosenberg, House Chair, of the Administrative, Executive, and Legislative Review (AELR) Committee.

BACKGROUND/HISTORICAL PERSPECTIVE:

At the September 24, 2019 meeting, the State Board reviewed and voted to publish amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* and COMAR 13A.03.02.08 *Grading and Reporting*. The amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* were a result of the enactment of the 2019 House Bill 1019 State Board of Education – Public High School Students – *Assessments and Graduation Requirements*. The draft COMAR amendment included language for students who are graduating in school year 2019 – 2020. For those students only, taking the Algebra I and English 10 Maryland Comprehensive Assessments will meet the graduation assessment requirement for Algebra I and English 10. Students must pass the Algebra I and English 10 courses, however, these students would be exempt from completing a Bridge Project for Algebra I and/or English 10. Language was added to the regulation to encourage appropriate assistance for these students to strengthen areas of weakness.

Additionally, the language in the regulation referring to the Maryland High School Assessment was amended to the Maryland Comprehensive Assessment.

Amendments to COMAR 13A.03.02.08 *Grading and Reporting* required a local school system to establish a policy that students with a certain number of unlawful absences shall be denied credit unless the student presents compelling mitigating circumstances and the school principal obtains approval from the Superintendent or designee.

EXECUTIVE SUMMARY:

The amendments were published in the Maryland Register from November 22, 2019 to December 23, 2019. A total of 19 comments were received. A copy of each comment is attached for review along with a summary of all comments. Recommendations for response are also included.

ACTION:

Request determination if the State Board wishes to make revisions to the draft amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* and COMAR 13A.03.02.08 *Grading and Reporting* to be communicated to the AELR Committee.

**Comments Regarding COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland
 HB1019: State Board of Education - Public High School Students - Assessments and Graduation Requirements
 COMAR 13A.03.02.06F - Maryland Comprehensive Assessments and 13A.03.02.09C - Diplomas and Certificates/Exception to Passing Score Requirement
 Published in the Maryland Register, November 22, 2019 through December 23, 2019**

Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
Janice Cottman, School Counselor, Washington High School, Somerset County Public Schools	<ul style="list-style-type: none"> • Favors extending the waiver beyond 2019-20 because it creates scheduling issues if assessment scores are delayed. 	13A.03.02.06F - Maryland Comprehensive Assessments and/or 13A.03.02.09C - Diplomas and Certificates/Exception to Passing Score Requirement	Recommendation: Revise 13A.03.02.06F and 13A.03.02.09C to extend the exemption to include students due to graduate in the 2020-2021 school year. Rationale: Assessment results for the spring 2020 MCAP testing cycle will not be available until January 2021 due to the need for standard setting followed by scoring and the release of the results. This timeline will be problematic for students in case they need to be retested or complete a Bridge Project as required for on-time graduation.
Jill Holland, Instructional Technology & Social Studies Supervisor, Somerset County Public Schools	<ul style="list-style-type: none"> • Favors extending the waiver to cover 2021 graduating class because the scheduling of Bridge classes for seniors will be difficult if assessment data is delayed. 		
Terry Drechsler, Supervisor of Secondary Mathematics, Somerset County Public Schools	<ul style="list-style-type: none"> • Favors extending the waiver to cover 2021 graduating class because scheduling of Bridge classes will be difficult if assessment data is not available until late summer/fall 2020. This is especially the case for small school systems with limited staff and for juniors taking ELA 10 for the first time in 2019-20 (unlike with Algebra 1, which most students take in the 9th grade, and therefore there is more time to complete a Bridge Project). Requests extensions to class of 2021 for Algebra and ELA. 		
Sonja Santelises, Chief Executive Officer, Baltimore City Public Schools	<ul style="list-style-type: none"> • Asking for clarification on whether BCPS should immediately proceed with changing its protocols, even though the State Board has not yet formally approved revised regulations; and if BCPS does change its protocols, what happens if revised regulations are not approved? 		
Andrew S. McWilliams, Assistant Principal, Linganore High School, Frederick County Public Schools	<ul style="list-style-type: none"> • Believes 2021 graduating class should be exempt from passing the English and Algebra MCAP -- and suggests adding waiver language to this effect to the regulation -- due to the delay in reporting assessment scores taken during the 2019-20 school year. Is unfair to students and schools to require completion of a Bridge Project if assessment scores are released only 6 months prior to graduation. • McWilliams highlights various negative outcomes of proposed reg, including scheduling implications (requiring a mid-stream change of plans, need to offer remediation courses), staffing implications for schools with high number of students failing assessments; the impact on students' ability to participate in work study and/or CTE programs; the unfairness of requiring students (especially special ed students) to complete a Bridge Project on the basis that they might fail the assessment, and with only a few months advance notice; and the lack of opportunity for students to practice (unlike in previous years with PARCC) using the new MCAP testing format for the current December/January testing cycle because the testing site isn't ready. 		
Amy Schade-Pyles, College & Career Readiness Teacher, Oakdale High School, Frederick County Public Schools	<ul style="list-style-type: none"> • Because the delay in the reporting of MCAP scores until late 2020 penalizes those students needing to retest in English and algebra, recommends extending the graduation waiver through SY2020-21. 		

Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
Boyd J. Michael, III, Superintendent, Washington County Public Schools	<ul style="list-style-type: none"> • WCPS recommends that due the delay in receiving MCAP scores the Bridge Project exemption outlined in 13A.03.02.06.F be extended another year through SY 2020-21. 		
Jeanette Ortiz, Legislative & Policy Counsel, Anne Arundel County Public Schools	<ul style="list-style-type: none"> • AACPS recommends that exemption should be "broadened to apply to all students because, while MSDE has stated that the MCAP is not a new assessment, the MCAP will be undergoing a standard setting process in summer 2020 -- which is something that is done for new assessments. According to Annotated Code of Maryland section 7-205.1, a new assessment should be piloted/field-tested for at least one year. • Also, if MCAP scores do not become available until January 2021, this will not allow schools sufficient time to provide students with appropriate remediation. 		
Matt Griffin, Manager, Office of Teaching and Learning, Baltimore City Public Schools	<ul style="list-style-type: none"> • If assessment data is not released until late fall 2020 (or later), there will not be enough time for those seniors in the 2021 graduating class who were first time test takers in 2019-20 to complete a reassessment and a Bridge Project. 		Recommendation: Revise 13A.03.02.06F and 13A.03.02.09C
Bill Barnes, Chief Academic Officer, Howard County Public Schools	<ul style="list-style-type: none"> • HCPS recommends expanding the waiver to cover the 2021 graduating class or preferably all test takers in 2019-20 (not just those in English 10 and Algebra 1) because the delayed reporting of assessment results will make it impossible for schools to identify students who need Bridge Projects or assistance and it will disrupt scheduling. 	13A.03.02.06F - Maryland Comprehensive Assessments and/or	to extend the exemption to include students due to graduate in the 2020- 2021 school year. Rationale: Assessment results for the spring 2020 MCAP testing cycle will not be available until January 2021 due to the need for standard setting followed by scoring and the release of the results. This timeline will be problematic for students in case they need to be retested or complete a Bridge Project as required for on-time graduation.
Maria V. Navarro, Chief Academic Officer, Montgomery County Public Schools	<ul style="list-style-type: none"> • MCPS concerned that 2020 MCAP results may not be available until fall/winter 2020, and therefore the Bridge Project exemption outlined in 13A.03.02.06.F may need to be extended another year through SY 2020-21. • Also expressed concerns about transition from PARCC to MCAP, which are outlined in a separate November 14 letter from the MCPS superintendent, which may warrant additional changes to the reg. 	13A.03.02.09C - Diplomas and Certificates/Exception to Passing Score Requirement	
Martha James-Hassan, President, Maryland Association of Boards of Education (MABE)	<ul style="list-style-type: none"> • MABE requests amended language be adopted for COMAR 13A.03.02.09.C(1) so as to be consistent with the legislation passed in HB1019 and to ensure that students taking the new State assessments in the 2019-20 school year are not negatively impacted in any way by their scores on those assessments. MABE's proposed language: "C. Exception to Passing Score Requirement. (1) In the 2019-2020 school year, for students taking the Maryland Comprehensive Assessment for Algebra I or English 10 for the first time, taking the assessment will meet the graduation assessment requirement." 		
Sarah Welker, College & Career Readiness Teacher, Tuscarora High School, Frederick County Public Schools	<ul style="list-style-type: none"> • Favors extending the waiver to the 2021 graduating class because of concerns that MCAP scores will not be made available early enough to allow adequate time for students to complete remediation/Bridge Projects. 		

Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
Deborah Gilmartin, Supervisor of State Assessment & Accountability, Frederick County Public Schools	<ul style="list-style-type: none"> • Recommends extending waiver to cover 2021 graduating class due to numerous negative outcomes for this year's current juniors if assessment scores are not made available in a timely manner, including: losing the opportunity to retest in spring 2020 (for those taking the assessment in fall 2019); scheduling uncertainties for students; staffing implications for schools with high number of students failing assessments; undesirability of starting current juniors on Bridge Projects now because it sends the "message" that we expect these students to fail; and the unfair impact on students with disabilities by requiring them to complete Bridge Projects in their senior year with little advance notice of this requirement. 	13A.03.02.06F - Maryland Comprehensive Assessments and/or 13A.03.02.09C - Diplomas and Certificates/Exception to Passing Score Requirement	<p>Recommendation: Revise 13A.03.02.06F and 13A.03.02.09C to extend the exemption to include students due to graduate in the 2020-2021 school year.</p> <p>Rationale: Assessment results for the spring 2020 MCAP testing cycle will not be available until January 2021 due to the need for standard setting followed by scoring and the release of the results. This timeline will be problematic for students in case they need to be retested or complete a Bridge Project as required for on-time graduation.</p>

**Comments Regarding COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland
13A.03.02.08B(5) - Grading and Reporting
Published in the Maryland Register, November 22, 2019 through December 23, 2019**

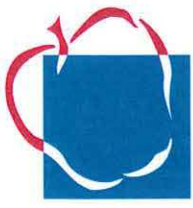
Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
Sonja Santelises, Chief Executive Officer, Baltimore City Public Schools	<ul style="list-style-type: none"> • Proposed amendment violates best practices in educational grading policies, which favor limiting the role of attendance in credit-bearing decisions. • Disincentivizes the re-engagement of chronically absent students. • Students should not be punished for issues (namely lack of adequate funding for BCPS to provide adequate supports to address chronic absenteeism issues) created by adults. • Violates local control of educational decision-making. 		Option 1) Recommendation: Revise 13A.03.02.08B(5) to increase the percentage threshold for unlawful absences: " At the high school level, a policy that students with <u>unlawful</u> absences constituting 10 percent or greater of school days in a semester or in a yearlong course shall be denied credit..."
Kimberly A. Hill, Superintendent, Charles County Public Schools	<ul style="list-style-type: none"> • Students who meet academic expectations deserve credit (both figuratively and literally). • Denial of credit is overly harsh; punishes students for situations that might be beyond their control. • Once a student exceeds the 5 percent threshold, no incentive to return to school for rest of school year, which goes against State Board's policy to encourage school attendance. • Proposed regulations remove local autonomy to develop policies that meet the needs of district's students and communities. 	13A.03.02.08B(5) - Grading and Reporting	Rationale: The revision to the wording of the proposed amendment maintains the emphasis on attendance and preserves the consequences for students with excessive unlawful absences, but raises the threshold at which credit may be withheld for excessive unlawful absences. Option 2) Recommendation: Withdraw the proposed amendment to the regulation.
Boyd J. Michael, III, Superintendent, Washington County Public Schools	<ul style="list-style-type: none"> • Separate COMAR regulation (13A.08.01.04) appropriately devolves responsibility for developing attendance policies at the LSS level, including in relation to improving school attendance and addressing excessive unlawful absences; therefore (in WCPS's opinion), there is not a compelling reason to modify the current COMAR regulations. • Concerned that the requirement that students who exceed the allowable unlawful absence threshold provide compelling mitigating circumstances in order to receive credit might cause students to choose to drop out of school entirely rather than go through this process. • Setting high bar without providing additional resources to address the core causes for unlawful absences will not improve school attendance. • WCPS recommends that proposed regulation be delayed until conclusion of 2020 legislative session to allow for further study and potential passage of additional legislation (as recommended by Kirwan Commission) and/or funding aimed at promoting school attendance. 		Rationale: Withdrawing the proposed amendment addresses the concerns raised by stakeholders that the proposed amendment does not take into consideration: i) the multiple reasons that a student might be absent from school, including but not limited to, "illness in the family, family responsibilities, housing instability, a need to work, anxiety, or mental health issues," and ii) that withholding credit may serve to undermine efforts to promote student attendance, thereby leading to increased numbers of students dropping out of school.

Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
Jeanette Ortiz, Legislative & Policy Counsel, Anne Arundel County Public Schools	<ul style="list-style-type: none"> • AACPS operated similar policy in the past, but rescinded it because it did not help students; instead, it impeded teachers from focusing on other significant issues and discouraged student re-engagement. • 5 percent threshold is very low threshold; missing one day a month is unlikely to impact a student's performance and students who are absent at this rate are different from truly chronically absent/truant students, which is the group that the LSS should focus its attention on. • Proposed regulation would further stretch resources and supports currently available and direct attention away from those chronically absent students who need most support. • If regulation must set a threshold, AACPS recommends setting threshold at 10 percent (which aligns with ESSA's definition of chronically absent). 	13A.03.02.08B(5) - Grading and Reporting	<p>Option 1) Recommendation: Revise 13A.03.02.08B(5) to increase the percentage threshold for unlawful absences: " At the high school level, a policy that students with unlawful absences constituting 10 percent or greater of school days in a semester or in a yearlong course shall be denied credit..."</p> <p>Rationale: The revision to the wording of the proposed amendment maintains the emphasis on attendance and preserves the consequences for students with excessive unlawful absences, but raises the threshold at which credit may be withheld for excessive unlawful absences.</p>
Bill Barnes, Chief Academic Officer, Howard County Public Schools	<ul style="list-style-type: none"> • HCPS recommends eliminating proposed new wording because decisions around attendance policy should rest with local districts, based on the unique needs of each district and with input from local stakeholders; proposed regulation would contradict HCPS' current attendance policy (which makes attendance only one of many factors that should be considered when awarding credit). 		<p>Option 2) Recommendation: Withdraw the proposed amendment to the regulation.</p> <p>Rationale: Withdrawing the proposed amendment addresses the concerns raised by stakeholders that the proposed amendment does not take into consideration: i) the multiple reasons that a student might be absent from school, including but not limited to, "illness in the family, family responsibilities, housing instability, a need to work, anxiety, or mental health issues," and ii) that withholding credit may serve to undermine efforts to promote student attendance, thereby leading to increased numbers of students dropping out of school.</p>
Karen M. Couch, President, Public School Superintendents' Association of Maryland (PSSAM)	<ul style="list-style-type: none"> • Opposed to inflexible "one size fits all" approach. • Using attendance as a criterion in grading is not a recognized best practice. • Regulation is disincentive to student re-engagement. • Undermines local decision-making and goes against many LSSs' attendance policies. • Sharing concerns with Administrative, Executive, and Legislative Review (AELR) Committee and request their consideration. 		
Maria V. Navarro, Chief Academic Officer, Montgomery County Public Schools	<ul style="list-style-type: none"> • MCPS concerned about "one size fits all" approach without considering individual student needs or competencies; educational practice is moving away from a seat time alone approach and toward competency/standards-based approaches. • MCPS recently revised its attendance regulation so that an intervention is required before a student risks failure in a course, which is something that is not addressed in the proposed regulation. • Concerned about focus on unlawful absences rather than chronic absences because there is variation/inequities in implementation of the former. • Believe that proposed regulation, with its punitive approach, would undermine student re-engagement efforts - focus should be on addressing root causes of chronic absenteeism. • Until 2010 MCPS followed a loss of credit approach, but data showed that this policy was applied inequitably to students of color and/or those in poverty. 		

Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
<p>Martha James-Hassan, President, Maryland Association of Boards of Education (MABE)</p>	<ul style="list-style-type: none"> • Proposed attendance standard is not based on any new federal or State law, nor is it consistent with current State law and regulations; it does not satisfy the "reasonableness test." • MABE does not believe proposed exception is practicable or equitable. • Not in best interests of students and does not reflect best practices; MABE worried about unintended consequences. • Concerned about inequity - this proposed regulation is inconsistent with COMAR regulations on equity; MABE requests that an equity analysis be conducted. • State already has comprehensive set of regulations in place governing attendance; therefore, this additional regulation is unnecessary and would contradict existing attendance regulations. • Proposed change violates principal of local control - current regulatory framework rightly delegates policy and procedural decisions to local level. • Any changes to that regulation that impose administrative/programmatic burdens on LSSs should be delayed until after the Kirwan Commission report recommendations and funding are approved. 	<p>13A.03.02.08B(5) - Grading and Reporting</p>	<p>Option 1) Recommendation: Revise 13A.03.02.08B(5) to increase the percentage threshold for unlawful absences: " At the high school level, a policy that students with unlawful absences constituting 10 percent or greater of school days in a semester or in a yearlong course shall be denied credit..."</p> <p>Rationale: The revision to the wording of the proposed amendment maintains the emphasis on attendance and preserves the consequences for students with excessive unlawful absences, but raises the threshold at which credit may be withheld for excessive unlawful absences.</p> <p>Option 2) Recommendation: Withdraw the proposed amendment to the regulation.</p> <p>Rationale: Withdrawing the proposed amendment addresses the concerns raised by stakeholders that the proposed amendment does not take into consideration: i) the multiple reasons that a student might be absent from school, including but not limited to, "illness in the family, family responsibilities, housing instability, a need to work, anxiety, or mental health issues," and ii) that withholding credit may serve to undermine efforts to promote student attendance, thereby leading to increased numbers of students dropping out of school.</p>

**Comments Regarding COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland (entire regulation)
Published in the Maryland Register, November 22, 2019 through December 23, 2019**

Submitted by:	Summary of Comments	Regulation Language Referenced	MSDE Recommendation and Rationale
Jeanette Ortiz, Legislative & Policy Counsel, Anne Arundel County Public Schools	<ul style="list-style-type: none"> • AACPS worries that the proposed regulation will have a disproportionate impact on some student groups, and therefore recommends that the State Board review the entire proposed regulation using MABE's equity lens. 	Entire Regulation	See responses to previous comments sections



December 19, 2019

Mary L. Gable
Assistant State Superintendent
Division of Student Support, Academic Enrichment and Educational Policy
Maryland State Department of Education
200 W. Baltimore Street
Baltimore, MD 21201

Dear Ms. Gable:

On behalf of Anne Arundel County Public Schools (AACPS), I am submitting this public comment on proposed amendments to COMAR 13A.03.02 Graduation Requirements.

While AACPS appreciates the effort to ensure that Maryland graduations rates are rigorous, and we recognize the importance of attendance and the role it plays in a student's educational success, we have concerns about some of the proposed amendments to COMAR 13A.03.02 Graduation Requirements. More specifically, we have concerns regarding the proposed language to regulation .08 which would require a student with unlawful absences constituting 5 percent or greater in a semester or yearlong course to be denied credit unless the student presents compelling mitigating circumstances supporting the absences. This requirement is the equivalent of 4.5 unlawful absences in a semester and 9 unlawful absences in a school year. As such, absences constituting 5 percent amount to less than 1 day of absence per month and would likely have limited to no impact on a student's overall success in school.

Years ago, AACPS had a similar policy in place but decided to rescind it because, in the end, it did not help our students. The policy impeded teachers from focusing on other more significant issues affecting students and discouraged our chronically absent students from reengaging in their education. We believe that the proposed attendance limits, where students could be identified for being absent an average of less than 1 day of school a month, would create statewide problems for students. Students with poor attendance are, often times, struggling in school and less likely to pass a class. Accordingly, they need additional supports and resources. The proposed amendments to regulation .08 would expand the pool of students identified as having poor attendance. This over identification would further stretch the supports and resources currently available to those students who are actually chronically absent and in real need of supports and resources.

The proposed amendments also create another obstacle for school systems to help chronically absent students. Rather than provide the necessary supports and resources to chronically absent students, the proposed amendments would actually make it even more difficult for these students to invest in their education and successfully graduate high school. The new requirement will discourage chronically absent students from recommitting to their education – regardless of how much they have worked to show up to school and turn things around academically, they will be denied credit. This is counterproductive and punitive to students.

Many students in high school have unexcused absences because their parents forget to send in a note or the student forgets to turn in the note and not because they are actually unlawfully absent or truant. Currently, students who are actually truant as defined by State law are more easily identified by school administrators, and school administrators and teachers work diligently to provide necessary supports and resources. If the State is committed to including a provision in COMAR to address actual chronically absent students, AACPS recommends the State Board of Education consider a 10 percent attendance threshold. This standard is aligned with the ESSA definition of chronic absenteeism. Ultimately, any requirement will impede local control over educational decision making. Schools are

already monitoring students and can make additional efforts to ensure that any lawful absences are excused, if appropriate. A student's attendance should not be the reason preventing that student from graduating high school.

AACPS also has concerns regarding proposed amendments to regulation .09. AACPS recommends that the proposed amendments to regulation .09, which exempt students graduating this school year from the Maryland High School Assessment in Algebra I and English 10, be broadened to apply to all students. Section 7-205.1 of the Education Article of the Annotated Code of Maryland states, "*The State Board may only require a passing score on a standardized assessment to evaluate a student for graduation from high school after the assessment has been field-tested and piloted for at least 1 year.*" Accordingly, the exemption should be afforded to all high school students given that the Maryland Comprehensive Assessment Program (MCAP) is new. The Maryland State Department of Education (MSDE) has stated that MCAP is not a new assessment and yet MSDE will undergo the standard setting process next summer. Standard setting is the process that determines the cut scores for an assessment, and it is a lengthy and meticulous process that involves many experts in the specific subject as well as experts in the field of psychometrics. While we applaud MSDE for committing to set MCAP cut scores that are justifiable and valid, we do question why MSDE would undertake this process if MCAP truly is not a new test. Additionally, the scores for these assessments will not be available in a timeframe that would allow schools to provide students with appropriate remediation and support before the test administration. In fact, scores may not be available until January, and at that point most AACPS students have already been scheduled for the following school year, which would make it extremely difficult for students to be assigned to courses that would provide the necessary remediation.

Finally, the proposed amendments raise equity concerns as they will, unfortunately, have disproportionate impacts on our student population. Such a disproportionate impact would seem to contradict the State Board of Education's goal in adopting COMAR 13A.01.06 Educational Equity. Accordingly, we respectfully request that the State Board of Education look at the proposed amendments with the equity lens established by the Maryland Association of Boards of Education and consider the following as it reviews the proposed amendments to COMAR 13A.03.02:

- Who are the underrepresented groups affected by these amendments? What are the potential impacts on these groups?
- Do the amendments worsen existing disparities or produce other unintended consequences?
- How has the State Board of Education intentionally involved stakeholders who are also members of the communities affected by the amendments?
- What are the barriers to more equitable outcomes?
- How will the State Board of Education mitigate the negative impacts and address the barriers identified above?

For all of the above reasons, AACPS respectfully requests that the State Board of Education make additional amendments to COMAR 13A.03.02 Graduation Requirements to address our concerns.

Sincerely,



Jeanette Ortiz

Legislative & Policy Counsel

cc: Karen B. Salmon, Ph.D., State Superintendent
Warner I. Sumpter, Brig. Gen. (Retired), President
George Arlotto, Ed.D., Superintendent
Maureen McMahon, Ph.D, Deputy Superintendent

BALTIMORE CITY PUBLIC SCHOOLS

Bernard C. "Jack" Young
Mayor, City of Baltimore

Linda Chinnia
*Chair, Baltimore City Board of
School Commissioners*

Dr. Sonja Brookins Santelises
Chief Executive Officer

December 9, 2019

Dr. Karen B. Salmon
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

RE: Algebra I and ELA 10 Assessments for Students in the Graduating Class of 2020

Dear Dr. Salmon,

I am writing regarding the attached MSDE memo, which was distributed to all superintendents on October 11, 2019 with the subject, "Algebra I and ELA 10 Assessments for Students in Graduating Class of 2020."

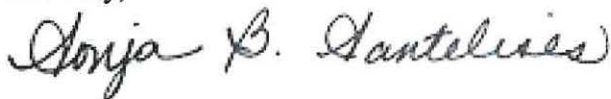
The language in the memo suggests that the revision to assessment requirements for seniors has been fully approved and should be implemented by local school systems immediately. Upon investigation, however, City Schools staff determined the revised policy is not yet official and will not be finalized until a vote occurs during the January meeting of the State Board, at earliest.

As you might imagine, we are unsure of how to proceed in the short-term. Under normal circumstances, upon receipt of a formal memo from MSDE, we immediately communicate with our schools concerning the matter and adjust protocols. In this case, we are unsure whether the memo was released in anticipation of January approval – or with the expectation of immediate approval.

It would be greatly appreciated if you could please advise whether we should proceed at this time with changing protocols based on the memo, even though the policy has not yet received a final vote from the State Board. In addition, please let us know how you recommend we proceed if we adjust our protocols now based on the memo and then the policy is not approved by the State Board in January.

Thank you in advance for your support.

Sincerely,



Sonja Brookins Santelises
Chief Executive Officer

BALTIMORE CITY PUBLIC SCHOOLS

Bernard C. “Jack” Young
Mayor, City of Baltimore

Linda Chinnia
*Chair, Baltimore City Board of
School Commissioners*

Dr. Sonja Brookins Santelises
Chief Executive Officer

October 29, 2019

Dr. Karen B. Salmon
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201-2595

RE: Opposition – Amendment to COMAR 13A.03.02.08(5) *Grading and Reporting*

Dear Dr. Salmon,

Thank you for the opportunity to comment on the State Board’s proposed amendment to COMAR 13A.03.02.08(5) *Grading and Reporting*. As drafted, City Schools understands the amendment to indicate students with unlawful absences constituting five percent of school days in a semester (4.5 days) or a yearlong (9 days) course will be denied credit – regardless of the grade earned in the course – unless the student presents compelling mitigating circumstances supporting the awarding of credit.

While the district fully recognizes the importance of attendance and the role that it plays in attainment of student mastery of standards-aligned content, we strongly oppose the amendment for the following reasons:

- **The proposed amendment violates best practices in educational grading policies, which suggest limiting the role of attendance in credit-bearing decisions.** Prior to City Schools’ recent revision of the district’s grading policy and regulation, we reviewed available research¹ on best practices for grading policies, surveyed more than 1,000 stakeholders, and researched practices throughout Maryland as well as other urban school districts.

Our findings revealed that best practices for grading policies do *not* contain attendance or behavior components. Specifically, grades used for credit attainment should not be used as punishment for students and, wherever possible, grades should reflect student achievement on standards-aligned curriculum.

- **The proposed amendment disincentivizes the re-engagement of chronically absent students.** City Schools’ attendance guidance lays out detailed procedures for outreach to, support for, and re-engagement of chronically absent students, including those who have accrued unlawful absences. These efforts include phone calls to the family, home visits, meetings with students and parents, and the creation of support plans that address the root

causes of student absenteeism. Furthermore, the district's Re-Engagement Center provides support to students who have fully dis-engaged from school. Our overarching objective in providing these supports is to do everything possible to help students – and their families, where needed – address and overcome challenges while simultaneously helping them keep up and stay on track academically.

The proposed amendment signals to students that regardless of whether they work hard and seek to improve their attendance, they will be destined to fail. Put simply, the amendment sends a message to students that there is little point in returning to school because they will fail anyway. Rather than bolstering the district's work to re-engage students, creation of this additional barrier directly undermines City Schools' efforts to engage unlawfully absent students.

- **Students should not be punished for issues created by adults.** As noted in the March 11, 2019 Baltimore Sun editorial, *ACLU school funding lawsuit isn't a 'threat,' it's a reminder that Maryland is violating its own constitution*, “By the state’s own calculations, it was shortchanging Baltimore City schools by \$290 million to \$358 million per year by fiscal 2015, and nothing has changed since then.”

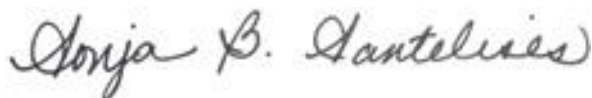
Adequate funding would allow the district to fully staff the supports needed to address the root causes for student attendance, such as student support teams, wraparound supports, and home visits for students who unlawfully miss ten consecutive days of school. While the “Concentration of Poverty” grant funds provided under Senate Bill 1030 of 2019 (The Blueprint for Maryland’s Future) are appreciated, they only represent a preliminary first step in the right direction.

The amendment violates local control of educational decision-making. On February 27, 2018, MSDE shared an analysis of local grading policies. In that analysis, twelve LEAs either explicitly prohibited the use of attendance, did not reference attendance, or had a mechanism for frequently unlawfully absent students to receive full credit. Like Baltimore City, these policies are representative of the positions of locally elected or appointed school board officials and best reflect local needs, philosophies, and perspectives that were likely not considered in the creation of the proposed amendment.

City Schools represents a system where a minimum of 70 percent of a student’s grade is based on assessment results. As such, we firmly believe that students who overcome personal or systemic obstacles and earn a passing grade on the standards-aligned content on which they are assessed deserve the credit that they earn.

We appreciate your consideration and respectfully urge opposition of the proposed amendment to COMAR 13A.03.02.08(5).

Sincerely,



Dr. Sonja Santelises
Chief Executive Officer
Baltimore City Public Schools

ⁱ Bowers, Alex J (2011) What's in a grade? The multidimensional nature of what teacher-assigned grades assess in high school, *Educational Research and Evaluation*, 17:3, 141-159, DOI: [10.1080/13803611.2011.597112](https://doi.org/10.1080/13803611.2011.597112)

O'Connor, Ken. "A Repair Kit for Grading: 15 Fixes for Broken Grades." *Education Review/Reseñas Educativas/Resenhas Educativas* (2009).

Reeves, D. (2008). Leading to Change/Effective Grading Practices. *Educational Leadership*, 65(5), 85 – 87.



Charles County Public Schools

5980 Radio Station Road
P.O. Box 2770
La Plata, MD 20646
Main line: 301-932-6610
www.ccboe.com

Kimberly A. Hill, Ed.D.
Superintendent of Schools

December 18, 2019

Mary L. Gable
Assistant State Superintendent
Division of Student Support, Academic Enrichment, and Educational Policy
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Re: COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland*

Dear Ms. Gable:

On behalf of Charles County Public Schools, I offer these comments on the proposed changes to the above-referenced regulation. Specifically, in COMAR 13A.03.02.08, the Maryland State Board of Education has proposed requiring each local board of education to include as part of its grading and reporting policy the following:

At the high school level, a policy that students with unlawful absences constituting 5 percent or greater of school days in a semester or in a yearlong course shall be denied credit unless the student presents compelling mitigating circumstances supporting the awarding of credit and the school principal obtains approval from the Superintendent or designee to award the credit.

Many of our students face tremendous challenges, both in and out of the school setting. Our teachers and school-based staff often make extraordinary efforts to work with students, even those who, through no fault of their own, may be unlawfully absent from school. Some of these students lack needed supports away from school, but our staff always tries to ensure that they receive educational services and other resources. Students who, despite their hardships, still manage to meet all of the teacher's expectations deserve credit for their achievement, both figuratively and literally.

Under the State Board's proposal, a student who misses as few as one school day a month could be forced to repeat the school year. This harsh result removes any judgment of those who know the individual student best and understand the student's challenges. It is not enough to simply allow a student to present "compelling mitigating circumstances," however that is determined. If there are mitigating circumstances for any single absence, then the superintendent or designee can already classify the absence as lawful under COMAR 13A.08.01.03J. However, this provision is typically not used for students who simply fail to arrive at school on any one day. Excusing such absences for legitimate reasons usually requires involved parents or students who must volunteer often sensitive information about their circumstances. Nevertheless, students who are willing to put in the necessary work to overcome missed class time can and often still succeed. Unfortunately, the State Board's proposal would eliminate any consideration as to what result best meets the needs of the individual student, and it punishes the student for situations that might not be within the student's control.

It's all about teaching and learning.

24-hour information line: 301-934-7410

Page 2 -- Mary L. Gable
December 18, 2019

In addition, under the proposal, any student who is unlawfully absent for a ninth day in a school year would have no incentive to return to school at all for the remainder of the school year, since the student would have already warranted no credit for any course. That strict and punitive result would contradict the intent of the State Board's regulation, which is to encourage continued school attendance.

Local boards of education are charged with developing policies that meet the needs of the students and the school community. The State Board's proposed requirement removes that autonomy and creates a simple, bright-line rule to address often complex and unfortunate circumstances. Our most challenged students deserve better, and therefore I urge you to remove this provision from the proposed regulations.

Sincerely,



Kimberly A. Hill, Ed.D.
Superintendent of Schools

cc: Karen Salmon, State Superintendent of Schools

Karen M. Couch, Ed.D.
President, PSSAM
Superintendent of Schools
Kent County Public Schools
5608 Boundary Avenue
Rock Hall, MD 21661
Phone: 443-778-7113
Fax: 410-778-2350
E-Mail: kcouch@kent.k12.md.us



December 20, 2019

Mary L. Gable
Assistant State Superintendent
Maryland State Board of Education
200 West Baltimore Street
Baltimore, MD 21201

Sent via email

RE: Opposition – Amendment to COMAR 13A.03.02.08(5) Grading and Reporting

Dear Ms. Gable,

On behalf of our twenty-four local school superintendents and as President of the Public School Superintendents' Association of Maryland, I thank you for the opportunity to provide comment regarding the proposed amendment to **COMAR, 13A.03.02.08(5) Grading and Reporting**.

This amendment would deny credit to students with 4.5 unlawful absences, constituting five percent of school days in a semester, or missing 9 days of a yearlong course. Credit is denied unless the student presents compelling mitigating circumstances. We recognize the importance of attendance, but this proposal is a rigid one-size-fits-all approach that is not conducive to many of our systems – affecting urban, suburban and rural districts. Using attendance as a criterion in grading is *not* a recognized best practice. This change would deny credit to students regardless of their mastery of the subject, or their earned grade.

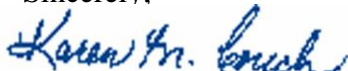
Chronic absenteeism is a great concern but there are often extenuating circumstances, many of which are linked to family dynamics or an environment of which students have no control. Adopting these inflexible regulations will provide little incentive to return to school, and significantly dampens our ability to re-engage such students. All of our systems seek to help every student and family in need, but this disincentive will limit our efforts to support them as they navigate personal challenges.

In its presentation to the Board, MSDE states that this amendment is needed “To further ensure consistency across the Local School Systems and to make sure that credits earned mean the same toward earning a Maryland diploma....” We would argue, just as we do before our local governing bodies and the General Assembly, that this undermines local decision-making. Each LEA has its own attendance policy because each system has different and unique needs. In fact, on February 27, 2018, MSDE shared an analysis of local attendance policies and noted that twelve systems either did not reference attendance or specifically prohibited attendance as a criterion for receiving credit. According to the Department’s own research, this amendment will be in complete contrast to HALF of the districts’ local policies.

We are also sharing our concerns with the Administrative, Executive Legislative Review (AELR) Committee who have jurisdiction of this proposal until January 6, 2020. We are urging them to consider our concerns in their deliberations, and that we will participate fully if a hearing is scheduled.

Again, we appreciate the Board's consideration and we strongly urge you to reject this amendment and continue to let the LEAs address chronic absenteeism in a manner that best suits their communities, and is reflective of best practices regarding credit attainment and subject mastery.

Sincerely,

A handwritten signature in blue ink that reads "Karen M. Couch". The signature is written in a cursive style.

Karen M. Couch, Ed.D.
President, PSSAM
Superintendent, Kent County Public Schools

cc via email:

Dr. Karen B. Salmon, State Superintendent of Schools



December 20, 2019

Mary L. Gable
Assistant State Superintendent
Maryland State Department of Education
200 West Baltimore Street
Baltimore, MD 21201
Mary.gable@maryland.gov

Comments on COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland*

Dear Ms. Gable:

The Howard County Public School System (HCPSS) would like to take this opportunity to offer comments on proposed changes to COMAR published in the Maryland Register on November 22, 2019, specifically under 13A.03.02 *Graduation Requirements*. Our staff has closely monitored the changes being considered by the Maryland State Board of Education (State Board) and the Maryland State Department of Education (MSDE) under this regulation specific to the exemption for the new Maryland Comprehensive Assessment required by the Maryland General Assembly in 2019 under HB1019, as well as the inclusion of a provision to withhold credit based on attendance under 13A.03.02.08 *Grading and Reporting*. Both areas as drafted, along with other considerations by MSDE in the area of graduation requirements not found in COMAR, concern HCPSS staff and warrant opposition. Specifically:

Participation Exemption

HCPSS staff recommends expanding the participate only for English 10 and Algebra I as noted throughout the proposed regulation to include students graduating in 2020-2021 or preferably all test takers in the 2019-2020 school year. Delayed reporting for the English 10 and Algebra I results make identifying students who need bridge projects/assistance impossible. Staffing interventions and scheduling of students will not be possible until the second semester. This will put a burden on schools and disrupt current scheduling practices.

Students requiring reassessment will not have scores in time for fall/winter testing and will instead be required to test in spring of 2021. This spring testing overlap places a significant strain on schools for scheduling sessions and allocating technology.

725 Cut Score

HCPSS staff recommends maintaining the cut score of 725 pending further research from MSDE. While not found in the COMAR regulation at issue here, a change in the cut score coupled with the limited participation exemption above would further exacerbate transition to the new assessment. Moving to the 750 for 8th graders in 2019-2020 and 9th graders in 2020-2021, at the same time as the test is changing names, is causing significant communication challenges. Parents are confused by the rationale for the cut score change.

MSDE needs to demonstrate that the scores are comparable to PARCC before moving cut scores for larger groups of students. In addition, the concordance to other College and Career Readiness assessments (SAT/ACT) should be examined to determine the appropriateness of the 750 cut score.

Grading and Reporting Policies

HCPSS staff recommends eliminating language added at 13A.03.02.08(B)(5). As written, the proposal requires all local school systems to include a threshold for withholding credit for a noted percent of absences. Regardless of the percent chosen or specific provisions for allowing mitigating circumstances, policy content development is a matter that should fall squarely within the authority of local Boards of Education. HCPSS Policy 8020 on grading and reporting, as broadly required under this section of COMAR, currently allows attendance to be one of many factors considered in awarding credit. With this proposed language, HCPSS would no longer have the ability to establish or update such policies to meet the unique needs of Howard County students or take into account Board, staff, parent or stakeholder input.

Given the above, HCPSS staff asks the State Board and MSDE to reconsider COMAR 13A.03.02 *Graduation Requirements*. Expanding the participate only requirement and postponing the move to a 750 cut score does not lower expectations for schools. ESSA accountability maintains the 750 cut score and the HCPSS will continue to make program improvements to help students achieve that level of performance. Additionally, while HCPSS staff will continue to consider the impact of attendance on grading and reporting, the inclusion of specific policy provisions for withholding credit at any threshold should remain a matter of local control.

Thank you for your consideration.

Sincerely,



Bill Barnes
Chief Academic Officer
Howard County Public Schools

December 20, 2019

Dr. Karen B. Salmon
State Superintendent of Schools
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Warner I. Sumpter, Brig. Gen. (Ret.)
President
Maryland State Board of Education
200 West Baltimore Street
Baltimore, Maryland 21201

Dear Dr. Salmon and President Sumpter:

The Maryland Association of Boards of Education (MABE), representing Maryland's 24 local boards of education, requests the consideration of the following concerns as the State Board considers regulations (COMAR 13A.03.02.08) mandating that local grading policies include strict limitations on a student's eligibility to receive course credit, and therefore to graduate, based on unexcused absences from school. This provision is included in a larger set of proposed amendments to the regulations governing graduation requirements (COMAR 13A.03.02.01-.12). In addition, MABE requests an amendment to the section of the proposed regulations (COMAR 13A.03.03.09) to implement the law passed in 2019 to ensure that students' results on the new high school assessments to be administered in the spring of 2020 do not affect their eligibility for graduation in 2020 or in any subsequent year in which they will graduate.

Low Threshold of Unexcused Absences Should Not Limit Course Credit Eligibility

The pending regulations purport to strictly limit a student's eligibility for course credit on a threshold of 5% of unexcused absences in a marking period (4.5 days), or school year (9 days). MABE recognizes that the regulations also provide an exception for students who present "compelling mitigating circumstances supporting the awarding of credit." The proposed attendance standard is not based on any new federal or state law or consistent with current State law and regulations governing student attendance and grading policies. Local boards do not believe the proposed regulations satisfy a simple test of reasonableness based on the low threshold of unexcused absences triggering severe academic consequences for students, and do not believe the exception based on "compelling mitigating circumstances" is a practicable or equitable remedy, or burden of proof, for all students impacted by a new attendance standard.

Best Interests of the Students

Local school systems are concerned about the unintended consequences of adopting a standard for attendance and course eligibility that is not in the best interests of students and does not reflect best practices in student grading and attendance policy making. School systems cite available research on best practices for grading policies which counsel against linking student attendance and grading policies and, more specifically, policies that mandate academically punitive responses to non-academic behavior. Technically, if the regulation is

adopted, a student who misses a few days of each marking period could be forced to repeat an entire school year. Practically, many students will not do so, but rather drop out, thereby resulting in catastrophic damage to their ability to achieve lifelong educational and economic success.

Local boards are deeply troubled that a foreseeable outcome of the proposed regulations would be to disincentivize to continued engagement or re-engagement of students who have already exceeded the 4.5 day threshold. MABE urges the State Board to consider the inequitable and disproportionate consequences for those students most likely to reach a low threshold of unexcused absences, least likely to be able make a case in support of “compelling mitigating circumstances,” and therefore most likely to suffer the negative academic consequences.

Equity

MABE shares the concerns raised by local school systems that the proposed regulations raise serious equity concerns. Therefore, MABE requests that the State Board apply the equity policy adopted by the Board on October 22, 2019, and the Equity Lens adopted by MABE in 2018, which is provided below:

- Who are the under-represented groups affected by this policy, program, practice, decision, or action? What are the potential impacts on these groups?
- Does this policy, program, practice, decision, or action worsen existing disparities or produce other unintended consequences?
- How have you intentionally involved stakeholders who are also members of the communities affected by this policy, program, practice, decision, or action? Can you validate your assessments in #1 and #2, having considered this stakeholder reaction?
- What are the barriers to more equitable outcomes (e.g. mandated, political, emotional, financial, programmatic, or managerial)?
- How will you (a) mitigate the negative impacts and (b) address the barriers identified above?

MABE believes that removing the proposed amendment is consistent with the application of the Equity Lens and the State regulations on Educational Equity (COMAR 13A.01.06). However, if the State Board determines to pursue the adoption of this amendment, MABE requests that prior to final action an equity analysis be completed and considered by the Board.

Student Attendance Already Governed by Other State Regulations

Current State regulations already govern student attendance policies (COMAR 13A.08.01.05) and do so in a manner that provides a comprehensive framework for “promoting regular school attendance” and for responding to excessive unlawful absences. These regulations place on each local school system the responsibility to develop and implement comprehensive student attendance policies. Further, the regulations require that each local policy include rules, definitions, and procedures for policy implementation in the following areas: attendance monitoring procedures, reasons for lawful and unlawful absences, clarifications of special

circumstances, procedures to verify absences and tardiness, penalties, make-up work requirements, case management of chronic attendance cases, and the appeals process.

MABE believes the proposed change to the regulations governing graduation standards is completely contradictory to the state regulations governing student attendance policies. MABE supports the stated objective of the State's student attendance regulations and standard for local board policy making, which is to promote regular school attendance. Again, the proposed change will have the opposite effect.

Local Board Governance Authority and Arbitrary Mandate to Divert Limited Resources

MABE firmly believes that the State's regulatory framework for student attendance policies appropriately delegates the policy-making and procedural responsibilities to local boards of education and school system administrations. Local school systems are responsible for allocating limited available resources to support the implementation of policies designed to promote regular school attendance and respond to unlawful absenteeism. MABE believes that the proposed change violates the principle of local control regarding student attendance policies. Local boards and school systems are best situated to consider and weigh the priorities assigned to addressing community needs and the circumstances of students and families.

The current statutory and regulatory approach is consistent with the need to focus limited local and State resources on those students who and schools who need them the most. For example, State regulations already mandate that schools experience high rates of habitual truancy implement a Positive Behavioral Interventions and Supports (PBIS) program. The proposed change would frustrate local efforts to effectively implement such programs, by diverting limited resources away from high priority needs. Notably, while State law and policy consistently focus on the priority issues of habitual truancy and chronic absenteeism, the State has not consistently provided additional resources to support programs such as PBIS. Again, MABE believes that the pending proposal would further diminish local prerogative to allocate resources consistent with local policies.

Kirwan Blueprint and Concentration of Poverty/Community Schools Initiative

MABE is supporting the passage of legislation in 2020 to launch a 10-year programmatic and funding initiative to expand State and local investments in early childhood education, teachers, college and career readiness, and targeted funding for students learning English, receiving special education services, living in households with low income, and experiencing concentrated poverty in their communities. The \$4 billion in additional funding identified in the Blueprint for Maryland's Future report of the Kirwan Commission is intended to support students, teachers, and communities toward the goal of many more students succeeding academically. By contrast, the proposed regulation would impose an academic standard and punishment tied to student attendance without the benefit of any additional resources. Therefore, MABE requests that any consideration of regulations imposing new administrative or programmatic burdens local school systems be deferred indefinitely pending the passage and funding provided for the Kirwan Blueprint for Maryland's Future.

High Stakes Cut Scores Should Not Be Tied to Brand New Assessments

The proposed regulations also include a provision intended to implement legislation passed in 2019, House Bill 1019, entitled "State Board of Education - Public High School Students - Assessments and Graduation Requirements." MABE supported this legislation as a means to ensure that students taking the new State assessments in the 2019-2020 school year not be negatively impacted in any way by their scores on those assessments. This position is consistent with MABE's longstanding support for grace periods in which students are quired to take, but not pass, new assessments being field tested for reliability and validity.

Therefore, MABE requests, consistent with legislation passed in 2019, House Bill 1019, that COMAR 13A.03.02.09.C(1) be amended to read as follows:

"C. Exception to Passing Score Requirement.

- (1) In the 2019-2020 school year, for students taking the Maryland Comprehensive Assessment for Algebra I or English 10 for the first time, taking the assessment will meet the graduation assessment requirement."

Conclusion

In light of these concerns, MABE urges the State Board to adopt the amendment outlined above to the state assessment regulations (COMAR 13A.03.02.09.C(1)); and to reject the proposed amendment to the grading and reporting section of the regulations governing graduation requirements (COMAR 13A.03.02.08).

Sincerely,



Martha James-Hassan
President

Copy to:

MABE Board of Directors
Local Board President/Chairs
Superintendents of Schools/Chief Executive Officers
Frances Hughes Glendening, MABE Executive Director
Mary Pat Fannon, PSSAM Executive Director
Mary Gable, Assistant State Superintendent, MSDE



COMAR 13A.03.02
Graduation Requirements for Public High Schools in Maryland
Proposed Amendments to Regulations .02, .03, .06–10, and .12

Comments from Dr. Maria V. Navarro, Chief Academic Officer
Office of the Chief Academic Officer
Montgomery County Public Schools
Rockville, Maryland

BACKGROUND: The Maryland State Board of Education proposes to amend COMAR 13A.03.02, *Graduation Requirements for Public High Schools in Maryland*, to waive the requirement for certain students to pass State assessments and define the impact unlawful absences would have on earning a credit in a course for high school.

Regulation .06: Maryland Comprehensive Assessments

Proposed language states: “If a student is graduating in the school year 2019–2020, and has passed the Algebra 1 and English 10 courses but failed the Maryland Comprehensive Assessment aligned with those courses, that student is exempt from completing a Bridge Project and will have met the assessment requirement for Algebra 1 and/or English 10.”

MCPS Comments:

- MCPS supports this amendment.
- However, MCPS is concerned that student performance results from the 2020 Maryland Comprehensive Assessments will not be available until fall or winter 2020–2021. If that is the case, the waiver for the Bridge Projects may need to be extended for students graduating in the 2020–2021 school year.
- There are additional concerns that MCPS has in regards to the transition from the Partnership for Assessment of Readiness for College and Careers (PARCC) to the final “computer adaptive” version of the Maryland Comprehensive Assessment Program (MCAP) slated for administration in 2020–2021. These changes may warrant additional extension for students graduating in 2021. See attached letter to Brigadier General Sumpter, president, Maryland State Board of Education, outlining MCPS concerns (Attachment).

Office of the Chief Academic Officer

Regulation .08 Grading and Reporting: “Any student with unlawful absences constituting 5 percent of school days of a semester or year-long course shall be denied credit unless the student presents compelling mitigating circumstances and the principal receives permission from the superintendent or designee to award the credit.”

MCPS Comments:

- MCPS opposes this amendment that creates automatic denial of credit based on attendance and a “one size fits all” threshold of 5 percent, without any attention to individual students’ educational needs or student competencies. Not only does research suggest that the role of attendance in credit-awarding decisions be limited, but educational practice is continuing to shift toward more competency-based and standards-based approaches; alternative methods to earning credit such as credit by exam; and blended learning models that include a blend of face-to-face and online learning time. These approaches place a premium on the time that students spend with teachers, but they also provide instructional opportunities that do not rely solely on seat time alone.
- MCPS recently revised [Regulation JEA-RA, Student Attendance](#), which strengthened language about how attendance factors in to a student’s grade and ultimately risk failure. However, as discussed with the Montgomery County Board of Education on December 3, 2019, the regulation also includes requirements for attendance intervention before a student risks failure in a course. Additional information can be found here: [https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/BJ9RRX6EBD03/\\$file/Secondary%20Grading%20Reporting%20191203.pdf](https://go.boarddocs.com/mabe/mcpsmd/Board.nsf/files/BJ9RRX6EBD03/$file/Secondary%20Grading%20Reporting%20191203.pdf)
- MCPS also is concerned about the focus on unlawful as opposed to chronic absences. The concept of “unlawful” absences is complex and raises equity issues. When defining lawful absences, there is necessary discretion on the part of the principal, which results in variation in implementation. More so, there are inequities in the recording of “lawful” absences. This happens for a range of reasons, including parents/guardians who will attest to student absences for an approved reason to avoid an unlawful absence while other parents/guardians do not. There also are parents/guardians who are not as aware of the procedures for absences and may not submit notes on behalf of their students, even when absences are lawful.
- MCPS believes that the proposed amendment would jeopardize student re-engagement of chronically absent students and sends a message that there is no point to returning to school or improving attendance patterns. MCPS believes that the focus should be more on attendance intervention and addressing the root causes of chronic absenteeism, as opposed to a strictly punitive approach, especially when there is demonstration of student learning and competency of standards.
- When implementing policies that deny credit based on a defined number, it raises issues of equity. MCPS had a long history of implementing a “loss of credit” policy for several decades. Under this policy, students lost credit in a course after five unexcused absences. Over time, data revealed inequities in how the policy was applied to students in poverty

and students of color. Because of these disparities, this practice was eliminated in 2010, as explained in this memorandum:

<https://www.montgomeryschoolsmd.org/boe/meetings/agenda/2009-10/2010-0511/3.0%20Loss%20of%20Credit%20Memo.pdf>

As a result, MCPS shifted the attendance policy to one that now emphasizes attendance intervention before factoring attendance into a grade.

Submitted December 20, 2019



OAKDALE HIGH SCHOOL

5850 Eaglehead Drive, Ijamsville, MD 21754
Phone 240-566-9400, Fax 240-566-9401

Lisa Smith, Principal
Lindsey Baker, Assistant Principal
Daniel Grimm, Assistant Principal
Kelly Kirby, Assistant Principal

December 18, 2019

Dear Assistant State Superintendent Gable,

The proposed amendments to Regulations .02, .03, .06-.10, and .12 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland, specifically .06 Maryland [High School] Comprehensive Assessments in Maryland are a concern for me as an educator.

While I agree with the reasoning for students graduating in the 2019-2020 school year, which offers a waiver for the Bridge Project Validation as long as the student participates in a remediation program and comprehensive MCAP assessments, students graduating in the 2020-2021 school year are being unfairly punished and not given the opportunity to grow. The students graduating in 2020-2021 that need to pass the Algebra and/or English MCAP are going through a remediation program and assessments this current school year, but they will not have scores available until November/December 2020. The delay in the reporting of scores penalizes those students needing to assess in Algebra or English again. The amount of time and resources necessary for a student to complete a Bridge project is intensive. How can educators make good decisions for students and families that best meets the needs of each student?

The majority of our students that need to remediate and retest are those students who struggle academically. I cannot justify to a student the need to begin a Bridge Project when scores will not be available until late 2020. Ultimately, the student may have successfully completed the exam, making the project unnecessary.

It is in the best interest of our students to extend the waiver for those graduating in the 2020-2021 school year. I hope you will reconsider the decision and grant a waiver for the students graduating in 2021.

Sincerely,

Amy C. Schade-Pyles
College and Career Readiness Teacher

Boyd J. Michael, III, Ed.D.
Superintendent of Schools

December 19, 2019

Via U.S. Mail & Email (mary.gable@maryland.gov)
Mary L. Gable, Assistant State Superintendent
Division of Student Support, Academic Enrichment, and
Educational Policy
Maryland State Department of Education
200 West Baltimore Street
Baltimore, Maryland 21201

RE: Proposed Changes to Code of Maryland Administrative Regulation 13A.03.02.06 – “Maryland High School Assessments”

Dear Ms. Gable:

Washington County Public Schools’ (WCPS) staff has reviewed the proposed changes to the Code of Maryland Administrative Regulation (COMAR) 13A.03.02.06, entitled “Maryland High School Assessments,” that were published in The Maryland Register on November 22, 2019. WCPS offers the following comments.

The proposed changes to Regulation 13A.03.02.06(F) states as follows:

If a student is graduating in the school year [2017-2018, and is a first-time test taker of Algebra I and/or English 10 in that school year] *2019-2020*, and has passed the *Algebra I and/or English 10* [course(s)] *courses* but failed the Maryland [High School] *Comprehensive* Assessment aligned with those [course(s)] *courses*, that student is exempt from completing a Bridge Project and will have met the assessment requirement for Algebra I and/or English 10. *Appropriate assistance is encouraged to be provided to strengthen areas of weaknesses for students who did not receive a passing score on the Algebra I or English 10 assessment.*

The proposed change extends the Bridge Plan exemption through the 2019-2020 school year; however, because of the delay in receiving MCAP scores local school systems will not know if a student is required to complete a Bridge Plan until January 2021 at the earliest. WCPS recommends that the Bridge Plan exemption be extended another year through the 2020-2021 school year.

Thank you for your consideration of our comments.

Mary L. Gable
December 19, 2019
Page 2 of 2

Sincerely,



Boyd J. Michael, III, Ed.D.
Superintendent of Schools

Copy: Mrs. Melissa Williams, Board of Education President
Mr. Stanley Stouffer, Board of Education Vice President
Mr. Pieter Bickford, Board of Education Member
Mrs. Jacqueline Fischer, Board of Education Member
Mr. Michael Guessford, Board of Education Member
Mrs. Linda Murray, Board of Education Member
Mr. Wayne Ridenour, Board of Education Member
Dr. April Bishop, Deputy Superintendent
Dr. Peggy Pugh, Associate Superintendent for Curriculum and Instruction
Mr. Jeffrey Proulx, Chief Operating Officer
Mr. Anthony Trotta, Chief Legal Counsel
Mr. John Martirano, Deputy Legal Counsel
Mrs. Ardath Cade, Legislative Representative
Dr. Karen Salmon, State Superintendent of Schools
Brigadier General Warner Sumpter, President, Maryland State Board of Education
Ms. Jean C. Halle, Vice President, Maryland State Board of Education
Ms. Gail H. Bates, Member, Maryland State Board of Education
Ms. Clarence C. Crawford, Member, Maryland State Board of Education
Charles R. Dashiell, Jr., Esquire, Member, Maryland State Board of Education
Dr. Vermelle Greene, Member, Maryland State Board of Education
Dr. Justin Hartings, Member, Maryland State Board of Education
Dr. Rose Maria Li, Member, Maryland State Board of Education
Dr. Joan Mele-McCarthy, Member, Maryland State Board of Education
Mr. Michael Phillips, Member, Maryland State Board of Education
Dr. David Steiner, Member, Maryland State Board of Education
Members, Administrative, Executive, and Legislative Review Committee

From: **Gilmartin, Deborah L** <Deborah.Gilmartin@fcps.org>
Date: Sun, Dec 22, 2019 at 1:20 AM
Subject: Public comment on Graduation Requirements
To: mary.gable@maryland.gov <mary.gable@maryland.gov>
Cc: Aliveto, Jamie S <Jamie.Aliveto@fcps.org>, Schlappal, Kathleen L <Kathleen.Schlappal@fcps.org>, Bingman, Jennifer C <Jennifer.Bingman@fcps.org>, Wood, Gina M <Gina.Wood@fcps.org>, Raith, Andrew J <Andrew.Raith@fcps.org>

Dear Assistant State Superintendent Gable;

The FCPS System Accountability and School Improvement Team would like to make public comment on the proposed changes to the “Graduation Requirements for Public High Schools in Maryland,” 13A.03.02.

In the proposed regulations, a waiver for assessment graduation requirements in English 10 and Algebra 1 is being provided for students (seniors) who graduate in the 2019-2020 school year. The waiver is required due to the delay in reporting scores for assessments taken during the 2019-2020 school year until after the seniors have graduated. While it is clear that the waiver is necessary for current seniors, we believe the Maryland State Department of Education has failed to consider the impact to current juniors (members of the class of 2021) and the impact to students with disabilities.

Requiring juniors (class of 2021) to pass a test or complete a Bridge Project in English 10 and Algebra 1 without having timely scores from the 2019-2020 administration has numerous negative outcomes:

- * Juniors (and all other high school students) who test in the Fall of 2019 will lose the opportunity to retest in the spring as it is unreasonable to think a student would retest without knowing scores from the previous administration or without appropriate remediation.
- * Without knowing scores, students are left second-guessing their scheduling decisions for the next school year with the potential of having to make scheduling changes once scores are returned, and after the fall semester is well underway.
- * There are potential staffing implications for schools with a high number of students who fail assessments in 2019-2020. We will not be able to appropriately staff buildings for the 2020-2021 school year based on student needs.
- * Verbal guidance from the MSDE has been to start current juniors on Bridge Projects who may have already had one failure or who “might not pass” the test this school year. As dedicated professionals, we cannot count students out. We teach and remediate with the expectation that students will learn and pass the tests. What message does this send to students and parents when we “expect” a student to fail? Expecting students to fail (and remediating or scheduling without cause) has the following negative outcomes:
 - * Potential impact to students’ ability to participate in work study, career and technology programs, career driven courses, or other interest-based pathways
 - * Potential impact to the number of sections or particular courses that schools offer

(based on the need for embedded remediation)

* Time will have been wasted completing unnecessary Bridge projects if we find out later that students passed the assessments, especially if students have the potential to use the combined score method.

* In Frederick County, a total of 577 exams administered during the 19-20 school year will be juniors taking the test for the first time. It is not reasonable to request a student to start a Bridge project with no prior failing test score.

* The proposed actions to the graduation regulation (page 1108 of the MD Register, Volume 46, Issue 24) state there is no impact to students with disabilities. This is not true as many of the current juniors who have not met their assessment requirements are students receiving special education services. Letting them (and their families) know in fall of 2020 (when they are seniors) that they will have to complete a Bridge project is unfair to them. In our district, we currently have 129 students with disabilities who have not passed exams. Forty of those students will take the algebra assessment for the first time in the 19-20 school year, and 30 students will take English 10 for the first time in the 19-20 school year. It is not reasonable to request a student to start Bridge with no prior failing test score.

We suggest adding “or 2020—2021” to section .06-F of the COMAR proposal: If a student is graduating in the school year [2017—2018, and is a first-time test taker of Algebra I and/or English 10 in that school year] 2019—2020 or 2020—2021, and has passed the Algebra I and/or English 10 [course(s)] courses but failed the Maryland [High School] Comprehensive Assessment aligned with those [course(s)] courses, that student is exempt from completing a Bridge Project and will have met the assessment requirement for Algebra I and/or English 10.

Thank you for considering our comments. Respectfully,

Deborah Gilmartin
Supervisor of State Assessment & Accountability
Local Accountability Coordinator
System Accountability and School Administration (SASA)
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From: **Welker, Sarah C** <Sarah.Welker@fcps.org>
Date: Fri, Dec 20, 2019 at 1:43 PM
Subject: Public Comment - MCAP/Graduation Requirements
To: mary.gable@maryland.gov <mary.gable@maryland.gov>
Cc: Gilmartin, Deborah L <Deborah.Gilmartin@fcps.org>

Good afternoon, Asst. Superintendent Gable:

As a high school teacher who both works with the Bridge Program and remediates students for reassessment, I have concerns about the implementation of new MCAP and its impact on graduation requirements.

While I appreciate and understand why it was necessary for 19-20 graduating seniors to receive a waiver for participating in the MCAP (see below), I believe this waiver will need to extend to students graduating in 20-21 as well if the MCAP scores are not returned by the end of next summer.

C. Exception to Passing Score Requirement.

(1) For students who are graduating in school [years 2016—2017 and 2017—2018 and who are first-time test takers during those school years of the Maryland High School Assessment in Algebra I and/or English 10, the requirements] year 2019 — 2020, the requirement set forth in §B(3)(a) of this regulation [do] does not apply for Algebra I or English 10. For those students only, taking the Algebra I and/or English 10 Maryland [High School] Comprehensive Assessment [for the first time] will meet the graduation assessment requirement for Algebra I and English 10.

At this point, we have heard that no tests will be scored after the January administration, and all scoring will occur over the summer and into next fall. There were even comments made that scores may not be available until November or December next year due to the extensive scoring process needed. If this is the case, then we will also need to grant waivers for next year's graduating seniors as well, as the time to complete Bridge projects will be limited.

For example, I have several juniors this year who are working hard with their English and Algebra remediation, and will be taking the new Algebra 1 and English MCAP. We take remediation and reassessment seriously, and believe every student CAN pass these tests. If scores aren't going to be returned until next fall, they will still have no idea how they performed, and what additional courses they may need for remediation, possibly including the need for a Bridge Plan. At that point, classes have already been set for the year, and it may not be possible to switch them into the ones needed to complete their assessment graduation requirements. It is also incomprehensible to start

a Bridge project, just in case they need it.

Returning the scores into the fall will also impact the current sophomores. Not knowing how they performed on their ELA assessment and/or Algebra 1 reassessment from this year until November next year, doesn't give them a lot of time to prepare to assess again in January in the case that they did not pass.

I realize that for elementary and middle schools it doesn't have the same impact to have such a delay when returning scores. But, at the high school level, where students are expected to pass these tests to graduate, prompt return of scores is an absolute must. Every attempt counts, and schools need quick access to the scores so they can respond with appropriate and timely intervention when needed.

I urge that the State either work to return ELA 10 and Algebra 1 scores by the end of next summer or offer waivers for the 20-21 graduating class.

Thank you for listening!

Sarah Welker
Tuscarora High School
College & Career Readiness Teacher
Assessment, Intervention, & Mathematics
Virtual School Teacher
240-236-6514
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From: **Griffin, Matthew R** <MRGriffin@bcps.k12.md.us>
Date: Thu, Dec 19, 2019 at 9:58 AM
Subject: Comment regarding proposed changes to graduation requirements for public high schools in Maryland
To: mary.gable@maryland.gov <mary.gable@maryland.gov>
Cc: Wilson, Carol <CWilson@bcps.k12.md.us>, Ohanian, Lara <LOhanian@bcps.k12.md.us>, Jones, Laura K. <LkJones@bcps.k12.md.us>

Good morning Ms. Gable,

I am reaching out to submit a comment on behalf of Baltimore City Public Schools regarding the proposed changes to the graduation requirements for public high schools in Maryland. The proposed changes are outlined in volume 46, issue 24 of the Maryland Register.

The proposed assessment requirement changes for 19-20 are adequate for the students identified; however the current Junior class will be in a similar situation next year if 19-20 student level assessment data is not received in a timely manner in 20-21. At this time the MSDE has stated that 19-20 assessment data will be available to local school systems in the fall of 2020. Receiving student level data late in the fall or beyond that will not allow enough time for 20-21 Seniors who were first time test takers in 19-20 to complete a reassessment and a bridge project. If this occurs the MSDE will have to reconsider COMAR changes again.

Thank you,
Matt

Matt Griffin
Manager
Office of Teaching and Learning
Baltimore City Public Schools

From: **McWilliams, Andrew S** <Andrew.McWilliams@fcps.org>
Date: Tue, Dec 17, 2019 at 4:29 PM
Subject: feedback re: Graduation Requirements
To: mary.gable@maryland.gov <mary.gable@maryland.gov>
Cc: Gilmartin, Deborah L <Deborah.Gilmartin@fcps.org>

Dear Ms. Gable:

I am writing to share my comments on the proposed revisions to the Graduation Requirements for Public High Schools. I believe that current juniors (members of the class of 2021) should be exempt from passing the English and Algebra Maryland Comprehensive Assessment due to the delay in reporting scores of Assessments taken during the 2019-2020 school year. Requiring them to either pass the assessment or complete a Bridge Project, when their assessment scores will not be received until six months prior to graduation, is unfair to both the students and to the schools. There are numerous negative outcomes related to requiring members of the class of 2021 to meet yet-to-be-determined cut scores on the Maryland Comprehensive Assessments:

- Scheduling implications, requiring a mid-stream change of plans
- Potential impact to students' ability to participate in work study and/or Career and Technology programs
- Potential impact to the number of sections or particular courses that schools offer (based on the need for embedded remediation)
- It's unfair to students to have them complete a Bridge project on the basis that they *might* fail the assessment.
- Potential staffing implications for schools with a high number of students who fail the Assessment in 2019-2020 (ie., not staffing the building for the 2020-2021 school year based on student needs)

- Many of the current juniors who have not yet met their assessment requirements are students receiving special education services. Letting them (and their families) know in November/December of 2020 that they will have to complete a Bridge project is unfair to them.
- Students who sit for MCAP for the first time this Dec / Jan have not been afforded the opportunity to prepare or practice for the test in the format it will be given as they have had in prior years. In years past, online practice PARCC tests mirrored what students would see on test day. See the following page: <https://md.mypearsonsupport.com/practice-tests/english/>. The "Coming Soon" phrase has been on this site all fall, and as a result, students sitting in December / January will be seeing the MCAP testing platform for the first time with no previous opportunity to practice on it.

I suggest adding "or 2020—2021" to section .06-F of the COMAR proposal: If a student is graduating in the school year [2017—2018, and is a first-time test taker of Algebra I and/or English 10 in that school year] 2019—2020 *or* 2020—2021, and has passed

the *Algebra I and/or English 10* [course(s)] courses but failed the Maryland [High School] *Comprehensive Assessment* aligned with those [course(s)] courses, that student is exempt from completing a Bridge Project and will have met the assessment requirement for Algebra I and/or English 10. *Appropriate assistance is encouraged to be provided to strengthen areas of weaknesses for students who did not receive a passing score on the Algebra I or English 10 assessment.*

Sincerely,

Andrew S. McWilliams
Assistant Principal
Linganore High School
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Frederick, MD 21701
240-566-9717

From: **Janice Cottman** <jcottman@somerset.k12.md.us>
Date: Tue, Nov 26, 2019 at 12:06 PM
Subject: Public Comment
To: mary.gable@maryland.gov <mary.gable@maryland.gov>

Hi Ms. Gable,

I would like to see this request extended beyond this year because we do not received the scores until late. When we receive the scores late, it cause us to have all kinds of scheduling issues. Thus, it would be very help to have this proposal extended exempting students from the Bridge Algebra/English. It will give us time to get back on track.

Thank you very much.

Janice Cottman
School Counselor
Washington High School

From: **Jill Holland** <jholland@somerset.k12.md.us>
Date: Tue, Nov 26, 2019 at 7:54 AM
Subject: support for COMAR 13a.03.02
To: mary.gable@maryland.gov <mary.gable@maryland.gov>

Good morning,

I wanted to share with you that I support your request to waive required ELA and Math bridge projects for this year's seniors that passed the class but failed the test. I wanted to also respectfully request the same waiver be applied to this year's juniors. Scheduling of bridge classes for senior year will be difficult with data not coming in until so late. Two years would give everyone time to do what is needed for the test while not punishing schools and students.

Thank you and have a wonderful day,

Jill Holland
Instructional Technology & Social Studies Supervisor
Somerset County Public Schools

From: **Terry Drechsler** <tdrechsler@somerset.k12.md.us>
Date: Tue, Nov 26, 2019 at 6:48 AM
Subject: Support for 13A.03.02
To: Mary.gable@maryland.gov <Mary.gable@maryland.gov>

Good morning,

I am writing you in support for COMAR 13A.03.02, which will go before the State Board on January 28, 2020. I know the original proposal asked the State Board for students in the graduating class of 2020 and 2021 be exempt from doing Bridge Projects in both ELA and Math if they successfully had completed the Algebra I course or the ELA 10 course. I am asking that you please request that the State Board reconsider their response to the class of 2021 having to complete the Bridge Projects in ELA and Algebra. With the scores coming back either late in the summer or fall of 2021, this puts a hardship on schools trying to schedule students into Bridge courses. This would be extremely true for small systems which have limited staff and struggle to even be able to offer Bridge Courses for students. Schools usually have their schedules set by the middle of the summer. If there are current juniors who are taking ELA 10 for the first time this year, and fail, they may not be able to be placed into a Bridge course, due to the schedule being set. I can understand if the State Board does not want to extend the exception to Algebra, due to the fact that most students take Algebra I in the 9th grade and therefore have several years to complete a Bridge Project, but I am concerned about the ELA not including the graduating class of 2021.

I appreciate you reading my remarks and I wish you a Happy Holiday.

Terry Drechsler

Supervisor of Secondary Mathematics
Local Accountability Coordinator, Somerset County

Performance Matters Liaison

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