



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: December 4, 2018

SUBJECT: COMAR 13A.03.02.08
Grading and Reporting
ADOPTION

PURPOSE:

To request adoption of the amendments to COMAR 13A.03.02.08 *Grading and Reporting*. This regulation came before the State Board on April 24, 2018 and was again discussed at the June 20, 2018 meeting. Based on comments from the State Board, this regulation came back to the State Board on July 24, 2018. At the July 24, 2018, the State Board granted permission to publish.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose an amendment to a regulation whenever the circumstances arise to do so. After the State Board votes to propose an amendment, 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 to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because suggested revision is not 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:

COMAR 13A.03.02.08 *Grading and Reporting* requires each local school system to develop a written policy on grading and reporting and to file its policies annually with the State Superintendent of Schools. The most recent grading policy for each of the local school systems was collected and reviewed for specific areas including grade changes, numerical value of a failing grade, impact of

attendance on grades, and grade appeals by parent/guardian. The collection of the local grading policies was shared with the State Board on February 27, 2018.

An additional review of information on the websites for each local school system was conducted by the Attorney General's Office and shared with the State Board at the June 20, 2018 meeting. Following each of these reviews and comments from the April and June State Board meetings on the local grading policies, recommendations for amended COMAR language to strengthen the grading and reporting policies in local school systems were presented to the State Board on July 24, 2018. The State Board granted permission to publish and the regulation was published from September 28, 2018 to October 29, 2018.

The MSDE received five letters of comment. The letters were from Daniel D. Curry, Ed.D. PSSAM President and Superintendent of Schools, Calvert County, on behalf of PSSAM; Jeanette Ortiz, Legislative and Policy Counsel, Anne Arundel County Public Schools, on behalf of Anne Arundel County Public Schools; Boyd J. Michael, III, Ed.D., Superintendent, Washington County Public Schools; Maureen Q. McNamara, Policy and Forms Specialist, Montgomery County Public Schools, Office of the General Counsel, on behalf of Montgomery County Public Schools; and John R. Woolums, Esq., Director of Governmental Relations, Maryland Association of Boards of Education (MABE), on behalf of MABE. Each letter was reviewed, and recommendations of the stakeholders were listed on the attached chart along with the applicable reference to the regulation and MSDE's response. Based on the comments received during publication of the regulation, the MSDE recommends two revisions to the amended regulation. (See Attachments for copies of each letter and table with comments and responses)

EXECUTIVE SUMMARY:

The amendment describes requirements that local school systems must incorporate into their grading and reporting policies. These requirements include: grading scales, calculation of final grades, explanation of weights for honors and other courses, how attendance factors into the grade, information on grade change procedures, and audit and appeal procedures. Local school systems will be required to file its policy on grading and reporting and submit a copy of the grade change validity audit to the State Superintendent of Schools. Upon submission, the MSDE will verify that the school system met the requirements of the regulation or direct the school system to develop a corrective action plan.

Based on review of the input from stakeholders, the MSDE recommends two revisions to the amended regulation. These revisions are determined to be non-substantive. The MSDE recommends a change to:

13A.03.02.08A Each school system in Maryland shall recognize and accept any and all credits a student earned toward graduation in any other *public* school in Maryland.

Rationale:

The intent of the proposed regulation was limited to public schools.

13A.03.02.08 (5)(a) A timeline for final grade changes that cannot exceed *45 school days* following the last day of the grading period. *For a change of grade for the 4th marking period, the timeline would begin on the first day of school in the new school year.*

Rationale:

This revision will allow a full grading period to make the grade change and provides explanation of the timeline for requests for a grade change made at the end of the school year.

The MSDE does not recommend further revisions to the regulation.

ACTION:

Request adoption of the amendments to COMAR 13A.03.02.08 *Grading and Reporting*.

Attachments:

COMAR 13A.03.02.08 *Grading and Reporting*

Letters of comment from:

Daniel D. Curry, Ed.D. PSSAM President and Superintendent of Schools, Calvert County, on behalf of PSSAM;

Jeanette Ortiz, Legislative and Policy Counsel, Anne Arundel County Public Schools, on behalf of Anne Arundel County Public Schools;

Boyd J. Michael, III, Ed.D., Superintendent, Washington County Public Schools;

Maureen Q. McNamara, Policy and Forms Specialist, Montgomery County Public Schools, Office of the General Counsel, on behalf of Montgomery County Public Schools; and

John R. Woolums, Esq., Director of Governmental Relations, Maryland Association of Boards of Education (MABE), on behalf of MABE.

Comments regarding COMAR 13A.03.02.08 *Grading and Reporting*

**Comments regarding COMAR 13A.03.02.08 Grading and Reporting
Published in the Maryland Register September 28, 2018 through October 29, 2018**

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
<p>Daniel D. Curry, Ed.D. PSSAM President and Superintendent of Schools, Calvert County</p> <p>Submitted on behalf of PSSAM</p>	<p>PSSAM would like to provide comment relative to Regulation .08B(5)(a). While we support an established timeline, we are concerned that specificity of 30 days could undermine our ability to support students in unique situations that could extend beyond the 30-day timeline. This might include medical situations, accommodations for Individualized Education Program (IEP) or Section 504 plans, or grade appeals from parents/guardians/students that occur during the summer months. If the State Board adopts a prescribed timeline, we suggest specific exemptions for such circumstances.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures, including:</p> <p>(a) A timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period.</p>	<p>We agree and recommend a change to:</p> <p>(a) A timeline for final grade changes that cannot exceed 45 school days following the last day of the grading period. For a change of grade for the 4th marking period, the timeline would begin on the first day of school in the new school year.</p> <p>Rationale: This revision will allow a full grading period to make the grade change and provides explanation of the timeline for requests for a grade change made at the end of the school year.</p>
	<p>In addition, PSSAM supports checks and balances and detailed record keeping in the grade change process. However, the specific documentation prescribed in proposed Regulation .08B(5)(c) may be overly burdensome and does not provide school systems with the ability to use existing internal processes or develop technology solutions for</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures, including:</p>	<p>We recommend no change.</p> <p>The information requested in .08B(5)(c) is consistent with the information usually collected by a school system through internal processes.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	the processing, monitoring, and accountability for grade changes.	<p>(c) Documentation that authorized personnel are required to maintain to support the final grade changes must include, at a minimum:</p> <p>(i) Name of teacher requesting grade change;</p> <p>(ii) Reason for the grade change;</p> <p>(iii) Signature of person approving the grade change;</p> <p>(iv) Reason for the approval;</p> <p>(v) Date of the approval; and</p> <p>(vi) Signature of the principal.</p>	
Jeanette Ortiz Legislative and Policy Counsel Anne Arundel County Public Schools	The proposed amendments to COMAR 13A.03.02.08 are prescriptive and describe in much greater detail the requirements that local school systems must incorporate in their grading and reporting policies.	This statement refers to the entire regulation.	We recommend no change. The required information to be included in a grading policy is consistent with a commitment to transparency of grading policies across the State for all local school systems.
Submitted on behalf of Anne Arundel County Public Schools	B. 4. – This language is confusing. A student’s attendance is not factored into a grade for a course. Instead, a student’s attendance impacts how and if a student earns credit for a course. This distinction needs clarification.	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(4) An explanation of how attendance factors into the student’s grade.</p>	We recommend no change. The local school system is required to explain that a “student’s attendance impacts how and if a student earns credit for a course.” If there is no direct impact on the grade for any number of legal or illegal absences, that can be explained.

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	<p>B. 5. a. – This language is problematic and would be impossible to enforce because our appeals process is longer than 30 days. AACPS has a multi-tiered appeals process that can take longer than 30 days if a student or parent/guardian chooses to take advantage of the full process. After several levels of review, a student or parent/guardian has 30 days to appeal to our Board of Education. As such, if the Board determines that a grade change is appropriate in an appeal, the change would occur beyond the 30-day limitation being proposed here. Accordingly, this proposed limitation is in conflict with the AACPS student appeals process as it relates to grades.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures which shall include:</p> <p>(a) Timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period;</p>	<p>We agree and recommend a change to:</p> <p>(a) A timeline for final grade changes that cannot exceed 45 school days following the last day of the grading period. For a change of grade for the 4th marking period, the timeline would begin on the first day of school in the new school year.</p> <p>Note: A local school system that could not meet the deadline due to an appeal would be expected to provide documentation to that effect.</p> <p>Rationale: This revision will allow a full grading period to make the grade change and provides explanation of the timeline for requests for a grade change made at the end of the school year.</p>
	<p>B. 5. d. – The use of the word “audit” is unclear here. We recommend replacing “audit” with “review.” What is the expectation? This section needs additional clarification.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p>	<p>We recommend no change.</p> <p>An audit is defined as an inspection of the process. That is what the State Board expects school systems to conduct.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
		<p>(5) An explanation of grade changing procedures which shall include:</p> <p>(d) How and when the school system will audit the validity of the grade changes each year; and</p>	<p>The local school system is expected to establish an “audit” that would validate that the established process was implemented with fidelity.</p>
	<p>B. 5. e. – This language is unclear. What are the appeals procedure being referenced? For whom or for what are the appeals procedures? For example, are the procedures for the teacher, the student or both? AACPS has a policy and regulation dedicated to student appeals. This section needs additional clarification.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures which shall include:</p> <p>(e) Appeal procedures.</p>	<p>We recommend no change.</p> <p>The local school system would be expected to provide a copy of the appeal procedures that would be utilized in the event of an appeal of a grade by a student, parent, or teacher.</p>
	<p>C. 2. – The use of the word “audit” is unclear here. We recommend replacing it with “review.” What are school systems expected to submit? Is a school system to submit the MSDE verification form? This section needs additional clarification.</p>	<p>C. On October 1 of each school year, each local school system shall:</p> <p>(2) Submit a copy of the grade change validity audit in accordance with B(5)(d) of this regulation to the State Superintendent of Schools.</p>	<p>We recommend no change.</p> <p>An audit is defined as an inspection of the process. That is what the State Board expects school systems to conduct.</p> <p>The local school system is expected to establish an “audit” that would investigate and validate that the established process was implemented with fidelity.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
Boyd J. Michael, III, Ed.D. Superintendent Washington County Public Schools	Proposed paragraph A should be clarified by stating that only credits from “public” school systems and Maryland State Department of Education (MSDE) approved schools can be accepted.	A. Each school system in Maryland shall recognize and accept any and all credits a student earned toward graduation in any other school system in Maryland.	We agree and recommend a change to. A. Each school system in Maryland shall recognize and accept any and all credits a student earned toward graduation in any other <i>public</i> school in Maryland. Rationale: The intent of the proposed regulation was limited to public schools.
	Proposed paragraph B(1) mentions the elementary level, but the regulation does not refer to any grade levels after this paragraph. It appears that the remaining paragraphs apply to the secondary level since grade changes and credits only apply to secondary schools. Paragraph B is confusing because it is unclear as to which provisions in paragraph B apply to elementary, middle, or high schools.	B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes: (1) An explanation of the grading scale at the elementary and secondary levels.	We recommend no change. We believe the regulation is clear that the grading policy for each appropriate grade level needs to be submitted. Grade change procedures would apply to whenever and at whatever level there was a grade change.
	More information is required on proposed paragraph B(5)(e), Does this mean appeal procedures for when a student/parent disputes a grade and/or when a teacher disputes a grade change, etc.?	B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:	We recommend no change. The local school system would be expected to provide a copy of the appeal procedures that would be utilized in the event of an appeal of a grade by a student, parent, or teacher.

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
		<p>(5) An explanation of grade changing procedures which shall include:</p> <p>(e) Appeal procedures.</p>	
	<p>WCPS would like to recommend that “An explanation of the teacher of record.” Be added to paragraph B. This is especially important regarding Home and Hospital Teacher as well as Virtual or Blended Learning.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(i) the name of the teacher recommending grade change.</p>	<p>We recommend no change. We believe it is critical to know the name of the teacher changing the grade. That will usually be the teacher of record.</p>
	<p>WCPS would also like to note that its elementary schools, as well as many others across the State, use standards-based grading so students receive performance levels and not grades. This is a trend that may extend in the future to middle and high schools. WCPS is not sure how performance levels would be addressed in this policy which only references grades. The regulation should provide guidance on standards-based grading.</p>		<p>We recommend no change.</p> <p>The use of standards-based grading would be included in the grading policy.</p>
<p>Maureen Q. McNamara Policy and Forms Specialist Montgomery County Public Schools</p>	<p>In regard to proposed Regulation .08 (5) (a), “A timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period:”</p> <p>o MCPS supports an established timeline for grade changes but is concerned that a specific timeline of 30 days could undermine local school systems’ ability to support students in</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures, including:</p>	<p>We agree and recommend a change to:</p> <p>(a) A timeline for final grade changes that cannot exceed 45 school days following the last day of the grading period. For a change of grade for the 4th marking period, the timeline</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
<p>Office of the General Counsel</p> <p>Submitted on behalf of Montgomery County Public Schools</p>	<p>unique situations that may need to extend beyond the established timeline. This might include medical situations, accommodations needed for Individualized Education Programs (IEPs) or Section 504 plans, or grade appeals from parents/guardians/students that occur during the summer months. If the State Board adopts a prescribed timeline, MCPS suggests specific exemptions for such circumstances.</p>	<p>(a) A timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period.</p>	<p>would begin on the first day of school in the new school year.</p> <p>Rationale: This revision will allow a full grading period to make the grade change and provides explanation of the timeline for requests for a grade change made at the end of the school year.</p>
	<p>In regard to proposed Regulation .08 (5) c, which specifies documentation that is required to support final grade changes: o MCPS strongly supports checks and balances and detailed record keeping in the grade change process. However, the specific documentation prescribed in the proposed regulation may be overly burdensome for districts and does not provide districts with the ability to use existing internal processes or develop technology solutions for the processing, monitoring, and accountability for grade changes.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures, including:</p> <p>(c) Documentation that authorized personnel are required to maintain to support the final grade changes must include, at a minimum:</p> <p>(i) Name of teacher requesting grade change; (ii) Reason for the grade change; (iii) Signature of person approving the grade change; (iv) Reason for the approval; (v) Date of the approval; and</p>	<p>We recommend no change.</p> <p>The information requested in .08B(5)(c) is consistent with the information usually collected by a school system through internal processes.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
		(vi) Signature of the principal.	
<p>John R. Woolums, Esq. Director of Governmental Relations Maryland Association of Boards of Education (MABE)</p> <p>Submitted on behalf of MABE</p>	<p>MABE believes that the proposed amendments infringe on local board authority.</p>		<p>We recommend no change.</p> <p>The proposed regulations do not “infringe on local board authority.” The regulations do not impose a specific policy or specific procedure, but require that the local board report to the State Board the grading procedures and policy they have adopted. This proposed regulation is within the broad visitatorial power of the Board to determine education policy in Maryland and promulgate regulations for the administration of the public schools. Md. Educ. Code Ann. §2-205(b)&(g).</p>
	<p>MABE believes that that structure and content of the proposed regulations warrants major revisions to address the need for clarification on the distinction between policy and procedure. The proposed regulations appear to be intended to require that locally adopted grading policies include a prescriptive set of procedural and administrative components not typically included in local board policy. Therefore, MABE requests the removal of prescriptive requirements regarding procedures and administrative practices from the proposed State regulations.</p>		<p>We recommend no change.</p> <p>Many local school systems already include specificity in policies. The proposed regulation calls for transparency across all school systems.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	<p>The proposed regulations would require specified content of local policies including grading scales, methodology for calculating final course grades and weights, and the role of attendance in grading. In each instance, the regulations would inappropriately require local policies on grading and reporting to include “explanations” of these policies (COMAR 13A.03.02.08.B. (1)-(4)). MABE requests that the references to requiring “explanations” of policy components be removed.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <ul style="list-style-type: none"> (1) An explanation of the grading scale at the elementary and secondary levels; (2) An explanation of the calculation of the final grade for a course; (3) An explanation of weights of honors, Advanced Placement, International Baccalaureate, and/or dual enrollment courses; (4) An explanation of how attendance factors into the student’s grade. 	<p>We recommend no change.</p> <p>Many local school systems already include specificity in policies. The proposed regulation calls for transparency across all school systems.</p>
	<p>Specifically, MABE requests clarification of the reference to the “explanation of how attendance factors into the student’s grade” under COMAR 2 13A.03.02.08.B.(4) to address the distinction between attendance impacting a student’s grade and the determination of whether a student receives credit for a course.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <ul style="list-style-type: none"> (4) An explanation of how attendance factors into the student’s grade. 	<p>We recommend no change.</p> <p>The local school system should explain whether a “student’s attendance impacts a grade and if a student earns credit for a course.” School systems could report that there is no direct impact on the grade for any number of legal or illegal absences.</p>
	<p>MABE also requests the removal of the proposed requirement that each local grading and reporting policy include “grade change</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the</p>	<p>We recommend no change.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	<p>procedures with explanation” (COMAR 13A.03.02.08.B.(5)). MABE opposes this provision for the same rationale as stated above, but in this instance the proposal would require not only an explanation of the adopted grade change policy but also the procedures developed under the policy. Local boards take very seriously their governance role regarding student grading policies, and respect the appropriate administrative roles of superintendents and staff to carry out grading procedures and practices.</p>	<p>student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures, including:</p> <p>(a) A timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period;</p> <p>(b) The names of personnel at the school and central office level authorized to make final grade changes;</p> <p>(c) Documentation that authorized personnel are required to maintain to support the final grade changes must include, at a minimum:</p> <p style="padding-left: 40px;">(i) Name of teacher requesting grade change;</p> <p style="padding-left: 40px;">(ii) Reason for the grade change;</p> <p style="padding-left: 40px;">(iii) Signature of person approving the grade change;</p> <p style="padding-left: 40px;">(iv) Reason for the approval;</p> <p style="padding-left: 40px;">(v) Date of the approval; and</p> <p style="padding-left: 40px;">(vi) Signature of the principal.</p> <p>(d)How and when the school system will audit the validity of the grade changes each year; and</p> <p>(e) Appeal procedures.</p>	<p>Many local school systems already include specificity in policies. The proposed regulation calls for transparency across all school systems.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	<p>The proposed regulations would require that each local policy include provisions on “how and when the school system will audit the validity of grade changes each year” (COMAR 13A.03.02.08.B.(5)(d)). MABE requests the removal of this provision based on the absence of statutory authority to impose a new requirement in regulations to conduct annual audits of grade change policies, procedures, and administrative decisions. Similarly, MABE opposes the adoption of COMAR 13A.03.02.08.C.(2) because it would impose the requirement that by October 1 of each year each school system must submit a copy of the “grade change validity audit” referenced indirectly as a policy component under COMAR 13A.03.02.08.B.(5)(d).</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures which shall include:</p> <p>(d) How and when the school system will audit the validity of the grade changes each year; and</p> <p>C. On October 1 of each school year, each local school system shall:</p> <p>(2) Submit a copy of the grade change validity audit in accordance with B(5)(d) of this regulation to the State Superintendent of Schools.</p>	<p>We recommend no change.</p> <p>The State Board has the statutory authority, pursuant to Md. Educ. Code Ann. §2-205(b)&(g), to promulgate a regulation requiring an annual audit of grade changes and to require school systems to submit the audit to MSDE for review.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	<p>MABE is concerned that the proposed mandate for a “timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period” does not appropriately reflect the local decision-making process and prerogative to adopt procedures which may allow for appeals extending well beyond 30 school days. Therefore, MABE requests the removal of COMAR 13A.03.02.08.B.(5)(a).</p>	<p>.08B(5) An explanation of grade changing procedures, including:</p> <p>(a) A timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period.</p>	<p>We agree and recommend a change to:</p> <p>A timeline for final grade changes that cannot exceed 45 school days following the last day of the grading period. For a change of grade for the 4th marking period, the timeline would begin on the first day of school in the new school year.</p> <p>Rationale: This revision will allow a full grading period to make the grade change and provides explanation of the timeline for requests for a grade change made at the end of the school year.</p>
	<p>Similarly, MABE requests the clarification or removal of COMAR 13A.03.02.08.B.(5)(e) which appears to require that the grading policy must include not only the grade change procedures but also the procedures for appeals arising from complaints regarding grading decisions.</p>	<p>B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:</p> <p>(5) An explanation of grade changing procedures which shall include:</p> <p>(e) Appeal procedures.</p>	<p>We recommend no change.</p> <p>The local school system would be expected to provide a copy of the appeal procedures that would be utilized in the event of an appeal of a grade by a student, parent, or teacher.</p>
	<p>Again, MABE is concerned that the proposed regulations would mandate a prescriptive set of</p>		<p>We recommend no change.</p>

Submitted by:	Comment	Regulation Language Referenced	MSDE Response
	<p>procedural and administrative components not typically included in policy. Therefore, it follows that MABE is very concerned that the annual reporting requirement, unchanged in the proposed regulations, would now refer to reporting on the full scope of policy, procedures and administrative decisions and outcomes arising under those policies and procedures.</p>		<p>Many local school systems already include specificity in policies. The proposed regulation calls for transparency across all school systems.</p>

Daniel D. Curry, Ed.D.

President PSSAM
Superintendent of Schools
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October 25, 2018

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

Dear Dr. Salmon,

On behalf of the Public School Superintendents' Association of Maryland (PSSAM), I am writing to you regarding the Maryland State Board of Education's proposal to amend Regulation .08 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. The purpose of this action is to "strengthen the grading and reporting policies in local school systems and to impose a grade change audit requirement on local school systems." PSSAM supports strong grading and reporting policies and regulations that not only comply with student record requirements, but also create equitable grading and reporting practices across school systems.

PSSAM would like to provide comment relative to Regulation .08(5)(a). While we support an established timeline, we are concerned that specificity of 30 days could undermine our ability to support students in unique situations that could extend beyond the 30-day timeline. This might include medical situations, accommodations for Individualized Education Program (IEP) or Section 504 plans, or grade appeals from parents/guardians/students that occur during the summer months. If the State Board adopts a prescribed timeline, we suggest specific exemptions for such circumstances. In addition, if a student retakes a course through summer school or other method, the grade earned in that course will replace the previous grade on the transcript, according to existing regulation. In these cases, PSSAM considers this as a replacement grade not a "grade change."

In addition, PSSAM supports checks and balances and detailed record keeping in the grade change process. However, the specific documentation prescribed in proposed Regulation .08(5)(c) may be overly burdensome and does not provide school systems with the ability to use existing internal processes or develop technology solutions for the processing, monitoring, and accountability for grade changes.

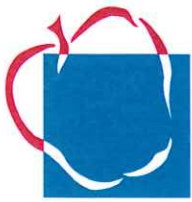
PSSAM appreciates the opportunity to provide our feedback on the proposed changes to Maryland's graduation requirements and we trust that the Maryland State Board of Education will take into consideration the concerns we have detailed above.

Sincerely,

A handwritten signature in blue ink that reads "Daniel D. Curry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Daniel D. Curry, Ed.D.
PSSAM President *and*
Superintendent of Schools, Calvert County

C: Mary Gable



October 26, 2018

Mary 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.03.02.08 Grading and Reporting.

The current regulation requires each local school system to develop a written policy on grading and reporting that complies with the State's student record requirements, and annually file its policies on grading and reporting with State Superintendent of Schools. By contrast, the proposed amendments to COMAR 13A.03.03.08 are prescriptive and describe in much greater detail the requirements that local school systems must incorporate in their grading and reporting policies.

The proposed new requirements include: grading scales, calculation of final grades, explanation of weights for honors and other courses, how attendance factors into the grade, information on grade changes procedures, and audit and appeal procedures. The proposed amendments would also require local school systems to include in their respective grading policies an assurance on course grades for transfer students, and submit a copy of the grade change audit to the State Superintendent of Schools. MSDE would then provide feedback to the local school systems.

AACPS has concerns with several proposed amendments to COMAR 13A.03.03.08. While AACPS appreciates efforts to address recent concerns in school systems grading procedures, we believe that the proposed amendments are too prescriptive and confusing. Additionally, the proposed amendments infringe upon local board authority.

The following sections are particularly problematic:

B. 4. – This language is confusing. A student's attendance is not factored into a grade for a course. Instead, a student's attendance impacts how and if a student earns credit for a course. This distinction needs clarification.

B. 5. a. – This language is problematic and would be impossible to enforce because our appeals process is longer than 30 days. AACPS has a multi-tiered appeals process that can take longer than 30 days if a student or parent/guardian chooses to take advantage of the full process. After several levels of review, a student or parent/guardian has 30 days to appeal to our Board of Education. As such, if the Board determines that a grade change is appropriate in an appeal, the change would occur beyond the 30-day limitation being proposed here. Accordingly, this proposed limitation is in conflict with the AACPS student appeals process as it relates to grades.

B. 5. d. – The use of the word “audit” is unclear here. We recommend replacing “audit” with “review.” What is the expectation? This section needs additional clarification.

B. 5. e. – This language is unclear. What are the appeals procedure being referenced? For whom or for what are the appeals procedures? For example, are the procedures for the teacher, the student or both? AACPS has a policy and regulation dedicated to student appeals. This section needs additional clarification.

C. 2. – The use of the word “audit” is unclear here. We recommend replacing it with “review.” What are school systems expected to submit? Is a school system to submit the MSDE verification form? This section needs additional clarification.

For all of the aforementioned reasons and issues raised, AACPS respectfully requests that MSDE withdraw these proposed amendments and collaborate directly with local school systems to address concerns. If MSDE determines to move forward with amendments to this regulation, AACPS requests that MSDE revise the proposed amendments to address the aforementioned issues and provide much needed clarification. Moving forward with the proposed amendments as drafted will only cause confusion across the State.

Thank you for your time and consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeanette Ortiz". The signature is fluid and cursive, with a large loop at the end of the last name.

Jeanette Ortiz
Legislative & Policy Counsel

JO/gm

13A.03.03 Graduation Requirements for Public High Schools in Maryland

.08 Grading and Reporting.

[A. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02.]

A. Each school system in Maryland shall recognize and accept any and all credits a student earned toward graduation in any other public school [system] in Maryland.

[B. On October 1 of each school year, each local school system shall file its policies on grading and reporting with State Superintendent of Schools.]

B. Each local school system shall develop a written policy on grading and reporting that complies with the student record requirements as set forth in COMAR 13A.08.02 and that includes:

(1) An explanation of the grading scale at the elementary and secondary levels.

(2) An explanation of the calculation of the final grade for a course.

(3) An explanation of weights of honors, Advanced Placement, International Baccalaureate, and/or dual enrollment courses.

(4) An explanation of how attendance factors into the student's grade.

(5) An explanation of grade changing procedures, including:

(a) Timeline for final grade changes that cannot exceed [30] 45 school days following the last day of the grading period. For a change of grade for the 4th marking period, the timeline would begin on the first day of school in the new school year;

(b) The names of personnel at the school and central office level authorized to make final grade changes;

(c) Documentation that authorized personnel are required to maintain to support the final grade changes must include, at a minimum:

(i) Name of teacher requesting grade change;

(ii) Reason for the grade change;

(iii) Signature of person approving the grade change;

(iv) Reason for the approval;

(v) Date of the approval; and

(vi) Signature of the principal.

(d) How and when the school system will audit the validity of the grade changes each year; and

(e) Appeal procedures.

C. On October 1 of each school year, each local school system shall:

(1) File its policy on grading and reporting with State Superintendent of Schools; and

(2) Submit a copy of the grade change validity audit in accordance with §B(5)(d) of this regulation to the State Superintendent of Schools.

D. Upon submission of the items contained in §C of this regulation, the Maryland State Department of Education will:

(1) Verify that the local school system has met the requirements of this regulation; or

(2) Direct the local school system to develop a corrective action plan to bring it into compliance with this regulation and monitor the school system's progress in completing its corrective action.

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



621 Ridgely Avenue, Suite 300, Annapolis, Maryland 21401
410-841-5414 · 800-841-8197 · Fax: 410-841-6580 · MABE.org

October 29, 2018

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

Dear Dr. Gable:

The Maryland Association of Boards of Education (MABE) has identified several substantive questions, concerns, and objections regarding the proposed amendments to the State regulations governing local board of education and school system policies and procedures on student grading (COMAR 13A.03.02.08). These proposed regulations were approved on July 24, 2018 by the State Board for publication in the Maryland Register for public comment, with publication on September 28, 2018 and the opportunity for public comment extending through October 29, 2018.

MABE recognizes the interests of the State Board and MSDE in ensuring that each local school system adopts and implements sound local policies and procedures for student grading. MABE fully supports the State Board and agency role in exercising administrative and quasi-judicial authority to ensure that local school systems are not operating in an arbitrary, unreasonable, or illegal manner. However, MABE firmly believes that such authority already exists, and that the proposed amendments to longstanding reporting regulations would infringe on local board authority by imposing expansive and prescriptive requirements for the local policies and procedures being reported.

Current State regulations require that each local school system must adopt a grading policy that complies with the State's student records requirements and annually provide this policy to MSDE (COMAR 13A.03.02.08.A.-B.). The proposed regulations would transform this policy reporting requirement to a lengthy set of new requirements including specifications for the content of the locally adopted policies as well as procedures, information including the names of personnel administering the policies and procedures, and an annual performance audit on the operation of each local school system's grade change policies and procedures (COMAR 13A.03.02.08.A.-D.).

MABE believes that that structure and content of the proposed regulations warrants major revisions to address the need for clarification on the distinction between policy and procedure. The proposed regulations appear to be intended to require that locally adopted grading policies include a prescriptive set of procedural and administrative components not typically included in local board policy. Therefore, MABE requests the removal of prescriptive requirements regarding procedures and administrative practices from the proposed State regulations.

The proposed regulations would require specified content of local policies including grading scales, methodology for calculating final course grades and weights, and the role of attendance in grading. In each instance, the regulations would inappropriately require local policies on grading and reporting to include "explanations" of these policies (COMAR 13A.03.02.08.B. (1)-(4)). MABE requests that the references to requiring "explanations" of policy components be removed. Specifically, MABE requests clarification of the reference to the "explanation of how attendance factors into the student's grade" under COMAR

13A.03.02.08.B.(4) to address the distinction between attendance impacting a student's grade and the determination of whether a student receives credit for a course.

MABE also requests the removal of the proposed requirement that each local grading and reporting policy include "grade change procedures with explanation" (COMAR 13A.03.02.08.B.(5)). MABE opposes this provision for the same rationale as stated above, but in this instance the proposal would require not only an explanation of the adopted grade change policy but also the procedures developed under the policy. Local boards take very seriously their governance role regarding student grading policies, and respect the appropriate administrative roles of superintendents and staff to carry out grading procedures and practices.

The proposed regulations would require that each local policy include provisions on "how and when the school system will audit the validity of grade changes each year" (COMAR 13A.03.02.08.B.(5)(d)). MABE requests the removal of this provision based on the absence of statutory authority to impose a new requirement in regulations to conduct annual audits of grade change policies, procedures, and administrative decisions. Similarly, MABE opposes the adoption of COMAR 13A.03.02.08.C.(2) because it would impose the requirement that by October 1 of each year each school system must submit a copy of the "grade change validity audit" referenced indirectly as a policy component under COMAR 13A.03.02.08.B.(5)(d).

MABE is concerned that the proposed mandate for a "timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period" does not appropriately reflect the local decision-making process and prerogative to adopt procedures which may allow for appeals extending well beyond 30 school days. Therefore, MABE requests the removal of COMAR 13A.03.02.08.B.(5)(a). Similarly, MABE requests the clarification or removal of COMAR 13A.03.02.08.B.(5)(e) which appears to require that the grading policy must include not only the grade change procedures but also the procedures for appeals arising from complaints regarding grading decisions.

Again, MABE is concerned that the proposed regulations would mandate a prescriptive set of procedural and administrative components not typically included in policy. Therefore, it follows that MABE is very concerned that the annual reporting requirement, unchanged in the proposed regulations, would now refer to reporting on the full scope of policy, procedures and administrative decisions and outcomes arising under those policies and procedures.

For these reasons, MABE respectfully requests that the State Board and MSDE pursue a collaborative process with local school systems to review and consider amendments to the current, succinct, State regulations and the impact of any major revisions on the tradition and legal framework providing local discretion in adopting and administering student grading policies. MABE believes that the withdrawal of the proposed regulations should allow ample time for such dialogue.

MABE appreciates this opportunity to provide constructive feedback on the proposed regulations governing the annual reporting of local school system grading policies. Please direct any questions or concerns regarding these comments to MABE's Director of Governmental Relations, John R. Woolums, Esq., at jwoolums@mabe.org or 410-841-5414.

Copy:

Dr. Karen B. Salmon, State Superintendent
C. Tolbert Rowe, President, MABE
Julie Hummer, Legislative Committee Co-Chair, MABE
Robert Lord, Legislative Committee Co-Chair, MABE
Frances Hughes Glendening, Executive Director, MABE
Renee McGuirk Spence, Executive Director, PSSAM

COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland
Regulation .08 Grading and Reporting
Montgomery County Public Schools Comment

Background: The Maryland State Board of Education proposes to amend Regulation .08 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. The purpose of this action is to “strengthen the grading and reporting policies in local school systems and to impose a grade change audit requirement on local school systems.” Montgomery County Public Schools (MCPS) wishes to comment on the proposed regulations.

Comments:

MCPS supports strong grading and reporting policies and regulations that not only comply with student record requirements, but also create equitable grading and reporting practices across the district and school systems. Current Montgomery County Board of Education policies, MCPS regulations, and procedures may be found here: www.montgomeryschoolsmd.org/info/grading/.

- In regard to proposed Regulation .08 (5) (a), “A *timeline for final grade changes that cannot exceed 30 school days following the last day of the grading period.*”
 - MCPS supports an established timeline for grade changes but is concerned that a specific timeline of 30 days could undermine local school systems’ ability to support students in unique situations that may need to extend beyond the established timeline. This might include medical situations, accommodations needed for Individualized Education Programs (IEPs) or Section 504 plans, or grade appeals from parents/guardians/students that occur during the summer months. If the State Board adopts a prescribed timeline, MCPS suggests specific exemptions for such circumstances.
 - In addition, in the event that an MCPS student retakes a course through summer school or other method, the grade earned in the course retaken will replace the previous grade on the transcript, according to existing regulation. In these cases, MCPS considers this as a replacement grade not a “grade change.”
- In regard to proposed Regulation .08 (5) c, which specifies documentation that is required to support final grade changes:
 - MCPS strongly supports checks and balances and detailed record keeping in the grade change process. However, the specific documentation prescribed in the proposed regulation may be overly burdensome for districts and does not provide districts with the ability to use existing internal processes or develop technology solutions for the processing, monitoring, and accountability for grade changes.

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

October 26, 2018

VIA U.S. MAIL & EMAIL (mary.gable@maryland.gov)

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

RE: Proposed Changes to COMAR Regulations 13A.03.02.08 – “Grading and Reporting”

Dear Ms. Gable:

Washington County Public Schools has reviewed the proposed changes to COMAR Regulation 13A.03.02.08, entitled “Grading and Reporting,” that were published in The Maryland Register on September 28, 2018, and offers the following comments for your consideration:

- Proposed paragraph A should be clarified by stating that only credits from "public" school systems and Maryland State Department of Education (MSDE) approved schools can be accepted. Paragraph A should state that only credits from a public school system are to be accepted and that final grades are not to be transferred. These recommendations align with current MSDE guidelines and continue to allow each local school system to determine its own credit review process for non-public schools that have not been approved by MSDE.
- Proposed paragraph B(1) mentions the elementary level, but the regulation does not refer to any grade levels after this paragraph. It appears that the remaining paragraphs apply to the secondary level since grade changes and credits only apply to secondary schools. Paragraph B is confusing because it is unclear as to which provisions in paragraph B apply to elementary, middle, or high schools.
- More information is requested on proposed paragraph B(5)(e). Does this mean appeal procedures for when a student/parent disputes a grade and/or when a teacher disputes a grade change, etc?
- WCPS would like to recommend that "An explanation of the teacher of record." be added to paragraph B. This is especially important regarding Home and Hospital Teacher as well as Virtual or Blended Learning.

Ms. Mary Gable
October 26, 2018
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- WCPS would also like to note that its elementary schools, as well as many others across the state, use standards-based grading so students receive performance levels and not grades. This is a trend that may extend in the future to middle and high schools. WCPS is not sure how performance levels would be addressed in this policy which only references grades. The regulation should provide guidance on standards-based grading.

Thank you for your consideration of this matter. Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Boyd J. Michael, III". The signature is stylized and includes a large flourish at the end.

Boyd J. Michael, III, Ed.D.

Cc: Board of Education of Washington County Members
Dr. April Bishop, Deputy Superintendent
Dr. Jana Palmer, Executive Director of Elementary Education and Counseling
Dr. Richard Akers, Executive Director of Secondary Education and Student Services
Mrs. Carol Costello, Supervisor of Student Services
Anthony J. Trotta, Chief Legal Counsel