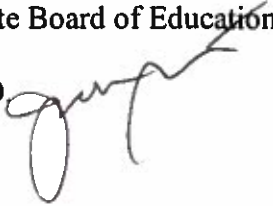




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**TO:** Members of the State Board of Education  
**FROM:** Jack R. Smith, Ph.D.   
**DATE:** January 25, 2016  
**SUBJECT:** Intersection of Laws and Regulations Governing Maryland Public Education/Elementary and Secondary Education Act – Every Student Succeeds Act

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**PURPOSE:**

The purpose of this memo is to inform the State Board of the two pathways related to the administration of high school assessments that lead to graduation. Both pathways are determined by federal and/or state law.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

The Elementary and Secondary Education Act of 1965, which has recently been reauthorized as the Every Student Succeeds Act, requires that all students be assessed in mathematics and reading or language arts in each of grades 3 through 8 and at least once in grades 9 through 12. In addition, students must be assessed in science at least one time in grades 3 through 5, grades 6 through 9 and grades 10 through 12.

The original law and the reauthorization describe assessing student performance as well as the measures of academic advancement to be considered when testing.

In addition, the Maryland General Assembly enacted legislation requiring high school assessment programs in reading, language, mathematics, science, and social studies. Passing a Government high school assessment was reinstated by State law as a graduation requirement.

In 2013, the Maryland General Assembly passed additional legislation requiring all students be assessed no later than 11<sup>th</sup> grade to determine their college and career readiness. Beginning with the 2015-2016 year, all students shall be assessed no later than 11<sup>th</sup> grade to determine whether they are ready for college-level credit-bearing course work in English Language Arts, literacy and mathematics. School systems have multiple options to determine college and career readiness for students in or before Grade 11. Additionally, for

students continuing to pursue college and career readiness designation after 11<sup>th</sup> Grade, alternate routes are available including, but not limited to, specific transition courses and additional instructional opportunities outside the regular classroom setting.

All State laws reside in the Annotated Code of Maryland.

The Maryland State Board of Education may adopt regulations to provide details about how Maryland will implement State and federal laws, and regulations were adopted regarding the high school assessment program. State Board regulations reside in the Code of Maryland Regulations (COMAR), and COMAR carries the weight of law.

To meet legal requirements, Maryland administers PARCC assessments in English Language Arts (ELA) and mathematics in Grades 3-8, and the science MSA in grades 5 and 8. In addition, to comply with law and as part of the Maryland graduation requirements, Maryland high school students take PARCC 10 English Language Arts (ELA), PARCC Algebra I, and the Biology and Government HSAs. If a student is unsuccessful on any of these high school assessments, an opportunity to meet the graduation requirement through a revised Bridge for Academic Validation Project will be available.

### **EXECUTIVE SUMMARY:**

Graduation requirements for high school students include PARCC 10 ELA and PARCC Algebra I, as well as the Biology and Government HSAs.

Assessment options for designating College and Career Readiness (CCR) were determined through input from LEAs, MSDE staff, and other stakeholders. Assessment options are:

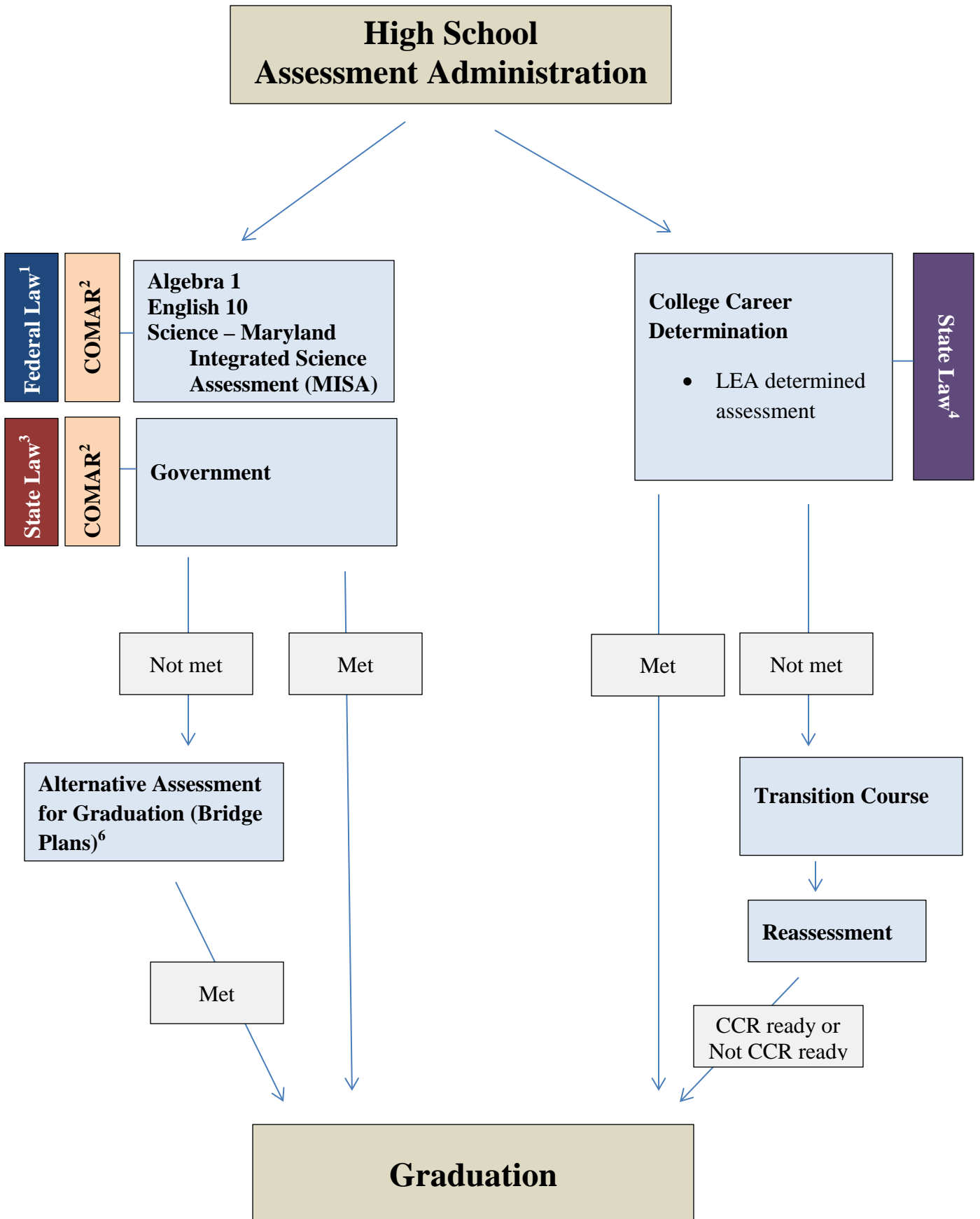
- PARCC English 11 score of Level 4 or 5
- PARCC English 10 score of Level 4 or 5 (pending further research)
- PARCC Algebra II Score of Level 4 or 5
- SAT Score of 500 or greater on the Evidence-based Reading & Writing (EBRW) Section and 500 or greater on the Mathematics section
- ACT Score of 21 or greater composite/average of English and Reading test scores; 21 or greater composite/average on Mathematics test
- Advanced Placement Language and Composition or Literature and Composition exams with a score of 3 or better; Calculus AB, Calculus BC, Statistics, Computer Science exams with a score of 3 or better.
- International Baccalaureate Lang. A: Lit. SL or HL Lang. A: Lang. & Lit. SL or HL Grade 4 or above on one or more; Math Studies: Math SL, Math HL, or further Math Grade 4 or above on one or more
- Accuplacer: Reading 79+ and Writing 6+ and Sentence Skills 90+; Math Elementary Algebra test score of 110+, or College Algebra test score of 45

- Admission to and enrollment in a Maryland IHE's appropriate ELA or math college credit bearing course. Existing local agreements between LEAs and community colleges on CCR are accepted.

**ACTION:**

For information only.

Attachments



|   | <b>Citation</b>                                      |  |
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| 1 | Elementary and Secondary Education Act (Federal Law) | (A) IN GENERAL.—Each State plan shall demonstrate that the State educational agency, in consultation with local educational agencies, has implemented a set of high quality student academic assessments in mathematics, reading or language arts, and science. The State retains the right to implement such assessments in any other subject chosen by the State...“(aa) in each of grades 3 through 8; and “(bb) at least once in grades 9 through 12; “(II) in the case of science, be administered not less than one time during— “(aa) grades 3 through 5; “(bb) grades 6 through 9; and “(cc) grades 10 through 12; and “(III) in the case of any other subject chosen by the State, be administered at the discretion of the State;...   |
| 2 | Code of Maryland Regulations (COMAR) 13A.03.02.06    | A student shall take the requisite Maryland High School Assessment during its regular administration if the student received credit for taking, by methods identified in Regulations .03 and .04 of this chapter, any of the following courses aligned with the Maryland High School Assessment: Algebra; Biology; English; or Government. To be awarded the Maryland High School Diploma, all students, including elementary and middle school students who take high school level courses, shall take the Maryland High School Assessment for algebra, biology, English, and government after the student completes the required course. (“Maryland High School Assessments” is defined in COMAR as the HSA, PARCC, or other tests in algebra, biology, English and government developed or adopted by the Department that are aligned with and measures a student’s skills and knowledge as set forth in the content standards for those subjects.) |
| 3 | Annotated Code of Maryland (State Law)               | <p>§ 7-203. Education accountability program</p> <p>(a) Program established. -- The State Board, the State Superintendent, each county board, and each public school shall implement a program of education accountability for the operation and management of the public schools.</p> <p>(b) Contents of program. --</p> <p>(1) In this subsection, "grade band assessment" means one assessment of a middle school student's knowledge in a core academic subject area during grades 6 through 8.</p> <p>(2) The education accountability program shall include the following:</p> <p>(i) The State Board and the State Superintendent shall assist each county board to establish educational goals and objectives that conform with statewide educational objectives for subject areas including reading, writing,</p>   |

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|   |  | <p>mathematics, science, and social studies;</p> <p>(ii) With the assistance of its county board, each public school shall survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs;</p> <p>(iii) 1. The State Board and the State Superintendent shall implement assessment programs in reading, language, mathematics, science, and social studies that include written responses;</p> <p>2. The assessment program required in this subsection shall:</p> <p>A. Provide information needed to improve public schools by enhancing the learning gains of students and academic mastery of the skills and knowledge set forth in the State's adopted curricula or common core curricula;</p> <p>B. Inform the public annually of the educational progress made at the school, local school system, and State levels; and</p> <p>C. Provide timely feedback to schools and teachers for the purposes of adapting the instructional program and making placement decisions for students; and</p> <p>3. Beginning in the 2014-2015 school year, the following assessments shall be implemented and administered annually:</p> <p>A. At the middle school level, a statewide, comprehensive, grade band assessment program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the common core curricula or the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies; and</p> <p>B. At the high school level, a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student's skills and knowledge of the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies;</p> |
| 4 | Annotated Code of Maryland (State Law) | <p>§ 7-205.1. High school curriculum and graduation requirements.</p> <p>(a) Established. -- The State Board shall establish high school curriculum and graduation requirements for all public schools in accordance with this section.</p>   |

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|  | <p>(b) Assessment of students; transition and other courses. -</p> <p>(1) Beginning with the 2015-2016 school year, all students shall be assessed using acceptable college placement cut scores no later than 11th grade to determine whether the student is ready for college-level credit-bearing course work in English Language Arts, Literacy, and Mathematics.</p> <p>(2) (i) Subject to subparagraph (ii) of this paragraph, the Department, in collaboration with local school systems and public community colleges, shall develop and implement, by the 2016-2017 school year, transition courses or other instructional opportunities to be delivered in the 12th grade to students who have not achieved college and career readiness by the end of the 11th grade.</p> <p>(ii) The implementation of transition courses or other instructional opportunities required under subparagraph (i) of this paragraph:</p> <ol style="list-style-type: none"><li>1. Shall include an assessment or reassessment of the student after completion of the course; and</li><li>2. May not preclude or replace enrollment in a course otherwise required for graduation from high school.</li></ol> |
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**.06 Maryland High School Assessments.**

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

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

B. To be awarded the Maryland High School Diploma, all students, including elementary and middle school students who take high school level courses, shall take the Maryland High School Assessment for algebra, biology, English, and government after the student completes the required course.

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

D. Each student who fails a Maryland High School Assessment shall be provided at least one opportunity to retake the appropriate assessment in accordance with the testing schedule issued by the Department.

E. Bridge Plan for Academic Validation.

(1) Eligibility Criteria. Except for the students identified in §G of this regulation, a student shall participate in the Bridge Plan for Academic Validation if the student has:

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

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

- (a) Specific modules developed by the Department in each of the Maryland High School Assessments content areas;
- (b) The assignment by the local school system of one or more modules for completion by each student meeting the eligibility criteria;
- (c) Scoring by the local review panels of the completed modules according to State-developed, Statewide scoring protocols;
- (d) A recommendation from the local review panels to the local superintendent as to the outcome of the scoring of each student's module or modules;
- (e) Acceptance or rejection by the local superintendent of the local review panel's recommendations; and
- (f) An opportunity for the student to appeal the local superintendent's decision to the State Superintendent of Schools.

F. Reporting Student Performance.

- (1) A school system shall state on the student's performance record card only that the student has or has not met all assessment requirements and shall not describe the option used to meet the requirement.
- (2) For the purpose of this section, "met all assessment requirements" means achieving a passing score on all Maryland High School Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge Plan in those assessment areas that the student did not pass or, for students identified in §G of this regulation, taking the assessments aligned with the HSA or PARCC Algebra I and/or English 10.

G. Prior to the 2016—2017 school year, if a student has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course and has passed the course(s) but failed the assessment aligned with the course(s) that student is exempt from completing a Bridge Plan for Academic Validation.



**Chapter 533**  
**(Senate Bill 740)**  
**AN ACT concerning**  
**College and Career Readiness and College Completion Act of 2013**

...(B) (1) BEGINNING WITH THE 2015–2016 SCHOOL YEAR, ALL STUDENTS SHALL BE ASSESSED USING ACCEPTABLE COLLEGE PLACEMENT CUT SCORES NO LATER THAN 11TH GRADE TO DETERMINE WHETHER THE STUDENT IS READY FOR COLLEGE–LEVEL CREDIT–BEARING COURSE WORK IN ENGLISH LANGUAGE ARTS, LITERACY, AND MATHEMATICS.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE DEPARTMENT, IN COLLABORATION WITH LOCAL SCHOOL SYSTEMS AND PUBLIC COMMUNITY COLLEGES, SHALL DEVELOP AND IMPLEMENT, BY THE 2016–2017 SCHOOL YEAR, TRANSITION COURSES OR OTHER INSTRUCTIONAL OPPORTUNITIES TO BE DELIVERED IN THE 12TH GRADE TO STUDENTS WHO HAVE NOT ACHIEVED COLLEGE AND CAREER READINESS BY THE END OF THE 11TH GRADE.

(II) THE IMPLEMENTATION OF TRANSITION COURSES OR OTHER INSTRUCTIONAL OPPORTUNITIES REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. SHALL INCLUDE AN ASSESSMENT OR REASSESSMENT OF THE STUDENT AFTER COMPLETION OF THE COURSE; AND

2. MAY NOT PRECLUDE OR REPLACE ENROLLMENT IN A COURSE OTHERWISE REQUIRED FOR GRADUATION FROM HIGH SCHOOL.

(C) (1) BEGINNING WITH THE 9TH GRADE CLASS OF 2014, AND SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND SUBSECTION (D) (E) OF THIS SECTION, EACH STUDENT SHALL ENROLL IN A MATHEMATICS COURSE IN EACH YEAR OF HIGH SCHOOL THAT THE STUDENT ATTENDS HIGH SCHOOL.

(2) THE DEPARTMENT SHALL ADOPT REGULATIONS THAT ESTABLISH THE MATHEMATICS AND MATH–RELATED COURSES THAT FULFILL THE REQUIREMENTS OF THIS SUBSECTION, WHICH MAY INCLUDE MATH–RELATED CAREER AND TECHNOLOGY PROGRAM COURSES.

(D) IT IS THE GOAL OF THE STATE THAT ALL STUDENTS ACHIEVE MATHEMATICS COMPETENCY IN ALGEBRA II.

(E) A STUDENT WHO IS ENROLLED IN A CREDIT–BEARING MATHEMATICS TRANSITION COURSE UNDER SUBSECTION (B)(2) OF THIS SECTION:

(1) SUBJECT TO ITEM (2) OF THIS SUBSECTION, SHALL BE CONSIDERED TO MEET THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION; AND

(2) MAY NOT BE CONSIDERED TO MEET THE REQUIREMENTS OF SUBSECTION (C) OF THIS SECTION IF OTHER CREDIT–BEARING COURSES REQUIRED FOR GRADUATION HAVE NOT BEEN MET....