



Mohammed Choudhury
State Superintendent of Schools

TO: Members of the State Board of Education

FROM: Mohammed Choudhury, State Superintendent of Schools

DATE: January 24, 2023

SUBJECT: COMAR 13A.03.02
Graduation Requirements for Public High Schools in Maryland
PERMISSION TO PUBLISH

PURPOSE

The purpose of this item is to request permission to publish amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland*. These amendments are needed due to the legislation around statewide assessments for high school mathematics and English language arts to meet the College and Career Readiness (CCR) standard found in the Blueprint for Maryland's Future.

REGULATION PROMULGATION PROCESS

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

BACKGROUND/HISTORICAL PERSPECTIVE

The Maryland High School Graduation Task Force was convened in January 2018 at the request of the State Board and the State Superintendent of Schools. The Task Force recommended to the State Board and the State Superintendent revised graduation requirements including that students must pass assessments in algebra, English, science, and government. The score received on the assessment

would move from a stand-alone assessment requirement to an end-of-course assessment requirement, which would count for 20 percent of the student’s final grade in the respective course.

The transition to CCR assessments in mathematics and English language arts requires that students be assessed in this content by the end of grade 10 for determination of CCR and continue to be reassessed each year if the standard is not met. Algebra I and English 10 are both included as measures of CCR and must be taken for high school graduation. Additionally, English 10 is used and Algebra I may be used for federal accountability.

The State Board approved MSDE’s request for permission to publish amendments to COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland at the February 2021 State Board meeting. The State Board adopted the amendments on May 25, 2021, and the final regulation was published in the Maryland Register on June 14, 2021, 48: 12 Md. R. 474.

COMAR 13A.03.02 was scheduled to go into effect in the 2022-23 school year, however Local Education Agencies (LEAs) indicated that additional time was needed to successfully implement the necessary systemic changes to transition the Maryland Comprehensive Assessment program to account for 20 percent of the student’s final grade in the respective high school level courses.

In light of the request of local superintendents for additional time to implement this systemic change, and due to the challenges of emerging from the COVID-19 pandemic, the State Superintendent of Schools recommended and the State Board granted a waiver of COMAR 13A.03.02.06H(2), collectively for all LEAs for good cause. The Maryland Comprehensive Assessments continued to be required but not count as a portion of the end of course grade. All other graduation requirements of COMAR 13A.03.02 continued to remain in effect and in force.

EXECUTIVE SUMMARY

With the request from local superintendents for additional time to implement the systemic change, MSDE has provided engagement opportunities and technical assistance to support the change that will begin in the 2023-2024 school year. Starting in the 2023-2024 school year, the Maryland Comprehensive Assessment program will account for 20 percent of the student’s final grade in the respective high school level courses. COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland needs to be amended to remove the EOC requirement for the mathematics and English language arts assessments in high school. The assessments in science and government will remain EOC assessments. Additional amendments are included to align the regulation with the change in the EOC assessments.

ACTION

Request permission to publish the amendments to COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland.

ATTACHMENTS

COMAR Title 13A.03.02.06 *Graduation Requirements for Public High Schools in Maryland.*

Title 13A STATE BOARD OF EDUCATION
Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS
Chapter 02 Graduation Requirements for Public High Schools in Maryland

Authority: Education Article, §§2-205, 7-203, 7-205, 7-205.1, and 8-404, Annotated Code of Maryland

.02 Definitions.

A. (text unchanged).

B. Terms Defined.

[(1) “Combined score” means the sum of specific scores as established by the Department on the Maryland Comprehensive Assessments for algebra, science, English, and government.

(2) (1) “Credit” means successful demonstration of a specified unit of study.

[(3)](2) “Department” means the State Department of Education.

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

(3) “EOC Assessment” means an end of course assessment that comprises 20 percent of the student’s grade in that course.

[(5)] (4) “Individualized education program (IEP)” means a written description for a student with a disability that is developed, reviewed, and revised in accordance with 20 U.S.C. §1414 and COMAR 13A.05.01.

[(6)] (5) “Maryland Comprehensive Assessments” means the [HSA or other] assessments within the Maryland Comprehensive Assessment Program in algebra, science, English, and government developed or adopted by the Department [, including those assessments formerly known as the Maryland High School Assessments,] that are aligned with and measure a student’s skills and knowledge as set forth in the Maryland Standards for those subjects.

[(7) “MCAP” means the Maryland Comprehensive Assessment Program, which includes assessments in algebra, science, English, and government developed or adopted by the Department, specified in §B(4) of this regulation.

(8) “Minimum score” means an acceptable score established by the Department below the passing score on a Maryland Comprehensive Assessment that may be used by a student to satisfy the combined score option.]

.04 Other Provisions for Earning Credit.

A. – E. (text unchanged).

F. College Courses. Consistent with the payment requirement of Education Article, §§18-14A-04 and 18-14A-05, Annotated Code of Maryland, [local school system policies and procedures prior approval of the local superintendent of schools or the superintendent’s designee, and aligned with the Maryland College and Career Ready Standards or an elective credit for graduation requirements,] credit toward high school graduation shall be given for courses offered by accredited colleges *that:*

(1) *meets the local school system policies and procedures;*

(2) *has prior approval of the local superintendent of schools or the superintendent’s designee;*

(3) *is aligned with the Maryland College and Career Ready Standards or an elective credit for graduation requirements; and*

(4) *prepares students to earn an industry-recognized credential or college credits.*

G. – H. (text unchanged).

.06 Maryland Comprehensive Assessments.

A. – B. (text unchanged).

[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 Comprehensive Assessments.

D. Bridge Plan for Academic Validation.

(1) Eligibility Criteria. A student is eligible to satisfy the graduation assessment requirement through the Bridge Plan for Academic Validation if the student has:

- (a) Failed one or more Maryland Comprehensive Assessments;
- (b) Received 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 Comprehensive Assessments.

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

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

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

- (a) Specific modules developed by the Department in each of the Maryland Comprehensive 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.]

[E] **C. 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, except for students identified in §[F]D of this regulation, met all assessment requirements means [achieving a passing score on] **taking** all Maryland Comprehensive Assessments [, or meeting the requirements of the combined score option, or successfully completing a Bridge Project in those assessment areas that the student did not pass].

[F] **D.** For the 2020—2021, [and] 2021—2022, **and 2022—2023** school years, a student will have met the assessment requirement for Algebra I, English 10, science, and government if:

(1) – (2) (text unchanged).

[G. Students graduating in school year 2020—2021 are exempt from taking the MCAP American Government Assessment.]

[H] **E.** Beginning with the [2022—2023] **2023—2024** school year [, at the latest]:

(1) (text unchanged).

(2) **students entering the ninth grade,** [T] **the** Maryland Comprehensive Assessment for [algebra, English,] science[,] and government shall account for 20 percent of the student's final grade in the respective high school level [algebra, English,] science[,] and government courses.

[I. Reporting Student Performance.

(1) A school system shall state on the student's performance record card only that the student has or has not taken the respective assessment in algebra, English, science, and government.

(2) Except for students identified in §F of this regulation, "met all assessment requirements" means having taken the assessments in algebra, English, science, and government as a part of the respective course.]

.07 Notice to Parents or Guardians and Students.

Each principal shall inform all students and their parents or guardians annually at a minimum of the following:

A. – B. (text unchanged).

C. The results of each Maryland Comprehensive Assessment taken [or Bridge Project completed by the student];

[D. A plan for appropriate assistance, if applicable;]

[E.] **D.** The Department's schedule for the Maryland Comprehensive Assessment administration; and

[F.] E. Beginning with the [2022—2023] 2023—2024 school year, [at the latest,] the student's progress on completing the course credit, which includes the end-of-course Maryland Comprehensive Assessment in [algebra, English,] science[,] and government, service, and applicable IEP requirements for graduation.

.09 Diplomas and Certificates.

A. (text unchanged).

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

(1) – (2) (text unchanged).

(3) Meet the graduation assessment requirements in the following ways:

(a) [Achieve a passing score on] Take the Maryland Comprehensive Assessments for Algebra I, science, government, and English 10;

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

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

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

C. Exception to Passing Score Requirement. [(1)] For the 2020—2021[, [and] 2021—2022, and 2022-2023] school years, students taking the Algebra I, English 10, science, and government Maryland Comprehensive Assessment will meet the graduation assessment requirement for Algebra I, English 10, science, and government.

[(2) Students who pass the Algebra I, English 10, science, and government courses are exempt from completing a Bridge Project, as set forth in Regulation .06 of this chapter.

(3) For all students taking the Maryland Integrated Science Assessment in the 2017—2018, 2018—2019, 2019—2020, and 2020—2021 school years, taking the Maryland Integrated Science Assessment will meet the graduation assessment requirement for science.]

D. – F. (text unchanged).

H. Maryland High School Diploma. Beginning with the 2022—2023 school year [, at the latest,] except as provided in Regulation .12 of this chapter, [and in §C of this regulation,] to be awarded a Maryland high school diploma, a student shall:

(1) – (2) (text unchanged).

I. (text unchanged).

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

A. – B. (text unchanged).

C. On or before April 1, the school system shall identify each student who may fail to graduate because[:

(1) T]he student has taken none of the required Maryland Comprehensive Assessments[; or

(2) The student has taken some or all of the Maryland Comprehensive Assessments and failed some or all of them].

D. (text unchanged).

E. By April 1, for each senior identified in §C of this regulation, the school principal shall consider whether to recommend to the local superintendent a waiver of the Maryland Comprehensive Assessment graduation requirements that the student has not fulfilled to date if *the student has or is expected to meet all the other graduation requirements*[:

(1) The student meets the following criteria:

(a) The student has or will meet all other graduation requirements;

(b) The student has or will take all required Maryland Comprehensive Assessments before the graduation date; and

(c) If the student had an opportunity to participate in one or more interventions, or remediation opportunities, including the Bridge Plan, the student participated in them; and

(2) (I)The student is prevented from meeting the Maryland Comprehensive Assessment graduation requirements because:

(a) Of a decision made by the local school system concerning the provision of appropriate assistance as required by Regulation .06C of this chapter;

(b) The student experienced a special, extraordinary, or extenuating circumstance or combination of circumstances preceding the administration of the most recent Maryland Comprehensive Assessment, such as a recent death in the immediate family, a serious or prolonged illness or pregnancy with medical complications, an accident causing serious injury, or a destructive house fire;

(c) The student moved to the United States in the junior or senior year and the student is literate in the student's native language but not literate in English; or

(d) The student moved to Maryland in the senior year[, has passed all the Maryland Comprehensive Assessment courses, but has failed the related Maryland Comprehensive Assessment, and has had no adequate opportunity for intervention].

F. – N. (text unchanged).

Title 13A STATE BOARD OF EDUCATION
Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS
Chapter 04 Test Administration and Data-Reporting Policies and Procedures
Authority: Education Article, §§2-205 and 7-203, Annotated Code of Maryland

.01 Scope.

This chapter applies to:

A. Tests administered by or through the State Board of Education including but not limited to:

(1) – (3) (text unchanged)

(4) [The Multi-State Alternate Assessment (MSAA)] *The Alternate Maryland Comprehensive Assessment for Government (Alt-Gov)*;

(5) The [High School] *Maryland Comprehensive* Assessment for Government [(HSA Government)];

(6) The [High School Assessment for Science (HS MISA)] *Life Science Maryland Integrated Science Assessment (LS MISA)*;

(7) – (11) (text unchanged).

B. – D. (text unchanged).

.02 Definitions.

A. (text unchanged).

B. Terms Defined.

(1) – (2) (text unchanged).

(3) [Local School System] *Local Education Agency*

(a) ["Local school system"] "*Local Education Agency*" means a public school system.

(b) [Local school system] *Local Education Agency* includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.

(4) – (5) (text unchanged).