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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: June 27, 2017

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

PURPOSE:

To request that the State Board grant permission to publish COMAR amendments pertaining to section 13A.03.02 *Graduation Requirements for Public High Schools in Maryland*.

REGULATION PROMULGATION PROCESS:

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

BACKGROUND/HISTORICAL PERSPECTIVE:

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

SUMMARY:

This regulation with proposed revisions has been a collaborative effort of the Division of Curriculum, Research, Assessment and Accountability. LEA communications due to needed clarifications within

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the regulation prompted the revision process. The sole purpose was to clarify the language and correct information that was no longer relevant due to legislation and new assessments. The removal of cut scores from the COMAR document will allow longevity to the revision.

ACTION:

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

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

.01 Scope.

A. This chapter sets out the enrollment, credit, student service, and State assessment requirements for graduation from a public high school in Maryland.

B. It is the expectation of the State Board that each student enrolled in a public school system in Maryland shall earn a Maryland High School Diploma in accordance with the requirements forth out in this chapter.

C. Upon notifying the State Superintendent of Schools, each local school system may establish graduation requirements beyond the minimum requirements established by the State Board.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Combined score" means the ~~total of the sum of specific passing~~ scores as established by the Department on the Maryland High School Assessments ~~in~~ for algebra, ~~biology-science~~, English, and government.

(2) "Credit" means successful demonstration of a specified unit of study.

(3) "Department" means the State Department of Education.

(4) "HSA" means the high school assessments in ~~biology science~~ and government aligned with the Maryland-~~College and Career Ready~~ Standards.

(5) "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) "Maryland High School Assessments (MHSA)" means the HSA, PARCC, or other assessments in algebra, ~~biology science~~, English, and government developed or adopted by the Department that are aligned with and measure a student's skills and knowledge as set forth in the Maryland ~~College and Career Ready~~ Standards for those subjects.

(7) "Minimum score" means an acceptable score established by the Department below the passing score on a Maryland High School Assessment that may be used by a student to satisfy the combined score option.

(8) "PARCC Assessment" means the assessments in ~~A~~algebra and English aligned with the Maryland College and Career Ready Standards.

.03 Enrollment and Credit Requirements.

A. Beginning with students entering the 9th grade class of 2014—2015 school year, each student shall enroll in a mathematics course in each year of high school that the student attends, up to a maximum of 4 years of attendance, unless in the 5th or 6th year a mathematics course is needed to meet a graduation requirement.

B. To be awarded a diploma, a student shall be enrolled in a Maryland public school system and shall have earned a minimum of 21 credits that include the following specified credits:

(1) English — four credits of organized instruction in comprehension of literary and informational text, writing, speaking and listening, language, and literacy, of which one credit shall be aligned with the Maryland High School Assessment for English;

(2) Fine arts — one credit in visual arts, music, theater, or dance, or a combination of these;

(3) Mathematics — three credits, including one with instruction in algebra aligned with the Maryland High School Assessment for algebra or one or more credits in subsequent mathematics courses for which Algebra I is a prerequisite, and one with instruction in geometry aligned with the content standards for geometry;

(4) Physical education — one-half credit;

(5) Health education — one-half credit;

(6) Science — ~~three credits of which one shall be in biology aligned with the Maryland High School Assessment for biology and two from the earth, life, environmental science, or physical sciences, or all of the above, in which laboratory experiences are an integral component;~~ three credits of organized instruction which includes a laboratory component engaging in the application of the science and engineering practices, the crosscutting concepts, and disciplinary core ideas including Earth/space science, life science, physical science (chemistry and physics), and engineering, technology, and aligned to the Maryland High School Assessment for science.

(7) Social studies — three credits including one credit in United States history, one credit in world history, and one credit in local, State, and national government aligned with the Maryland High School Assessment for government;

(8) Technology education — one credit that includes the application of knowledge, tools, and skills to solve practical problems and extend human capabilities; and

(9) One of the following:

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

(b) Two credits of advanced technology education; or

(c) Successfully complete a State-approved career and technology program.

~~B-C.~~ Elective programs and instruction shall be developed at the discretion of the local school system, open to enrollment for all students, and shall focus on in-depth study in required subject areas, exploration, or application and integration of what has been learned.

~~C-D.~~ All students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Superintendent of Schools.

.04 Other Provisions for Earning Credit.

A. In addition to earning credits during the regular school day and year, credits may be earned, at the discretion of the local school system, through the means specified in §§B—I of this regulation.

B. Summer School.

(1) Each local school system may provide summer school programs for original and review credit as determined by the needs of students.

(2) Credit instruction shall meet the aggregate time requirements specified by the local school system.

(3) Consistent with local school system policy and procedure, credit may be given for acceptable summer study offered by approved public and nonpublic institutions in or outside of Maryland.

C. Evening School. A local school system may provide evening school programs for credit as an extension of the regular school day as determined by the needs of students.

D. Online Courses.

(1) Consistent with local school system policy and procedure, credit may be given for Department-approved online courses.

(2) If credit is to be applied toward minimum graduation requirements, the Department-approved online course shall be provided by the local school system.

E. Tutoring.

(1) Tutoring may be considered only after all the resources of the school system have been used fully and when it is determined that the best interests of the students are being served.

(2) If tutoring is recommended by the school and approved by the local school system for credit to be applied toward minimum graduation requirements, then the tutor, the program of study, and examination shall be provided by the local school system.

F. Work Study Programs, Job Entry Training Programs, or Experience Outside the School.

(1) Consistent with local school system policy and procedure, actual time spent in work study, job entry training, or other experience may be counted for credit when identified as an integrated part of a planned study program.

(2) For work or experience outside the school, which is approved and supervised by the local school system, not more than nine elective credits toward meeting graduation requirements may be granted to a student.

G. 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 and with prior approval of the local superintendent of schools or the superintendent's designee, credit toward high school graduation may be given for courses offered by accredited colleges.

H. Independent Study/Internship. Consistent with local school system policy and procedure, credit toward high school graduation may be earned for independent study or internships in which a student successfully demonstrates pre-established curricular objectives.

I. Credit through Examination.

(1) Credit toward high school graduation may be earned by passing an examination that assesses student demonstration of local school system curricular objectives.

(2) A student who would be eligible to graduate but for attaining credit in ~~either English 12 or Algebra II~~ may obtain that credit by taking a State-approved examination and achieving a passing score as defined by the Maryland State Department of Education.

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

~~*Credit toward high school graduation may be earned by middle school students if the following criteria are met:*~~

~~*(a) The student has taken a high school level course meeting the local school system curricular objectives; and*~~

~~*(b) The student passes an examination that assesses student demonstration of course objectives and the examination is equivalent in content coverage and rigor to examinations given to high school students for the course content area.*~~

~~*(4) The determination to allow high school credit by examination for middle school students shall be made by the local school system.*~~

.05 Student Service.

To graduate, students shall complete one of the following:

A. 75 hours of student service that includes preparation, action, and reflection components and that, at the discretion of the local school system, may begin during the middle grades; or

B. A locally designed program in student service that has been approved by the State Superintendent of Schools.

.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~~ Science;

(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, science ~~biology~~, English, and government after the student completes the required course(s).

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

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

E. Bridge Plan for Academic Validation.

~~(1) Eligibility Criteria. Except for the students identified in §G of this regulation, a student shall participate in the Bridge Plan for Academic Validation if the student has:~~ A student is eligible to satisfy the graduation assessment requirement through the Bridge Plan for Academic Validation if the student has:

(a) ~~Received credit in the course or courses related to the assessment or assessments; received a passing grade and earned credit in the course or courses related to the assessment or assessments~~

(b) Failed one or more Maryland High School Assessments ~~at least twice~~;

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

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

(24) 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, except for students identified in §G of this regulation, "met all assessment requirements" means achieving a passing score on all Maryland High School Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge ~~Project Plan~~ in those assessment areas that the student did not pass.

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

.07 Notice to Parents or Guardians and Students.

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

A. Maryland's graduation requirements;

B. The student's progress on fulfilling the credit, Maryland High School Assessment, service, and applicable IEP requirements for graduation;

C. The results of each Maryland High School Assessment taken or Bridge ~~Plan~~ Project completed by the student;

D. A plan for appropriate assistance, if applicable; and

E. The Department's schedule for ~~Maryland School Assessment and~~ the Maryland High School Assessment administration.

.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 13.A.08.02.

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.

.09 Diplomas and Certificates.

A. The types of diplomas and certificates specified in §§B—D of this regulation shall be awarded to any student who meets the requirements for award.

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) Complete the enrollment, credit, and service requirements as specified in this chapter;

(2) Complete local school system requirements; and

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

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

~~(i) For school year 2016—2017, a score of 725;~~

~~(ii) For school year 2017—2018, a score of 733;~~

~~(iii) For school year 2018—2019, a score of 741;~~

~~(iv) For school year 2019—2020, and beyond, a score of 750; and~~

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

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

~~(be) Achieve a combined score(s) as established by the Department on the Maryland High School Assessments for biology and government;~~

~~(cd) If a student has not achieved a passing score on the Maryland High School Assessment in English 10 and/or Algebra I, achieve a score as established by the Department on Department approved assessments for algebra, and/or English, science and Government aligned with the Maryland High School Assessments such as Advanced Placement examinations, SAT, ACT, and International Baccalaureate examinations; or nationally recognized assessments. Achieve a score on an approved alternative assessment as established by the Department, such as PARCC Algebra II, Advanced Placement examinations, SAT, ACT, or International Baccalaureate examinations.~~

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

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 set forth in §B(3)(a) of this regulation do not apply. For those students only, taking the Algebra I and/or English 10 Maryland High School Assessment for the first time will meet the graduation assessment requirement for Algebra I and English 10.

(2) For all students taking the HSA biology assessment in the 2016—2017 school year, taking the HSA biology assessment will meet the graduation assessment requirement for biology.

D. Maryland High School Diploma by Examination.

(1) General Educational Development Testing Program. A Maryland High School Diploma by Examination may be awarded for satisfactory performance on approved general educational development tests if the student meets those requirements as defined in Labor and Employment Article, §11-808, Annotated Code of Maryland, and COMAR 09.37.01.04.

(2) Maryland Adult External High School Diploma Program. A Maryland High School Diploma by Examination may be awarded for demonstrating competencies in general life skills and individual skills on applied performance tests if the student meets those requirements as defined in COMAR 09.37.01.20.

E. Maryland High School Certificate of Program Completion.

(1) This certificate shall be awarded only to students with disabilities who cannot meet the requirements for a diploma but who meet the following standards:

(a) The student is enrolled in an education program for at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the agreement of the student and the parents of the student, to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life, with the world of work including but not limited to:

(i) Gainful employment;

(ii) Post-secondary education and training;

(iii) Supported employment; and

(iv) Other services that are integrated in the community; or

(b) The student has been enrolled in an education program for 4 years beyond grade 8 or its age equivalent and will have reached age 21 by the end of the student's current school year.

(2) ~~An Exit Document~~ The Maryland Summary of Performance that describes the student's skills shall accompany the Maryland High School Certificate of Program Completion.

(3) *The final decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student's last year in high school.*

(4) *A student with significant cognitive disability may not meet high school graduation requirements, in accordance with §B of this regulation, if a student:*

(a) *Participates in an Alternative Assessment based on Alternative Academic Achievement Standards (AA-AAAS); and*

(b) *Continues to receive instruction based on Alternative Academic Achievement Standards through high school.*

(5) *If a student participates in a graduation ceremony prior to the completion of the student's education program, at the ceremony the school system shall issue to the student a Certificate of Achievement or other similarly titled certificate in place of a diploma.*

F. Local Endorsements. Consistent with procedures established by the Department, each local school system may add endorsements to the diploma as incentives for students to meet locally established requirements and outcomes in instruction beyond the minimums specified by the State.

G. At least yearly, through the end of the implementation, the State Board will review and assess updated information on the graduation assessment requirements and scores.

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

A. A school system shall notify each senior and the senior's parents or guardians on or before the end of February of the senior year if a student may not graduate. The notice shall explain:

(1) *The reasons the student may not graduate;*

(2) *The options available to meet all graduation requirements;*

(3) *That a waiver of the Maryland High School Assessment graduation requirement may be one of the options, if the student meets the criteria set forth in §§C and E of this regulation;*

(4) *The waiver process and timeline; and*

(5) *That parents or guardians may submit information in writing to the principal concerning eligibility of their child for the waiver.*

B. On or before the end of February, the principal shall report to the local superintendent the name and student identification number of each student identified in the February notice.

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

(1) *The student has taken none of the required Maryland High School Assessments; or*

(2) *The student has taken some or all of the Maryland High School Assessments and failed some or all of them.*

D. On or before April 1, the principal shall report to the local superintendent the name and student identification number of each student identified as meeting the criteria in §C of this regulation.

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 High School Assessment graduation requirements that the student has not fulfilled to date if:

(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 High School 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) The student is prevented from meeting the Maryland High School 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 High School 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 High School Assessment courses, but has failed the related Maryland High School Assessment, and has had no adequate opportunity for intervention.

F. On or about April 1, the principal shall notify the student and the student's parents or guardians that the student is being considered for a waiver of the Maryland High School Assessment graduation requirements that the student has not fulfilled to date. The notice shall explain the waiver decision-making process.

G. On or before May 1, the principal of the high school shall make an Maryland High School Assessment waiver recommendation to the local superintendent for each student who meets the criteria set forth in §E of this regulation with the participation of:

(1) The student's IEP team, if the student is a student with disabilities;

(2) The English Language Learner staff, if the student is an English Language Learner;

(3) Other school personnel; or

(4) One or more of them.

H. The principal shall explain the reason for each recommendation under §G of this regulation, whether the recommendation is to grant or deny the waiver.

I. The local superintendent shall review each recommendation and shall:

(1) Grant or deny the waiver;

(2) Promptly notify the student and the student's parent or guardian of the decision; and

(3) If the waiver is granted, include in the notification the local procedures and requirements that must be met for a diploma to be awarded.

J. The superintendent's decision in this matter is not appealable to the local board of education, but may be appealed to the State Superintendent of Schools.

K. A student or the student's parents or guardians may appeal the waiver denial to the State Superintendent by sending a written appeal letter explaining why the waiver denial was an arbitrary or unreasonable decision. The State Superintendent may affirm or reverse the local superintendent's decision and shall inform the student, the student's parents or guardians, the local superintendent, and the State Board in writing of the decision.

L. The decision of the State Superintendent may be appealed to the circuit court pursuant to Maryland Rules 7-201, et seq. On appeal:

(1) If the State Superintendent has reversed the local superintendent's decision to deny the Maryland High School Assessment waiver and the local school system appeals that decision, the State Superintendent shall defend the decision on appeal; or

(2) If the State Superintendent has affirmed the local superintendent's decision and the aggrieved student appeals, the local superintendent shall defend the State Superintendent's decision on appeal.

M. By August 1, the local superintendent shall send a report to the State Superintendent or the State Superintendent's designee on waiver decisions rendered under this regulation.

N. Nothing in this regulation is intended to establish any right to participate in the graduation ceremony while an appeal is pending. Participation in the graduation ceremony remains at the discretion of the local superintendent.

*O. Section E(2)(a) of this regulation, upon review, approval, and promulgation of an amendment of these Regulations by the State Board of Education, shall sunset on **September 1, 2017** ~~June 30, 2015~~.*

.10 Alternatives to 4-year Enrollment Requirement.

A. In recognition of the fact that 4-year enrollment in a public high school may not serve the best interests of some students, the alternatives in §§B and C of this regulation shall be made available.

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

(1) The student is accepted for early admission to an accredited college before high school graduation;

(2) All Maryland High School Assessments and student service requirements have been met;

(3) A written request by the student and parent or guardian is made to and approved by the local superintendent of schools certifying the early admission acceptance;

(4) The student's program for the first year of college is approved by the local superintendent of schools if this program is included toward the issuance of a diploma; and

(5) ~~At the conclusion of the program or after one year~~ ~~At the conclusion of a full year of study~~, a written request for a Maryland High School Diploma is submitted to the superintendent together with a transcript or letter from the college to the high school principal indicating that the student has successfully completed a year of college work.

C. Early Admission to Approved Vocational, Technical, or Other Postsecondary School Program. A student may receive a Maryland High School Diploma through acceptance in an early admission program of an approved vocational, technical, or postsecondary school program if:

(1) The student is accepted for early admission by an approved vocational, technical, or postsecondary school program before high school graduation;

(2) All Maryland High School Assessments and student service requirements have been met;

(3) A written request by the student and parent or guardian is made to and approved by the local superintendent of schools certifying the early admission acceptance;

(4) The student's program for the first year of the postsecondary program is approved by the local superintendent of schools if this program is included toward the issuance of a diploma; and

(5) At the conclusion of a full year of study, a written request for a Maryland High School Diploma is submitted to the superintendent together with a transcript or letter from the postsecondary school to the high school principal indicating that the student has successfully completed a year of postsecondary school work.

.11 Alternatives for Structuring Programs.

A. Each local school system shall be permitted to develop alternative ways for individual or groups of students to fulfill graduation requirements.

B. An alternative plan may include a waiver of the fourth year enrollment requirement if all credit, assessments, and student service requirements are met and if the local superintendent of schools or designee determines that the waiver is in the best interest of the student.

C. Procedures for implementing these alternative programs leading to high school diplomas are as follows:

(1) Development and approval of a curricular plan which assures that the content of the specified credits is included and the standards for graduation are met pursuant to the requirements of this chapter with the plan containing a program description, performance requirements, and evaluation procedures; and

(2) The local superintendent of schools is responsible for approving any plan and shall notify the State Superintendent of Schools once approval has been given.

.12 General Provisions.

A. *Length of School Year.* Maryland public high schools shall be open for at least 180 school days and a minimum of 1,170 school hours during a 10-month period in each school year.

B. *Graduation Requirements for Transfer Students.*

(1) *Attendance Requirements.*

(a) To receive a diploma, a student shall be in attendance at a Maryland public high school one full semester immediately preceding graduation in addition to meeting the other diploma requirements.

(b) In cases where this requirement creates an undue hardship for a student transferring to or from a Maryland nonpublic school or from an out-of-State school and wishing to receive a Maryland high school diploma, the local superintendent of schools may waive the one full semester attendance requirement.

(c) Exception shall be made for a student with disabilities in a State-approved nonpublic program.

(d) Students transferring from one Maryland public high school to another during the second semester of their senior year and meeting all requirements for graduation shall be given the option of graduating from either high school by agreement of the local superintendent of schools or the respective local superintendents when more than one local school system is involved.

(2) *Maryland High School Assessment Exemption Requirements.*

(a) A student who transfers from a nonpublic school or a school out of State is exempt from one or more of the Maryland High School Assessments if, consistent with local school system policy and procedure, ~~the principal of the Maryland public school local superintendent in which the student enrolls~~, determines that the course taken is aligned

with the relevant Maryland High School Assessment and awards the student credit for taking any of the courses aligned with the Maryland High School Assessments, that is, algebra, ~~biology science~~, English, or government, or all of these, in accordance with the principles set forth in §B(2)(c) of this regulation.

(b) A student who transfers from a nonpublic school or a school out of ~~S~~state and has not received credit for algebra but has demonstrated mastery of the Maryland College and Career Ready Standards for algebra either through an evaluation or successful completion of subsequent mathematics courses for which algebra is a prerequisite is exempt from the Maryland High School Assessment for algebra.

(c) To award credit for taking any of the courses aligned with the Maryland High School Assessments, that is, algebra, ~~biology science~~, English, or government, a principal shall determine through the following considerations whether the transfer student demonstrates subject matter knowledge aligned with the content standards for the subject:

(i) Administration of standardized tests and examinations;

(ii) Observation of the student in the classroom;

(iii) Use of interviews that are focused around the student's demonstration of course content knowledge and performance levels; and

(iv) Inspection of transcripts, report cards, and other documentation.

(d) A student who transfers from a nonpublic school or from a school out of State into a local school system after the first semester of his or her senior year is exempt from the Maryland High School Assessment Requirements.

(e) The exemption provided in §B(2)(d) of this regulation does not apply to a student with disabilities in a State-approved nonpublic program.

(3) *Local Graduation Requirements.* A student who enters a local school system in his or her senior year shall be granted a waiver from locally established graduation requirements unless the student chooses to fulfill the requirements.

(4) *Unavailability of Official Transcript.* If the transcript of record is not available, a local superintendent of schools or designee shall determine the appropriate placement of the student within the high school program by an evaluation of the student that shall include one or more of the following:

(a) Administration of standardized tests and examination;

(b) Observation of the student in a classroom setting;

(c) Use of interviews that are focused around the student's demonstration of course content knowledge and performance levels;

(d) Inspection of report cards and other documentation.

Administrative History

Effective date: April 14, 1976 (3:8 Md. R. 427)

Regulation .02B amended effective August 11, 1978 (5:16 Md. R. 1259); September 22, 1978 (5:19 Md. R. 1446); May 21, 1984 (11:10 Md. R. 864)

Regulation .02C amended effective March 21, 1980 (7:6 Md. R. 609)

Regulation .02D amended as an emergency provision effective February 10, 1982 (9:5 Md. R. 520); emergency status expired March 12, 1982

Regulation .02D amended effective August 2, 1982 (9:15 Md. R. 1516)

Regulations .01—.03 repealed and new Regulations .01—.07 adopted effective July 29, 1985 (12:15 Md. R. 1524)

Regulation .03B amended as an emergency provision effective April 14, 1986 (13:9 Md. R. 1021)

Regulation .03F amended effective January 15, 1989 (15:27 Md. R. 3131)

Regulation .03G amended effective April 4, 1988 (15:7 Md. R. 851)

Regulation .03I amended effective October 3, 1988 (15:20 Md. R. 2334)

Regulation .06 repealed effective January 15, 1989 (15:27 Md. R. 3131)

Regulations .07 amended and .08 adopted as an emergency provision effective August 14, 1985 (12:18 Md. R. 1760)

Regulations .07 amended and .08 adopted effective December 2, 1985 (12:24 Md. R. 2350)

Regulation .07 recodified to Regulation .06 effective January 15, 1989 (15:27 Md. R. 3131)

Regulation .08 amended and recodified to Regulation .07 effective January 15, 1989 (15:27 Md. R. 3131)

Regulations .01—.07 repealed and new Regulations .01—.08 adopted effective September 28, 1992 (19:19 Md. R. 1710)

Regulation .03 amended effective August 15, 1994 (21:16 Md. R. 1386); July 29, 1996 (23:15 Md. R. 1089); March 18, 2002 (29:5 Md. R. 504)

Regulations .05—.06 repealed effective March 18, 2002 (29:5 Md. R. 504)

Regulations .01—.08 repealed and new Regulations .01—.12 adopted effective July 19, 2004 (31:14 Md. R. 1079)

Regulation .02B amended effective April 11, 2005 (32:7 Md. R. 682); July 28, 2008 (35:15 Md. R. 1349)

Regulation .02B amended as an emergency provision effective July 7, 2012 (39:17 Md. R. 1145); emergency provision expired December 31, 2012

Regulation .04A amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882); July 3, 2006 (33:13 Md. R. 1064); March 12, 2007 (34:5 Md. R. 561); March 22, 2010 (37:6 Md. R. 479)

Regulation .04C adopted effective July 11, 2011 (38:14 Md. R. 790)

Regulation .05D amended as an emergency provision effective July 7, 2012 (39:17 Md. R. 1145); emergency provision expired December 31, 2012

Regulation .05I amended effective July 26, 2010 (37:15 Md. R. 999)

Regulation .05J amended effective July 28, 2008 (35:15 Md. R. 1349)

Regulation .07A amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882)

Regulation .07C amended effective May 22, 2006 (33:10 Md. R. 882)

Regulation .08B amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882); August 28, 2006 (33:17 Md. R. 1437)

Regulation .09 amended effective April 21, 2008 (35:8 Md. R. 807); February 18, 2013 (40:3 Md. R. 218)

Regulation .09B amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882)

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Regulation .09-1 adopted effective April 19, 2010 (37:8 Md. R. 618)

Regulation .12B amended effective July 3, 2006 (33:13 Md. R. 1064); July 28, 2008 (35:15 Md. R. 1349)

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Regulation .02B amended effective June 22, 2015 (42:12 Md. R. 763); November 24, 2016 (43:23 Md. R. 1280)

Regulation .06D, F, G amended effective November 24, 2016 (43:23 Md. R. 1280)

Regulation .06E, F amended effective June 22, 2015 (42:12 Md. R. 763)

Regulation .06G adopted effective June 22, 2015 (42:12 Md. R. 763)

Regulation .09 amended effective June 22, 2015 (42:12 Md. R. 763)

Regulation .09B, C amended effective November 24, 2016 (43:23 Md. R. 1280)

Regulation .09G adopted effective November 24, 2016 (43:23 Md. R. 1280)

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

.01 Scope.

A. This chapter sets out the enrollment, credit, student service, and State assessment requirements for graduation from a public high school in Maryland.

B. It is the expectation of the State Board that each student enrolled in a public school system in Maryland shall earn a Maryland High School Diploma in accordance with the requirements forth out in this chapter.

C. Upon notifying the State Superintendent of Schools, each local school system may establish graduation requirements beyond the minimum requirements established by the State Board.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Combined score" means the total of the passing scores established by the Department on the Maryland High School Assessments in algebra, biology, English, and government.

(2) "Credit" means successful demonstration of a specified unit of study.

(3) "Department" means the State Department of Education.

(4) "HSA" means the high school assessments in biology and government aligned with the Maryland College and Career Ready Standards.

(5) "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) "Maryland High School Assessments" means the HSA, PARCC, or other assessments in algebra, biology, English, and government developed or adopted by the Department that are aligned with and measure a student's skills and knowledge as set forth in the Maryland College and Career Ready Standards for those subjects.

(7) "Minimum score" means an acceptable score established by the Department below the passing score on a Maryland High School Assessment that may be used by a student to satisfy the combined score option.

(8) "PARCC Assessment" means the assessments in Algebra and English aligned with the Maryland College and Career Ready Standards.

.03 Enrollment and Credit Requirements.

A. Beginning with students entering the 9th grade class of 2014—2015 school year, each student shall enroll in a mathematics course in each year of high school that the student attends, up to a maximum of 4 years of attendance, unless in the 5th or 6th year a mathematics course is needed to meet a graduation requirement.

B. To be awarded a diploma, a student shall be enrolled in a Maryland public school system and shall have earned a minimum of 21 credits that include the following specified credits:

(1) English — four credits of organized instruction in comprehension of literary and informational text, writing, speaking and listening, language, and literacy, of which one credit shall be aligned with the Maryland High School Assessment for English;

(2) Fine arts — one credit in visual arts, music, theater, or dance, or a combination of these;

(3) Mathematics — three credits, including one with instruction in algebra aligned with the Maryland High School Assessment for algebra or one or more credits in subsequent mathematics courses for which Algebra I is a prerequisite, and one with instruction in geometry aligned with the content standards for geometry;

(4) Physical education — one-half credit;

(5) Health education — one-half credit;

(6) Science — three credits of which one shall be in biology aligned with the Maryland High School Assessment for biology and two from the earth, life, environmental science, or physical sciences, or all of the above, in which laboratory experiences are an integral component;

(7) Social studies — three credits including one credit in United States history, one credit in world history, and one credit in local, State, and national government aligned with the Maryland High School Assessment for government;

(8) Technology education — one credit that includes the application of knowledge, tools, and skills to solve practical problems and extend human capabilities; and

(9) One of the following:

(a) Two credits of world language or two credits of American Sign Language;

(b) Two credits of advanced technology education; or

(c) Successfully complete a State-approved career and technology program.

B. Elective programs and instruction shall be developed at the discretion of the local school system, open to enrollment for all students, and shall focus on in-depth study in required subject areas, exploration, or application and integration of what has been learned.

C. All students must complete a locally designed high school program of environmental literacy as set forth in COMAR 13A.04.17 that is approved by the State Superintendent of Schools.

.04 Other Provisions for Earning Credit.

A. In addition to earning credits during the regular school day and year, credits may be earned, at the discretion of the local school system, through the means specified in §§B—I of this regulation.

B. Summer School.

(1) Each local school system may provide summer school programs for original and review credit as determined by the needs of students.

(2) Credit instruction shall meet the aggregate time requirements specified by the local school system.

(3) Consistent with local school system policy and procedure, credit may be given for acceptable summer study offered by approved public and nonpublic institutions in or outside of Maryland.

C. Evening School. A local school system may provide evening school programs for credit as an extension of the regular school day as determined by the needs of students.

D. Online Courses.

(1) Consistent with local school system policy and procedure, credit may be given for Department-approved online courses.

(2) If credit is to be applied toward minimum graduation requirements, the Department-approved online course shall be provided by the local school system.

E. Tutoring.

(1) Tutoring may be considered only after all the resources of the school system have been used fully and when it is determined that the best interests of the students are being served.

(2) If tutoring is recommended by the school and approved by the local school system for credit to be applied toward minimum graduation requirements, then the tutor, the program of study, and examination shall be provided by the local school system.

F. Work Study Programs, Job Entry Training Programs, or Experience Outside the School.

(1) Consistent with local school system policy and procedure, actual time spent in work study, job entry training, or other experience may be counted for credit when identified as an integrated part of a planned study program.

(2) For work or experience outside the school which is approved and supervised by the local school system, not more than nine elective credits toward meeting graduation requirements may be granted to a student.

G. 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 and with prior approval of the local superintendent of schools or the superintendent's designee, credit toward high school graduation may be given for courses offered by accredited colleges.

H. Independent Study/Internship. Consistent with local school system policy and procedure, credit toward high school graduation may be earned for independent study or internships in which a student successfully demonstrates pre-established curricular objectives.

I. Credit through Examination.

(1) Credit toward high school graduation may be earned by passing an examination that assesses student demonstration of local school system curricular objectives.

(2) A student who would be eligible to graduate but for attaining credit in either English 12 or Algebra II may obtain that credit by taking a State-approved examination and achieving a passing score as defined by the Maryland State Department of Education.

(3) Credit toward high school graduation may be earned by middle school students if the following criteria are met:

(a) The student has taken a high school level course meeting the local school system curricular objectives; and

(b) The student passes an examination that assesses student demonstration of course objectives and the examination is equivalent in content coverage and rigor to examinations given to high school students for the course content area.

(4) The determination to allow high school credit by examination for middle school students shall be made by the local school system.

.05 Student Service.

To graduate, students shall complete one of the following:

A. 75 hours of student service that includes preparation, action, and reflection components and that, at the discretion of the local school system, may begin during the middle grades; or

B. A locally designed program in student service that has been approved by the State Superintendent of Schools.

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

E. 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, except for students identified in §G of this regulation, "met all assessment requirements" means achieving a passing score on all Maryland High School Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge Plan in those assessment areas that the student did not pass.*

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

.07 Notice to Parents or Guardians and Students.

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

- A. *Maryland's graduation requirements;*
- B. *The student's progress on fulfilling the credit, Maryland High School Assessment, service, and applicable IEP requirements for graduation;*
- C. *The results of each Maryland High School Assessment taken or Bridge Plan completed by the student;*
- D. *A plan for appropriate assistance, if applicable; and*
- E. *The Department's schedule for Maryland School Assessment and the Maryland High School Assessment administration.*

.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 13.A.08.02.*
- 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.*

.09 Diplomas and Certificates.

A. The types of diplomas and certificates specified in §§B—D of this regulation shall be awarded to any student who meets the requirements for award.

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) Complete the enrollment, credit, and service requirements as specified in this chapter;

(2) Complete local school system requirements; and

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

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

(i) For school year 2016—2017, a score of 725;

(ii) For school year 2017—2018, a score of 733;

(iii) For school year 2018—2019, a score of 741;

(iv) For school year 2019—2020, and beyond, a score of 750; and

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

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

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

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

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

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 set forth in §B(3)(a) of this regulation do not apply. For those students only, taking the Algebra I and/or English 10 Maryland High School Assessment for the first time will meet the graduation assessment requirement for Algebra I and English 10.

(2) For all students taking the HSA biology assessment in the 2016—2017 school year, taking the HSA biology assessment will meet the graduation assessment requirement for biology.

D. Maryland High School Diploma by Examination.

(1) General Educational Development Testing Program. A Maryland High School Diploma by Examination may be awarded for satisfactory performance on approved general educational development tests if the student meets those requirements as defined in Labor and Employment Article, §11-808, Annotated Code of Maryland, and COMAR 09.37.01.04.

(2) Maryland Adult External High School Diploma Program. A Maryland High School Diploma by Examination may be awarded for demonstrating competencies in general life skills and individual skills on applied performance tests if the student meets those requirements as defined in COMAR 09.37.01.20.

E. Maryland High School Certificate of Program Completion.

(1) This certificate shall be awarded only to students with disabilities who cannot meet the requirements for a diploma but who meet the following standards:

(a) The student is enrolled in an education program for at least 4 years beyond grade 8 or its age equivalent, and is determined by an IEP team, with the agreement of the student and the parents of the student, to have developed appropriate skills for the individual to enter the world of work, act responsibly as a citizen, and enjoy a fulfilling life, with the world of work including but not limited to:

(i) Gainful employment;

(ii) Post-secondary education and training;

(iii) Supported employment; and

(iv) Other services that are integrated in the community; or

(b) The student has been enrolled in an education program for 4 years beyond grade 8 or its age equivalent and will have reached age 21 by the end of the student's current school year.

(2) An Exit Document that describes the student's skills shall accompany the Maryland High School Certificate of Program Completion.

(3) The final decision to award a student with disabilities a Maryland High School Certificate of Program Completion will not be made until after the beginning of the student's last year in high school.

(4) A student with significant cognitive disability may not meet high school graduation requirements, in accordance with §B of this regulation, if a student:

(a) Participates in an Alternative Assessment based on Alternative Academic Achievement Standards (AA-AAAS); and

(b) Continues to receive instruction based on Alternative Academic Achievement Standards through high school.

(5) If a student participates in a graduation ceremony prior to the completion of the student's education program, at the ceremony the school system shall issue to the student a Certificate of Achievement or other similarly titled certificate in place of a diploma.

F. Local Endorsements. Consistent with procedures established by the Department, each local school system may add endorsements to the diploma as incentives for students to meet locally established requirements and outcomes in instruction beyond the minimums specified by the State.

G. At least yearly, through the end of the implementation, the State Board will review and assess updated information on the graduation assessment requirements and scores.

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

A. A school system shall notify each senior and the senior's parents or guardians on or before the end of February of the senior year if a student may not graduate. The notice shall explain:

(1) The reasons the student may not graduate;

(2) The options available to meet all graduation requirements;

(3) That a waiver of the Maryland High School Assessment graduation requirement may be one of the options, if the student meets the criteria set forth in §§C and E of this regulation;

(4) The waiver process and timeline; and

(5) That parents or guardians may submit information in writing to the principal concerning eligibility of their child for the waiver.

B. On or before the end of February, the principal shall report to the local superintendent the name and student identification number of each student identified in the February notice.

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

(1) The student has taken none of the required Maryland High School Assessments; or

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

D. On or before April 1, the principal shall report to the local superintendent the name and student identification number of each student identified as meeting the criteria in §C of this regulation.

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 High School Assessment graduation requirements that the student has not fulfilled to date if:

(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 High School 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) The student is prevented from meeting the Maryland High School 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 High School 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 High School Assessment courses, but has failed the related Maryland High School Assessment, and has had no adequate opportunity for intervention.

F. On or about April 1, the principal shall notify the student and the student's parents or guardians that the student is being considered for a waiver of the Maryland High School Assessment graduation requirements that the student has not fulfilled to date. The notice shall explain the waiver decision-making process.

G. On or before May 1, the principal of the high school shall make an Maryland High School Assessment waiver recommendation to the local superintendent for each student who meets the criteria set forth in §E of this regulation with the participation of:

- (1) The student's IEP team, if the student is a student with disabilities;*
- (2) The English Language Learner staff, if the student is an English Language Learner;*
- (3) Other school personnel; or*
- (4) One or more of them.*

H. The principal shall explain the reason for each recommendation under §G of this regulation, whether the recommendation is to grant or deny the waiver.

I. The local superintendent shall review each recommendation and shall:

- (1) Grant or deny the waiver;*
- (2) Promptly notify the student and the student's parent or guardian of the decision; and*
- (3) If the waiver is granted, include in the notification the local procedures and requirements that must be met for a diploma to be awarded.*

J. The superintendent's decision in this matter is not appealable to the local board of education, but may be appealed to the State Superintendent of Schools.

K. A student or the student's parents or guardians may appeal the waiver denial to the State Superintendent by sending a written appeal letter explaining why the waiver denial was an arbitrary or unreasonable decision. The State Superintendent may affirm or reverse the local superintendent's decision and shall inform the student, the student's parents or guardians, the local superintendent, and the State Board in writing of the decision.

L. The decision of the State Superintendent may be appealed to the circuit court pursuant to Maryland Rules 7-201, et seq. On appeal:

- (1) If the State Superintendent has reversed the local superintendent's decision to deny the Maryland High School Assessment waiver and the local school system appeals that decision, the State Superintendent shall defend the decision on appeal; or*
- (2) If the State Superintendent has affirmed the local superintendent's decision and the aggrieved student appeals, the local superintendent shall defend the State Superintendent's decision on appeal.*

M. By August 1, the local superintendent shall send a report to the State Superintendent or the State Superintendent's designee on waiver decisions rendered under this regulation.

N. Nothing in this regulation is intended to establish any right to participate in the graduation ceremony while an appeal is pending. Participation in the graduation ceremony remains at the discretion of the local superintendent.

O. Section E(2)(a) of this regulation, upon review, approval, and promulgation of an amendment of these Regulations by the State Board of Education, shall sunset on June 30, 2015.

.10 Alternatives to 4-year Enrollment Requirement.

A. In recognition of the fact that 4-year enrollment in a public high school may not serve the best interests of some students, the alternatives in §§B and C of this regulation shall be made available.

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

(1) The student is accepted for early admission to an accredited college before high school graduation;

(2) All Maryland High School Assessments and student service requirements have been met;

(3) A written request by the student and parent or guardian is made to and approved by the local superintendent of schools certifying the early admission acceptance;

(4) The student's program for the first year of college is approved by the local superintendent of schools if this program is included toward the issuance of a diploma; and

(5) At the conclusion of a full year of study, a written request for a Maryland High School Diploma is submitted to the superintendent together with a transcript or letter from the college to the high school principal indicating that the student has successfully completed a year of college work.

C. Early Admission to Approved Vocational, Technical, or Other Postsecondary School Program. A student may receive a Maryland High School Diploma through acceptance in an early admission program of an approved vocational, technical, or postsecondary school program if:

(1) The student is accepted for early admission by an approved vocational, technical, or postsecondary school program before high school graduation;

(2) All Maryland High School Assessments and student service requirements have been met;

(3) A written request by the student and parent or guardian is made to and approved by the local superintendent of schools certifying the early admission acceptance;

(4) The student's program for the first year of the postsecondary program is approved by the local superintendent of schools if this program is included toward the issuance of a diploma; and

(5) At the conclusion of a full year of study, a written request for a Maryland High School Diploma is submitted to the superintendent together with a transcript or letter from the postsecondary school to the high school principal indicating that the student has successfully completed a year of postsecondary school work.

.11 Alternatives for Structuring Programs.

A. Each local school system shall be permitted to develop alternative ways for individual or groups of students to fulfill graduation requirements.

B. An alternative plan may include a waiver of the fourth year enrollment requirement if all credit, assessments, and student service requirements are met and if the local superintendent of schools or designee determines that the waiver is in the best interest of the student.

C. Procedures for implementing these alternative programs leading to high school diplomas are as follows:

(1) Development and approval of a curricular plan which assures that the content of the specified credits is included and the standards for graduation are met pursuant to the requirements of this chapter with the plan containing a program description, performance requirements, and evaluation procedures; and

(2) The local superintendent of schools is responsible for approving any plan and shall notify the State Superintendent of Schools once approval has been given.

.12 General Provisions.

A. Length of School Year. Maryland public high schools shall be open for at least 180 school days and a minimum of 1,170 school hours during a 10-month period in each school year.

B. Graduation Requirements for Transfer Students.

(1) Attendance Requirements.

(a) To receive a diploma, a student shall be in attendance at a Maryland public high school one full semester immediately preceding graduation in addition to meeting the other diploma requirements.

(b) In cases where this requirement creates an undue hardship for a student transferring to or from a Maryland nonpublic school or from an out-of-State school and wishing to receive a Maryland high school diploma, the local superintendent of schools may waive the one full semester attendance requirement.

(c) Exception shall be made for a student with disabilities in a State-approved nonpublic program.

(d) Students transferring from one Maryland public high school to another during the second semester of their senior year and meeting all requirements for graduation shall be given the option of graduating from either high school by agreement of the local superintendent of schools or the respective local superintendents when more than one local school system is involved.

(2) Maryland High School Assessment Exemption Requirements.

(a) A student who transfers from a nonpublic school or a school out of State is exempt from one or more of the Maryland High School Assessments if, consistent with local school system policy and procedure, the principal of the Maryland public school in which the student enrolls determines that the course taken is aligned with the relevant Maryland High School Assessment and awards the student credit for taking any of the courses aligned with the Maryland High School Assessments, that is, algebra, biology, English, or government, or all of these, in accordance with the principles set forth in §B(2)(c) of this regulation.

(b) A student who transfers from a nonpublic school or a school out of State and has not received credit for algebra but has demonstrated mastery of the Maryland College and Career Ready Standards for algebra either through an evaluation or successful completion of subsequent mathematics courses for which algebra is a prerequisite is exempt from the Maryland High School Assessment for algebra.

(c) To award credit for taking any of the courses aligned with the Maryland High School Assessments, that is, algebra, biology, English, or government, a principal shall determine through the following considerations whether the transfer student demonstrates subject matter knowledge aligned with the content standards for the subject:

(i) Administration of standardized tests and examinations;

(ii) Observation of the student in the classroom;

(iii) Use of interviews that are focused around the student's demonstration of course content knowledge and performance levels; and

(iv) Inspection of transcripts, report cards, and other documentation.

(d) A student who transfers from a nonpublic school or from a school out of State into a local school system after the first semester of his or her senior year is exempt from the Maryland High School Assessment Requirements.

(e) The exemption provided in §B(2)(d) of this regulation does not apply to a student with disabilities in a State-approved nonpublic program.

(3) Local Graduation Requirements. A student who enters a local school system in his or her senior year shall be granted a waiver from locally established graduation requirements unless the student chooses to fulfill the requirements.

(4) Unavailability of Official Transcript. If the transcript of record is not available, a local superintendent of schools or designee shall determine the appropriate placement of the student within the high school program by an evaluation of the student that shall include one or more of the following:

(a) Administration of standardized tests and examination;

(b) Observation of the student in a classroom setting;

(c) Use of interviews that are focused around the student's demonstration of course content knowledge and performance levels;

(d) Inspection of report cards and other documentation.

Administrative History

Effective date: April 14, 1976 (3:8 Md. R. 427)

Regulation .02B amended effective August 11, 1978 (5:16 Md. R. 1259); September 22, 1978 (5:19 Md. R. 1446); May 21, 1984 (11:10 Md. R. 864)

Regulation .02C amended effective March 21, 1980 (7:6 Md. R. 609)

Regulation .02D amended as an emergency provision effective February 10, 1982 (9:5 Md. R. 520); emergency status expired March 12, 1982

Regulation .02D amended effective August 2, 1982 (9:15 Md. R. 1516)

Regulations .01—.03 repealed and new Regulations .01—.07 adopted effective July 29, 1985 (12:15 Md. R. 1524)

Regulation .03B amended as an emergency provision effective April 14, 1986 (13:9 Md. R. 1021)

Regulation .03F amended effective January 15, 1989 (15:27 Md. R. 3131)

Regulation .03G amended effective April 4, 1988 (15:7 Md. R. 851)

Regulation .03I amended effective October 3, 1988 (15:20 Md. R. 2334)

Regulation .06 repealed effective January 15, 1989 (15:27 Md. R. 3131)

Regulations .07 amended and .08 adopted as an emergency provision effective August 14, 1985 (12:18 Md. R. 1760)

Regulations .07 amended and .08 adopted effective December 2, 1985 (12:24 Md. R. 2350)

Regulation .07 recodified to Regulation .06 effective January 15, 1989 (15:27 Md. R. 3131)

Regulation .08 amended and recodified to Regulation .07 effective January 15, 1989 (15:27 Md. R. 3131)

Regulations .01—.07 repealed and new Regulations .01—.08 adopted effective September 28, 1992 (19:19 Md. R. 1710)

Regulation .03 amended effective August 15, 1994 (21:16 Md. R. 1386); July 29, 1996 (23:15 Md. R. 1089); March 18, 2002 (29:5 Md. R. 504)

Regulations .05—.06 repealed effective March 18, 2002 (29:5 Md. R. 504)

Regulations .01—.08 repealed and new Regulations .01—.12 adopted effective July 19, 2004 (31:14 Md. R. 1079)

Regulation .02B amended effective April 11, 2005 (32:7 Md. R. 682); July 28, 2008 (35:15 Md. R. 1349)

Regulation .02B amended as an emergency provision effective July 7, 2012 (39:17 Md. R. 1145); emergency provision expired December 31, 2012

Regulation .04A amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882); July 3, 2006 (33:13 Md. R. 1064); March 12, 2007 (34:5 Md. R. 561); March 22, 2010 (37:6 Md. R. 479)

Regulation .04C adopted effective July 11, 2011 (38:14 Md. R. 790)

Regulation .05D amended as an emergency provision effective July 7, 2012 (39:17 Md. R. 1145); emergency provision expired December 31, 2012

Regulation .05I amended effective July 26, 2010 (37:15 Md. R. 999)

Regulation .05J amended effective July 28, 2008 (35:15 Md. R. 1349)

Regulation .07A amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882)

Regulation .07C amended effective May 22, 2006 (33:10 Md. R. 882)

Regulation .08B amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882); August 28, 2006 (33:17 Md. R. 1437)

Regulation .09 amended effective April 21, 2008 (35:8 Md. R. 807); February 18, 2013 (40:3 Md. R. 218)

Regulation .09B amended effective April 11, 2005 (32:7 Md. R. 682); May 22, 2006 (33:10 Md. R. 882)

Regulation .09-1 adopted as an emergency provision effective January 23, 2009 (36:4 Md. R. 346); emergency status expired effective July 22, 2009

Regulation .09-1 adopted effective April 19, 2010 (37:8 Md. R. 618)

Regulation .12B amended effective July 3, 2006 (33:13 Md. R. 1064); July 28, 2008 (35:15 Md. R. 1349)

Chapter revised effective September 29, 2014 (41:19 Md. R. 1081)

Regulation .02B amended effective June 22, 2015 (42:12 Md. R. 763); November 24, 2016 (43:23 Md. R. 1280)

Regulation .06D, F, G amended effective November 24, 2016 (43:23 Md. R. 1280)

Regulation .06E, F amended effective June 22, 2015 (42:12 Md. R. 763)

Regulation .06G adopted effective June 22, 2015 (42:12 Md. R. 763)

Regulation .09 amended effective June 22, 2015 (42:12 Md. R. 763)

Regulation .09B, C amended effective November 24, 2016 (43:23 Md. R. 1280)

Regulation .09G adopted effective November 24, 2016 (43:23 Md. R. 1280)

13A.03.02 – Graduation Requirements for Public High Schools in Maryland

Most of the changes in 13A.03.02 were semantic changes due to change in assessments, grammar, or incorrect information.

Major Changes with Justifications

Change	Justification
.02 Definitions	
<p>B. (1) biology science</p> <p>This is changed throughout the entire document.</p>	<p>Biology HSA is no longer available. MISA is an integrated assessment that incorporates, Earth Science, Physical Science (Physics), Chemistry and Biology</p>
<p>B. (4) and (6) Maryland College and Career Ready Standards</p>	<p>Terminology is incorrect. MCCRS only apply to Mathematics and ELA. Science and Social Studies are not a part of MCCRS.</p>
.03 Enrollment and Credit Requirements	
<p>B. (6) Science — three credits of which one shall be in biology aligned with the Maryland High School Assessment for biology and two from the earth, life, environmental science, or physical sciences, or all of the above, in which laboratory experiences are an integral component; three credits of organized instruction which includes a laboratory component engaging in the application of the science and engineering practices, the crosscutting concepts, and disciplinary core ideas including Earth/space science, life science, physical science (chemistry and physics), and engineering, technology, and aligned to the Maryland High School Assessment for science.</p>	<p>The reason to change this wording is the shift to NGSS standards and MISA. There is no longer a need to focus on biology as the one course all students need. LEAs also did not want to promote a single science sequence.</p>
.04 Other Provisions for Earning Credit	
<p>I. (2) A student who would be eligible to graduate but for attaining credit in either English 12 or Algebra II may obtain that credit by taking a State-approved examination and achieving a passing score as defined by the</p>	<p>Revised to delete the reference to Algebra II since it is not a graduation requirement.</p>

<p>Maryland State Department of Education.</p> <p>(3) Notwithstanding any other provision of law, a county board shall award credit to a middle school student for any course for which a high school student would be awarded credit if the middle school student meets the same requirements as the high school student.</p>	<p>The language was no longer accurate. Last year Education Article §4–133 passed which changed the policy.</p>
<p>.06 Maryland High School Assessments</p>	
<p>D. Each student who failed a Maryland High School Assessment once may participate in the Bridge Plan for Academic Validation and shall be provided at least one opportunity to retake the appropriate assessment in accordance with the testing schedule issued by the Department.</p>	<p>Removed due to historic confusion and misinterpretation. Combined in E for clarification.</p>
<p>E. (1) Eligibility Criteria. Except for the students identified in §G of this regulation, a student shall participate in the Bridge Plan for Academic Validation if the student has: A student is eligible to satisfy the graduation assessment requirement through the Bridge Plan for Academic Validation if the student has:</p> <p>(a) Received credit in the course or courses related to the assessment or assessments; received a passing grade and earned credit in the course or courses related to the assessment or assessments.</p>	<p>Revised language for clarity purposes only.</p>
<p>.09 Diplomas and Certificates</p>	
<p>B. (3)(a) Achieve a passing score on</p>	<p>Remove year-specific language for policy</p>

<p>the Maryland High School Assessments for Algebra I science, government and English 10; in the following way:</p> <p>(i) For school year 2016—2017, a score of 725;</p> <p>(ii) For school year 2017—2018, a score of 733;</p> <p>(iii) For school year 2018—2019, a score of 741;</p> <p>(iv) For school year 2019—2020, and beyond, a score of 750; and</p> <p>(v) Assessment in English 10 and/or Algebra I, the passing score on the retest shall be the passing score in the year in which the student first took the assessment.</p> <p>(b) Achieve a passing score as established by the Department on the Maryland High School Assessments for biology and government;</p> <p>B.(3)(be) Achieve a combined score(s) as established by the Department on the Maryland High School Assessments;</p>	<p>longevity. By taking the cut scores out and entering them into an external SBOE generated document, removing them after the date expires, etc. would not require the document to go through the whole COMAR process. The SBOE could take action without changing COMAR. It would then be a board action item.</p> <p>The old (b) is consolidated and all 4 assessments are covered in the new (b)</p>
<p>B.(3)(cd) If a student has not achieved a passing score on the Maryland High School Assessment in English 10 and/or Algebra I, achieve a score as established by the Department on Department-approved assessments for algebra, and/or English, science and Government aligned with the Maryland High School Assessments such as Advanced Placement examinations, SAT, ACT, and International Baccalaureate examinations; or nationally recognized assessments.</p>	<p>Revised for grammar/clarification purposes.</p>

<p>Achieve a score on an approved alternative assessment as established by the Department, such as PARCC Algebra II, Advanced Placement examinations, SAT, ACT, or International Baccalaureate examinations.</p>	
<p>.09-1 Appeal of Denial of Diploma for Failure to Meet Maryland High School Assessment Requirement</p>	
<p>O. Section E(2)(a) of this regulation, upon review, approval, and promulgation of an amendment of these Regulations by the State Board of Education, shall sunset on June 30, 2015 September 1, 2017.</p>	<p>Changed date</p>
<p>.12 General Provisions</p>	
<p>B.(2)(a) A student who transfers from a nonpublic school or a school out of State is exempt from one or more of the Maryland High School Assessments if, consistent with local school system policy and procedure, the principal of the Maryland public school local superintendent in which the student enrolls, determines that the course taken is aligned with the relevant Maryland High School Assessment and awards the student credit for taking any of the courses aligned with the Maryland High School Assessments, that is, algebra, biology science, English, or government, or all of these, in accordance with the principles set forth in §B(2)(c) of this regulation.</p>	<p>This is incorrect – it should have read superintendents not principals</p>

Revision to 13A.03.02

*Graduation Requirements for Public High Schools in
Maryland*

State Board Meeting
June 27, 2017

Purpose

- The purpose of this revision is to update the language that has changed from the previous revision to this year.

Major Changes

.03 Enrollment and Credit Requirements (page 2)

□ Science

- The reason to change this wording is the shift to NGSS standards and MISA.
- There is no longer a need to focus on biology as the one course all students need.
- LEAs also did not want to promote a single science sequence.

Major Changes

.04 Other Provisions for Earning Credit (page 4)

□ Credit through examination

- The language was no longer accurate. Last year Statute §4–133 passed which changed the policy.
- Revised to delete the reference to Algebra II since it is not a graduation requirement.

Major Changes

.06 Maryland High School Assessments (page 4)

□ Government

- Removed due to historic confusion and misinterpretation. Combined in E for clarification.

Major Changes

.06 Maryland High School Assessments (page 4)

- Bridge Plan for Academic Validation
 - Clarification of eligibility.

Major Changes

.09 Diplomas and Certificates (page 6)

- Remove year-specific language for policy longevity.
- By taking the cut scores out and entering them into an external SBOE generated document, removing them after the date expires, etc. would not require the document to go through the whole COMAR process.
- The SBOE could take action externally without changing COMAR. It would then be a board action item.
- The old (b) is consolidated and all 4 assessments are covered in the new (b)



Recommendation

- To put the revisions out for review and public comment.