



Mohammed Choudhury
State Superintendent of Schools

To: Members of the State Board of Education
From: Mohammed Choudhury, State Superintendent of Schools
Date: December 6, 2022
Subject: Permission to publish COMAR 13A.05.14. *Adult High School Pilot Program*

Purpose

The purpose of this item is to request permission to publish to COMAR 13A.05.14 *Adult High School Pilot Program*.

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

In 2017, the Maryland legislature approved Education Article §9-7-101 establishing an adult high school pilot program to provide an alternative method for adults who did not graduate from high school to earn a high school diploma and potentially earn postsecondary education credits and industry-recognized certification in an environment that meets the needs of an adult learner. MSDE and the Department of Labor (DOL) shall jointly administer the program.

Executive Summary

The proposed regulation establishes requirements and policy for the establishment of up to six pilot projects, each of which may enroll up to 350 students. MSDE and DOL must give priority to pilots located in counties, municipalities, or geographic areas where the high school attainment rate is below the State average. Applications must include detailed descriptions of the proposed operator, curriculum, assessment procedures, performance

standards, wraparound services, budget, and other features. Each pilot shall be governed by an advisory board, on which MSDE shall have a permanent seat. Within 30 days of MSDE's final approval of a plan, and in accordance with established procedures, the State Board of Education must grant waivers from any regulation that conflicts with the purpose and goals of the plan. For this reason, we are asking for permission to publish 13A.05.14.

Action

Request permission to publish COMAR 13A.05.14 *Adult High School Pilot Program*.

Attachments

Attachment: COMAR 13A.05.14 *Adult High School Pilot Program*.pdf

Title 13A STATE BOARD OF EDUCATION
SUBTITLE 05 SPECIAL INSTRUCTIONAL PROGRAMS
Chapter 14 Adult High School Pilot Program

Authority: Education Article, §§2-205 and 9.7-101—9.7-110, Annotated Code of Maryland

.01 Purpose.

The Adult High School Pilot Program establishes an alternative method for adults who did not graduate from high school to earn a high school diploma and, if applicable, a pathway to earn postsecondary credits or an industry-recognized certification in an environment that meets the needs of the adult learner.

.02 Authority.

The Adult High School Pilot Program is under the authority and supervision of the Maryland State Department of Education and the Maryland Department of Labor.

.03 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (1) “Department” means the Maryland State Department of Education.
 - (2) “Labor” means the Maryland Department of Labor.
 - (3) “Operator” means a private non-profit entity that establishes a pilot under the Program.
 - (4) “Pilot” means an adult high school established by an operator under the Program.
 - (5) “Program” means the Adult High School Pilot Program.
 - (6) Wraparound Services.
 - (a) “Wraparound services” means individualized services, excluding regular school programs and services, that are provided to the student and the student’s family.
 - (b) “Wraparound services” includes:
 - (i) Child care;
 - (ii) Transportation;
 - (iii) Housing referrals;
 - (iv) Mental health;
 - (v) Crisis intervention;
 - (vi) Substance abuse prevention or treatment; and
 - (vii) Legal aid.

.04 Program Requirements.

- A. A pilot established under the Program shall:
 - (1) Operate from a fixed physical location;
 - (2) Offer wraparound services necessary for the adult learner;
 - (3) Grant a Maryland high school diploma on completion of the required course of study;
 - (4) Adopt written standards for the admission and dismissal of students;
 - (5) Comply with the requirements of §504 of the Rehabilitation Act of 1973; and
 - (6) Provide accommodations equal to those a student would qualify for under the Individuals with Disabilities Education Act if the student has a disability with an educational impact.
- B. Enrollment.
 - (1) A pilot shall enroll a maximum of 350 students at any given time; and
 - (2) A pilot shall enroll students who:
 - (a) Are 21 years or older;
 - (b) Do not have a high school diploma; and
 - (c) Did not complete the requirements for high school graduation through GED testing or a National External Diploma program.

.05 Operator Qualifications.

- A. The operator of a pilot established under the Program shall:

- (1) Be registered as a nonprofit organization in the State;
 - (2) Have previous experience and measured success in providing education or workforce development services, including industry certification and job placement services, to adult learners who have been limited by educational disadvantages, a disability, a criminal record, or similar barriers to employment opportunities;
 - (3) Have secured financing to develop or the capability to secure financing for the development of a physical site for the pilot; and
 - (4) Hire appropriately trained instructional personnel.
- B. An operator may be a partnership of two or more persons that meet the qualifications required under §A of this regulation.
- C. The operator may partner with a public institution of higher education in the State, if the operator intends to provide coursework for college credit, or a county board of education.

.06 Advisory Board.

- A. An advisory board shall govern a pilot established under the Program.
- B. Membership.
- (1) The advisory board shall consist of at least 11 and no more than 25 members.
 - (2) Of the advisory board members:
 - (a) One member shall be appointed by the Department;
 - (b) One member shall be appointed by Labor; and
 - (c) The remaining members shall be selected in accordance with the bylaws of the pilot.
- C. A vacancy shall be filled in the same manner in which the vacating member was selected.
- D. The advisory board shall determine its officers.

.07 Considerations for Approval.

- A. The Department, in consultation with Labor, may approve up to six pilots under the Program.
- B. When considering whether to approve a pilot under §A of this regulation, the Department and Labor shall:
 - (1) Give priority to a pilot located in a county or geographic area located within a county that has a high school attainment rate that is lower than the State average high school attainment rate;
 - (2) Consider geographic diversity in locations for pilots; and
 - (3) Approve one pilot in a rural area for each two pilots approved in urban areas.

.08 Application.

- A. The Department, in consultation with Labor, will periodically post a solicitation for a pilot.
- B. In response to a solicitation under §A of this regulation, an eligible organization that seeks approval to establish a pilot through the Program shall submit a detailed application that includes:
 - (1) Description and background of pilot operator(s);
 - (2) Program description;
 - (3) Pilot bylaws;
 - (4) The proposed curriculum and performance standards that align with Maryland high school graduation requirements and the Maryland College and Career Ready Standards;
 - (5) Initial student intake assessment procedures;
 - (6) Plans for the provision of remedial instruction, if necessary;
 - (7) Plans for working with students with disabilities and providing accommodations for qualified students as required under Regulation .04 of this chapter.;
 - (8) A description of assessment instruments and procedures for measuring student progress and college and career readiness;
 - (9) A description of any programs or partnerships with organizations or businesses for providing job skills, industry certifications or high education credits;
 - (10) The wraparound services offered;
 - (11) A description of the advisory and coaching services that provide support for students to establish career pathways in high need and growth industries and make effective transitions into postsecondary education and industry credentialing opportunities;
 - (12) The pilot's governance plan;
 - (13) A detailed budget for the initial 3-year operating period that demonstrates the pilot's financial self-

- sufficiency; and
(14) Plans for working with English learners.

.09 Approval.

- A. Within 60 days of the receipt of a plan submitted under Regulation .08 of this chapter:
(1) The Department, in consultation with Labor, shall approve or disapprove the curriculum; and
(2) If the curriculum is approved, the Department, in consultation with Labor, shall approve or disapprove the applicant's plan.
- B. The operator may submit curriculum revisions to the Department for review and approval in consultation with Labor.

.10 Waivers.

- A. Within 30 days of approval of the pilot, the operator may request waivers from certain regulations.
- B. Except as provided in §C of this regulation, the State Board of Education shall grant an approved pilot a waiver from any regulation that conflicts with the purpose and goals of the pilot's plan, including the student service requirement set forth in COMAR 13A.03.02.05.
- C. A waiver may not be granted related to assessment requirements in COMAR 13A.03.02.06.

.11 Funding.

- A. The operator or advisory board of a pilot may apply for and accept donations, grants, or other financial assistance from a government entity or any nonprofit or other private organization.
- B. The Program may provide grants to pilots approved and operating in accordance with these regulations, if funding is available.
- C. A pilot established under the Program is not a public school for public financing purposes under Title 5 of the Education Article, Annotated Code of Maryland.

.12 Evaluation.

- A. An operator shall conduct an evaluation of the pilot each year. After receiving approval of the advisory board, the operator shall submit an evaluation report to the Department and Labor for the prior fiscal year that includes:
(1) Academic and career progress of each student enrolled in the pilot; and
(2) The pilot's fiscal year financial report.
- B. On or before October 1st of each year, the operator shall submit to the Department and Labor the following information for the prior fiscal year:
(1) Whether students enrolled in the pilot are on track for completion in a time determined reasonable by the advisory board;
(2) The academic levels of the students at the time of enrollment in the pilot;
(3) The academic progress of students as measured by pre- and post-test assessments and the assessment instruments used;
(4) Graduation rates; and
(5) The number of:
(a) Credits students have completed;
(b) Students who completed the program and graduated;
(c) Postsecondary credits earned by the students concurrently and the type of credit sought;
(d) Industry credentials earned by students and the types of industry credentials; and
(e) Students in post-graduation employment.
- C. If the Department and Labor determine that the pilot is not effective, they shall send written notice to the operator:
(1) Of any corrective action needed to prevent termination of the pilot; and
(2) The time period during which corrective action must be completed.

.13 Termination.

- A. If the Department and Labor determine that the pilot is not effective after a period of corrective action required under Regulation .12C of this chapter, they shall send written notice to the operator that the pilot has been terminated.

B. Any termination notice shall address any remaining issues for any enrolled students and existing funding.