



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

TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: February 25, 2020

SUBJECT: COMAR 13A.03.02
Graduation Requirements for Public High Schools in Maryland
COMAR 13A.03.02.08
Grading and Reporting

PURPOSE:

To determine a response to the January 3, 2020 letter from Senator Cheryl C. Kagan, Senate Chair, and Delegate Samuel I. Rosenberg, House Chair, of the Administrative, Executive, and Legislative Review (AELR) Committee (See Attachment 1) regarding COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* and COMAR 13A.03.02.08 *Grading and Reporting* (See Attachment 2).

BACKGROUND/HISTORICAL PERSPECTIVE:

The amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* were a result of the enactment of the 2019 House Bill 1019 State Board of Education – Public High School Students – *Assessments and Graduation Requirements*. The draft COMAR amendment included language for students who are graduating in school year 2019 – 2020. For those students only, taking the Algebra I and English 10 Maryland Comprehensive Assessments will meet the graduation assessment requirement for Algebra I and English 10. Students must pass the Algebra I and English 10 courses, however, these students would be exempt from completing a Bridge Project for Algebra I and/or English 10. Language was added to the regulation to encourage appropriate assistance for these students to strengthen areas of weakness.

Amendments to COMAR 13A.03.02.08 *Grading and Reporting* required a local school system to establish a policy that students with a certain number of unlawful absences shall be denied credit unless the student presents compelling mitigating circumstances and the school principal obtains approval from the Superintendent or designee.

EXECUTIVE SUMMARY:

At the January 28, 2020, the State Board discussed the amendments to COMAR 13A.03.02, the comments received (See Attachment 3), the AELR letter, and the MSDE recommendations. The State Board requested further information and time to discuss the response to the AELR letter. The State

Board will discuss the legal review of the statute impacting the Algebra I and English 10 assessment requirements of the 2019-2020 seniors. The State Board will make recommendations regarding the Algebra I and English 10 graduation assessment requirements for the 2019-2020 juniors. In addition, the State Board will determine the recommendation for COMAR 13A.03.02.08 *Grading and Reporting* regarding the impact of unlawful absences on course grades for high school students.

ACTION:

Request determination if the State Board wishes to make revisions to the draft amendments to COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* and COMAR 13A.03.02.08 *Grading and Reporting* to be communicated to the AELR Committee.

ATTACHMENTS:

Attachment 1: January 3, 2020 Maryland General Assembly Joint Committee on Administrative, Executive, and Legislative Review letter

Attachment 2: COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* and COMAR 13A.03.02.08 *Grading and Reporting*

Attachment 3: Comments regarding COMAR 13A.03.02 *Graduation Requirements for Public High Schools in Maryland* (Summary)

Graduation Requirements for Public High Schools in Maryland and Grading and Reporting



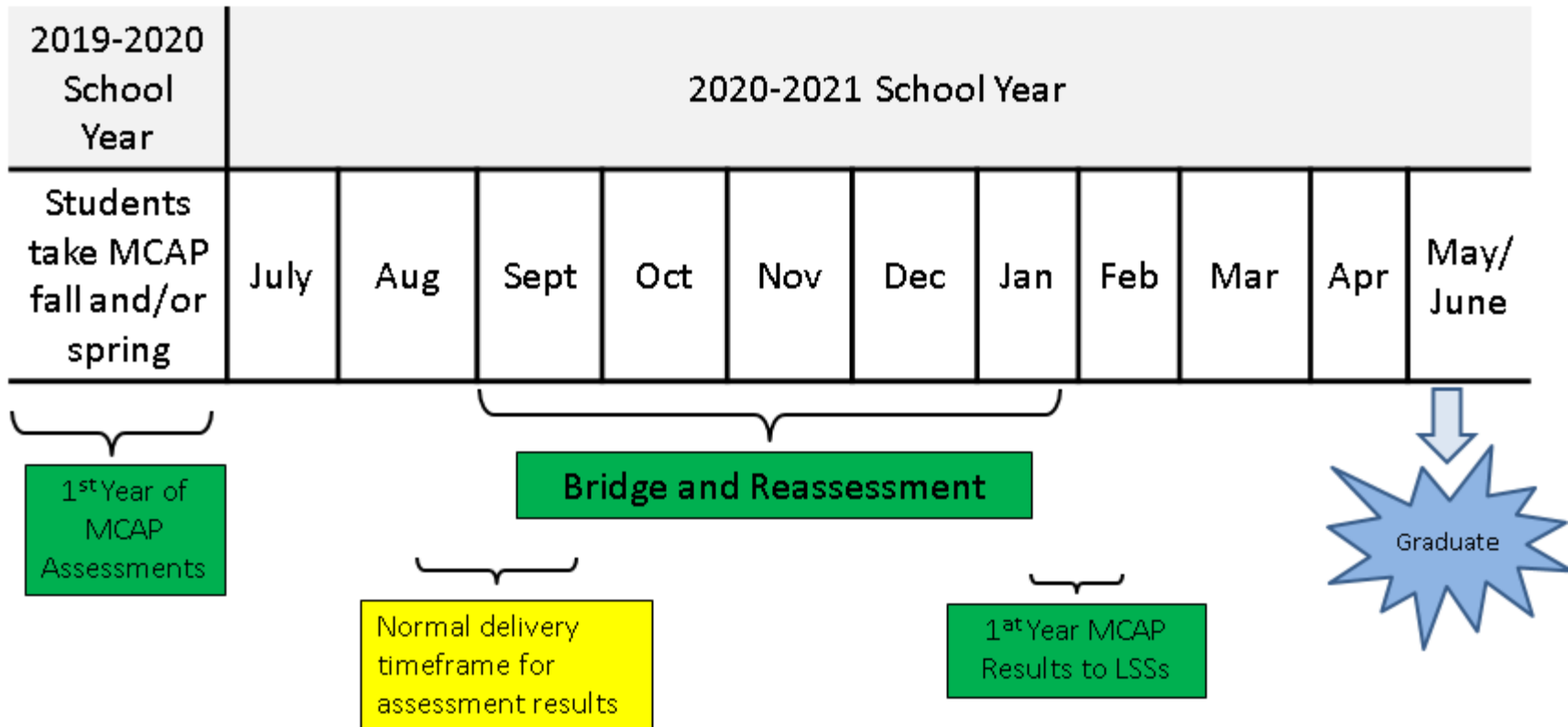
State Board of Education

February 25, 2020

13A.03.02 Graduation Requirements for Public High Schools in Maryland and 13A.03.02.08 Grading and Reporting

- 2019-2020 Seniors
- 2019-2020 Juniors
- Grading and Report

Timeline for Current Juniors (2019-2020 School Year) who have not met the Algebra I and/or English 10 Assessment Requirement



What do we know about the students who have FAILED the graduation assessment requirement by the end of the 11th grade?

Failed the Graduation Assessment Requirement	ELA N	ELA %	Math N	Math %
<i>All students</i>	5,484	100.0%	4,106	100.0%
Male	3,373	61.5%	2,369	57.7%
Female	2,111	38.5%	1,737	42.3%
Asian	133	2.4%	75	1.8%
Black or African American	2,970	54.2%	2,330	56.7%
White	803	14.6%	495	12.1%
Hispanic/Latino of any race	1,437	26.2%	1,101	26.8%
Two or more races	131	2.4%	94	2.3%
Students with Disabilities	1,493	27.2%	1,167	28.4%
Economically Disadvantaged	2,992	54.6%	2,297	55.9%
Limited English Proficient	238	4.3%	173	4.2%

Impact on Students

- Students have passed Algebra I and/or English 10 courses but have not passed the related assessments.
- Not including juniors in the English 10 and Algebra I assessment waiver will create uncertainty in scheduling other courses needed for graduation, fitting in Career and Technology Education (CTE) courses, dual enrollment, apprenticeships, etc., since students will need to be scheduled for the Bridge.
- Creates an undue burden on this cohort of students that did not impact cohorts before them and will not impact cohorts after them.
- Requires students to be re-assessed and take the Bridge without the benefit of data.
- Communicates a message of expected failure to students and families.
- Implications of receiving results six months later than previous (or future) year students is a situation not of the student's making.

**Comments Regarding COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland
HB1019: State Board of Education - Public High School Students - Assessments and Graduation Requirements
Published in the Maryland Register, November 22, 2019 through December 23, 2019**

**Comments on COMAR 13A.03.02.06F - Maryland Comprehensive Assessments
and 13A.03.02.09C - Diplomas and Certificates/Exception to Passing Score Requirement Sections**

Regulation Language Referenced
13A.03.02.06F - Maryland Comprehensive Assessments and/or 13A.03.02.09C - Diplomas and Certificates/Exception to Passing Score Requirement

Comment Submitted by	Summary of Comments
Janice Cottman, School Counselor, Washington High School, Somerset County Public Schools	<ul style="list-style-type: none"> Favors extending the waiver beyond 2019-20 because it creates scheduling issues if assessment scores are delayed.
Jill Holland, Instructional Technology & Social Studies Supervisor, Somerset County Public Schools	<ul style="list-style-type: none"> Favors extending the waiver to cover 2021 graduating class because the scheduling of Bridge classes for seniors will be difficult if assessment data is delayed.
Terry Drechsler, Supervisor of Secondary Mathematics, Somerset County Public Schools	<ul style="list-style-type: none"> Favors extending the waiver to cover 2021 graduating class because scheduling of Bridge classes will be difficult if assessment data is not available until late summer/fall 2020. This is especially the case for small school systems with limited staff and for juniors taking ELA 10 for the first time in 2019-20 (unlike with Algebra 1, which most students take in the 9th grade, and therefore there is more time to complete a Bridge Project). Requests extensions to class of 2021 for Algebra and ELA.
Sonja Santelises, Chief Executive Officer, Baltimore City Public Schools	<ul style="list-style-type: none"> Asking for clarification on whether BCPS should immediately proceed with changing its protocols, even though the State Board has not yet formally approved revised regulations; and if BCPS does change its protocols, what happens if revised regulations are not approved?
Amy Schade-Pyles, College & Career Readiness Teacher, Oakdale High School, Frederick County Public Schools	<ul style="list-style-type: none"> Because the delay in the reporting of MCAP scores until late 2020 penalizes those students needing to retest in English and algebra, recommends extending the graduation waiver through SY2020-21.

Comment Submitted by	Summary of Comments
Boyd J. Michael, III, Superintendent, Washington County Public Schools	<ul style="list-style-type: none"> • WCPS recommends that due the delay in receiving MCAP scores the Bridge Project exemption outlined in 13A.03.02.06.F be extended another year through SY 2020-21.
Andrew S. McWilliams, Assistant Principal, Linganore High School, Frederick County Public Schools	<ul style="list-style-type: none"> • Believes 2021 graduating class should be exempt from passing the English and Algebra MCAP -- and suggests adding waiver language to this effect to the regulation -- due to the delay in reporting assessment scores taken during the 2019-20 school year. Is unfair to students and schools to require completion of a Bridge Project if assessment scores are released only 6 months prior to graduation. • McWilliams highlights various negative outcomes of proposed reg, including scheduling implications (requiring a mid-stream change of plans, need to offer remediation courses), staffing implications for schools with high number of students failing assessments; the impact on students' ability to participate in work study and/or CTE programs; the unfairness of requiring students (especially special ed students) to complete a Bridge Project on the basis that they might fail the assessment, and with only a few months advance notice; and the lack of opportunity for students to practice (unlike in previous years with PARCC) using the new MCAP testing format for the current December/January testing cycle because the testing site isn't ready.
Jeanette Ortiz, Legislative & Policy Counsel, Anne Arundel County Public Schools	<ul style="list-style-type: none"> • AACPS recommends that exemption should be "broadened to apply to all students because, while MSDE has stated that the MCAP is not a new assessment, the MCAP will be undergoing a standard setting process in summer 2020 -- which is something that is done for new assessments. According to Annotated Code of Maryland section 7-205.1, a new assessment should be piloted/field-tested for at least one year. • Also, if MCAP scores do not become available until January 2021, this will not allow schools sufficient time to provide students with appropriate remediation.
Matt Griffin, Manager, Office of Teaching and Learning, Baltimore City Public Schools	<ul style="list-style-type: none"> • If assessment data is not released until late fall 2020 (or later), there will not be enough time for those seniors in the 2021 graduating class who were first time test takers in 2019- 20 to complete a reassessment and a Bridge Project.
Bill Barnes, Chief Academic Officer, Howard County Public Schools	<ul style="list-style-type: none"> • HCPS recommends expanding the waiver to cover the 2021 graduating class or preferably all test takers in 2019-20 (not just those in English 10 and Algebra 1) because the delayed reporting of assessment results will make it impossible for schools to identify students who need Bridge Projects or assistance and it will disrupt scheduling.

Comment Submitted by	Summary of Comments
Maria V. Navarro, Chief Academic Officer, Montgomery County Public Schools	<ul style="list-style-type: none"> • MCPS concerned that 2020 MCAP results may not be available until fall/winter 2020, and therefore the Bridge Project exemption outlined in 13A.03.02.06.F may need to be extended another year through SY 2020-21. • Also expressed concerns about transition from PARCC to MCAP, which are outlined in a separate November 14 letter from the MCPS superintendent, which may warrant additional changes to the reg.
Martha James-Hassan, President, Maryland Association of Boards of Education (MABE)	<ul style="list-style-type: none"> • MABE requests amended language be adopted for COMAR 13A.03.02.09.C(1) so as to be consistent with the legislation passed in HB1019 and to ensure that students taking the new State assessments in the 2019-20 school year are not negatively impacted in any way by their scores on those assessments. MABE's proposed language: "C. Exception to Passing Score Requirement. (1) In the 2019-2020 school year, for students taking the Maryland Comprehensive Assessment for Algebra I or English 10 for the first time, taking the assessment will meet the graduation assessment requirement."
Sarah Welker, College & Career Readiness Teacher, Tuscarora High School, Frederick County Public Schools	<ul style="list-style-type: none"> • Favors extending the waiver to the 2021 graduating class because of concerns that MCAP scores will not be made available early enough to allow adequate time for students to complete remediation/Bridge Projects.
Deborah Gilmartin, Supervisor of State Assessment & Accountability, Frederick County Public Schools	<ul style="list-style-type: none"> • Recommends extending waiver to cover 2021 graduating class due to numerous negative outcomes for this year's current juniors if assessment scores are not made available in a timely manner, including: losing the opportunity to retest in spring 2020 (for those taking the assessment in fall 2019); scheduling uncertainties for students; staffing implications for schools with high number of students failing assessments; undesirability of starting current juniors on Bridge Projects now because it sends the "message" that we expect these students to fail; and the unfair impact on students with disabilities by requiring them to complete Bridge Projects in their senior year with little advance notice of this requirement.

MSDE Recommendation and Rationale
<p>Recommendation: Revise 13A.03.02.06F and 13A.03.02.09C to extend the exemption to include students due to graduate in the 2020- 2021 school year.</p> <p>Rationale: Assessment results for the spring 2020 MCAP testing cycle will not be available until January 2021 due to the need for standard setting followed by scoring and the release of the results. This timeline will be problematic for students in case they need to be retested or complete a Bridge Project as required for on-time graduation.</p>

Comments on 13A.03.02.08B(5) - Grading and Reporting Section

Regulation Language Referenced
13A.03.02.08B(5) - Grading and Reporting

Comment Submitted by	Summary of Comments
Sonja Santelises, Chief Executive Officer, Baltimore City Public Schools	<ul style="list-style-type: none"> • Proposed amendment violates best practices in educational grading policies, which favor limiting the role of attendance in credit-bearing decisions. • Disincentivizes the re-engagement of chronically absent students. • Students should not be punished for issues (namely lack of adequate funding for BCPS to provide adequate supports to address chronic absenteeism issues) created by adults. • Violates local control of educational decision-making.
Kimberly A. Hill, Superintendent, Charles County Public Schools	<ul style="list-style-type: none"> • Students who meet academic expectations deserve credit (both figuratively and literally). • Denial of credit is overly harsh; punishes students for situations that might be beyond their control. • Once a student exceeds the 5 percent threshold, no incentive to return to school for rest of school year, which goes against State Board's policy to encourage school attendance. • Proposed regulations remove local autonomy to develop policies that meet the needs of district's students and communities.
Boyd J. Michael, III, Superintendent, Washington County Public Schools	<ul style="list-style-type: none"> • Separate COMAR regulation (13A.08.01.04) appropriately devolves responsibility for developing attendance policies at the LSS level, including in relation to improving school attendance and addressing excessive unlawful absences; therefore (in WCPS's opinion), there is not a compelling reason to modify the current COMAR regulations. • Concerned that the requirement that students who exceed the allowable unlawful absence threshold provide compelling mitigating circumstances in order to receive credit might cause students to choose to drop out of school entirely rather than go through this process. • Setting high bar without providing additional resources to address the core causes for unlawful absences will not improve school attendance. • WCPS recommends that proposed regulation be delayed until conclusion of 2020 legislative session to allow for further study and potential passage of additional legislation (as recommended by Kirwan Commission) and/or funding aimed at promoting school attendance.

Comment Submitted by	Summary of Comments
Bill Barnes, Chief Academic Officer, Howard County Public Schools	<ul style="list-style-type: none"> • HCPS recommends eliminating proposed new wording because decisions around attendance policy should rest with local districts, based on the unique needs of each district and with input from local stakeholders; proposed regulation would contradict HCPS' current attendance policy (which makes attendance only one of many factors that should be considered when awarding credit).
Jeanette Ortiz, Legislative & Policy Counsel, Anne Arundel County Public Schools	<ul style="list-style-type: none"> • AACPS operated similar policy in the past, but rescinded it because it did not help students; instead, it impeded teachers from focusing on other significant issues and discouraged student re-engagement. • 5 percent threshold is very low threshold; missing one day a month is unlikely to impact a student's performance and students who are absent at this rate are different from truly chronically absent/truant students, which is the group that the LSS should focus its attention on. • Proposed regulation would further stretch resources and supports currently available and direct attention away from those chronically absent students who need most support. • If regulation must set a threshold, AACPS recommends setting threshold at 10 percent (which aligns with ESSA's definition of chronically absent).
Karen M. Couch, President, Public School Superintendents' Association of Maryland (PSSAM)	<ul style="list-style-type: none"> • Opposed to inflexible "one size fits all" approach. • Using attendance as a criterion in grading is not a recognized best practice. • Regulation is disincentive to student re-engagement. • Undermines local decision-making and goes against many LSSs' attendance policies. • Sharing concerns with Administrative, Executive, and Legislative Review (AELR) Committee and request their consideration.
Maria V. Navarro, Chief Academic Officer, Montgomery County Public Schools	<ul style="list-style-type: none"> • MCPS concerned about "one size fits all" approach without considering individual student needs or competencies; educational practice is moving away from a seat time alone approach and toward competency/standards-based approaches. • MCPS recently revised its attendance regulation so that an intervention is required before a student risks failure in a course, which is something that is not addressed in the proposed regulation. • Concerned about focus on unlawful absences rather than chronic absences because there is variation/inequities in implementation of the former. • Believe that proposed regulation, with its punitive approach, would undermine student re-engagement efforts - focus should be on addressing root causes of chronic absenteeism. • Until 2010 MCPS followed a loss of credit approach, but data showed that this policy was applied inequitably to students of color and/or those in poverty.

Comment Submitted by	Summary of Comments
Martha James-Hassan, President, Maryland Association of Boards of Education (MABE)	<ul style="list-style-type: none"> • Proposed attendance standard is not based on any new federal or State law, nor is it consistent with current State law and regulations; it does not satisfy the "reasonableness test." • MABE does not believe proposed exception is practicable or equitable. • Not in best interests of students and does not reflect best practices; MABE worried about unintended consequences. • Concerned about inequity - this proposed regulation is inconsistent with COMAR regulations on equity; MABE requests that an equity analysis be conducted. • State already has comprehensive set of regulations in place governing attendance; therefore, this additional regulation is unnecessary and would contradict existing attendance regulations. • Proposed change violates principal of local control - current regulatory framework rightly delegates policy and procedural decisions to local level. • Any changes to that regulation that impose administrative/programmatic burdens on LSSs should be delayed until after the Kirwan Commission report recommendations and funding are approved.

MSDE Recommendation and Rationale
<p>Option 1) Recommendation: Revise 13A.03.02.08B(5) to increase the percentage threshold for unlawful absences: " At the high school level, a policy that students with unlawful absences constituting 10 percent or greater of school days in a semester or in a yearlong course shall be denied credit..."</p> <p>Rationale: The revision to the wording of the proposed amendment maintains the emphasis on attendance and preserves the consequences for students with excessive unlawful absences, but raises the threshold at which credit may be withheld for excessive unlawful absences.</p> <p>Option 2) Recommendation: Withdraw the proposed amendment to the regulation.</p> <p>Rationale: Withdrawing the proposed amendment addresses the concerns raised by stakeholders that the proposed amendment does not take into consideration: i) the multiple reasons that a student might be absent from school, including but not limited to, "illness in the family, family responsibilities, housing instability, a need to work, anxiety, or mental health issues," and ii) that withholding credit may serve to undermine efforts to promote student attendance, thereby leading to increased numbers of students dropping out of school.</p>

Comments Regarding COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland (entire regulation)

Regulation Language Referenced
Entire regulation

Comment Submitted by	Summary of Comments
Jeanette Ortiz, Legislative & Policy Counsel, Anne Arundel County Public Schools	<ul style="list-style-type: none">• AACPS worries that the proposed regulation will have a disproportionate impact on some student groups, and therefore recommends that the State Board review the entire proposed regulation using MABE's equity lens.

MSDE Recommendation and Rationale
See responses to previous comments sections.

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

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

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

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

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

(2)—(3) (text unchanged)

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

[(5)](4) (text unchanged)

[(6)](5) "Maryland [High School] *Comprehensive* Assessments" means the [HSA, PARCC, or other] assessments in algebra, 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 Standards for those subjects, *including those assessments formerly known as the Maryland High School Assessments*.

[(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 Standards.]

.03 Enrollment and Credit Requirements.

A. (text unchanged)

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] *Comprehensive* Assessment for English;

(2) (text unchanged)

(3) Mathematics — three credits, including one with instruction in algebra aligned with the Maryland [High School] *Comprehensive* 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)—(5) (text unchanged)

(6) Science — 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), engineering, and technology, aligned to the Maryland [High School] *Comprehensive* 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] *Comprehensive* Assessment for government;

(8)—(9) (text unchanged)

C.—D. (text unchanged)

.06 Maryland [High School] *Comprehensive* Assessments.

A. A student shall take the requisite Maryland [High School] *Comprehensive* 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] *Comprehensive* Assessment:

(1)—(4) (text unchanged)

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] *Comprehensive* Assessment for algebra, science, English, and government after the student completes the required course or courses.

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] *Comprehensive* Assessments.

D. Bridge Plan for Academic Validation.

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

(a) Failed one or more Maryland [High School] *Comprehensive* Assessments;

(b)—(d) (text unchanged)

(e) Participated successfully in appropriate assistance as defined in §C of this regulation after having failed one or more of the Maryland [High School] *Comprehensive* Assessments.

(2) A student may begin a Bridge Project after one failure of a Maryland [High School] *Comprehensive* Assessment.

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

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

(a) Specific modules developed by the Department in each of the Maryland [High School] *Comprehensive* Assessments content areas;

(b)—(f) (text unchanged)

E. Reporting Student Performance.

(1) (text unchanged)

(2) For the purpose of this section, except for students identified in §F of this regulation, “met all assessment requirements” means achieving a passing score on all Maryland [High School] *Comprehensive* Assessments, or meeting the requirements of the combined score option, or successfully completing a Bridge Project in those assessment areas that the student did not pass.

F. If a student is graduating in the school year [2017—2018, and is a first-time test taker of Algebra I and/or English 10 in that school year] 2019-2020, and has passed the *Algebra I and/or English 10* [course(s)] courses but failed the Maryland [High School] *Comprehensive* Assessment aligned with those [course(s)] courses, that student is exempt from completing a Bridge Project and will have met the assessment requirement for Algebra I and/or English 10. *Appropriate assistance is encouraged to be provided to strengthen areas of weaknesses for students who did not receive a passing score on the Algebra I or English 10 assessment.*

.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. (text unchanged)

B. The student’s progress on fulfilling the credit, Maryland [High School] *Comprehensive* Assessment, service, and applicable IEP requirements for graduation;

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

D. (text unchanged)

E. The Department’s schedule for the Maryland [High School] *Comprehensive* Assessment administration.

.08 Grading and Reporting.

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

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

(1)—(3) (text unchanged)

(4) An explanation of how attendance factors into the student’s grade *at the elementary, middle, and high school levels;*

(5) *At the high school level, a policy that students with unlawful absences constituting 5 percent or greater of school days in a semester or in a yearlong course shall be denied credit unless the student presents compelling mitigating circumstances supporting the awarding of credit and the school principal obtains approval from the Superintendent or designee to award the credit; and*

[(5)](6) (text unchanged)

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

(1) (text unchanged)

(2) Submit a copy of the grade change validity audit in accordance with [§B(5)(d)] §B(6)(d) of this regulation to the State Superintendent of Schools.

D. (text unchanged)

.09 Diplomas and Certificates.

A. (text unchanged)

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

(1)—(2) (text unchanged)

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

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

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

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

(d) (text unchanged)

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] *year 2019 – 2020, the requirement set forth in §B(3)(a) of this regulation [do] does not apply for Algebra I or English 10.* For those students only, taking the Algebra I and/or English 10 Maryland [High School] *Comprehensive Assessment [for the first time] will meet the graduation assessment requirement for Algebra I and English 10. Students must pass the Algebra I and English 10 courses; however, these students are exempt from completing a Bridge Project for Algebra I and/or English 10. Appropriate assistance is encouraged to be provided to strengthen areas of weaknesses for students who did not receive a passing score on the Algebra I or English 10 assessment.*

[(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.]

[(3)](2) (text unchanged)

D.—G. (text unchanged)

.09-1 Appeal of Denial of Diploma for Failure to Meet Maryland [High School] *Comprehensive 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)—(2) (text unchanged)

(3) That a waiver of the Maryland [High School] *Comprehensive 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)—(5) (text unchanged)

B. (text unchanged)

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] *Comprehensive Assessments*; or

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

D. (text unchanged)

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

(1) The student meets the following criteria:

(a) (text unchanged)

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

(c) (text unchanged)

(2) The student is prevented from meeting the Maryland [High School] *Comprehensive Assessment* graduation requirements because:

(a) (text unchanged)

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

(c) (text unchanged)

(d) The student moved to Maryland in the senior year, has passed all the Maryland [High School] *Comprehensive Assessment* courses, but has failed the related Maryland [High School] *Comprehensive 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] *Comprehensive 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] a Maryland [High School] *Comprehensive 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)—(4) (text unchanged)

H.—K. (text unchanged)

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

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

(2) (text unchanged)

M.—N. (text unchanged)

.10 Alternatives to 4-year Enrollment Requirement.

A. (text unchanged)

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

(1) (text unchanged)

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

(3)—(5) (text unchanged)

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) (text unchanged)

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

(3)—(5) (text unchanged)

.12 General Provisions.

A. (text unchanged)

B. Graduation Requirements for Transfer Students.

(1) Attendance Requirements.

(a)—(d) (text unchanged)

(2) Maryland [High School] *Comprehensive* 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] *Comprehensive* Assessments if, consistent with local school system policy and procedure, the local superintendent determines that the course taken is aligned with the relevant Maryland [High School] *Comprehensive* Assessment and awards the student credit for taking any of the courses aligned with the Maryland [High School] *Comprehensive* Assessments, that is, algebra, 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 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] *Comprehensive* Assessment for algebra.

(c) To award credit for taking any of the courses aligned with the Maryland [High School] *Comprehensive* Assessments, that is, algebra, 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)—(iv) (text unchanged)

(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] *Comprehensive* Assessment Requirements.

(e) (text unchanged)

(3)—(4) (text unchanged)

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