

TO: Members of the State Board of Education

FROM: Carey M. Wright, Ed.D., Interim State Superintendent of Schools: 

DATE: April 30, 2024

SUBJECT: COMAR 13A.03.02.12
General Provisions
PERMISSION TO PUBLISH

Purpose

The purpose of this item is to request permission to publish amendments to COMAR 13A.03.02.12 General Provisions to align with amendments made to §7-205 of the Education Article, Annotated Code of Maryland, regarding application of locally established graduation requirements to homeless students.

Standard 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 be recommended to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

Executive Summary

The proposed amendments update and align the Code of Maryland Regulations (COMAR) with §7-205 of the Education Article, Annotated Code of Maryland. By statute, a county board of education shall waive locally established graduation requirements for a student in foster care or a homeless student if the student while in grade 11 or 12 transfers into the local school system from a different local school system in the State. The county board may not grant a waiver, however, if it makes a finding that the student is reasonably able to complete the locally established graduation requirements in time to graduate from high school. Because current regulation already provides a waiver for students who transfer in their senior year (unless the student chooses to fulfill the requirements), the proposed amendment extends the waiver to junior year for students

in foster care and homeless students, with the limitation that it cannot be granted if a student is reasonably able to fulfill the requirements and still graduate high school on time.

MSDE solicited feedback regarding the proposed amendments via email from each local education agency's homeless liaison, as well as attorneys, advocates, and youth with the Homeless Person's Representation Project. The stakeholders consulted were supportive of the proposed amendments.

Action

Request permission to publish amendments to COMAR 13A.03.02.12 *General Provisions*.

Attachments

COMAR 13A.03.02.12 *General Provisions*

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 02 Graduation Requirements for Public High Schools in Maryland

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

.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 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 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 Comprehensive Assessment and awards the student credit for taking any of the courses aligned with the Maryland 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 Comprehensive Assessment for algebra.

(c) To award credit for taking any of the courses aligned with the Maryland 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) 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 Comprehensive 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) A student who enters a local school system in [his or her] *their* senior year shall be granted a waiver from locally established graduation requirements unless the student chooses to fulfill the requirements.

(b) A student in foster care or a homeless student who enters a local school system in their junior year shall be granted a waiver from locally established graduation requirements unless the local school system makes a finding that the student is reasonably able to complete the locally established graduation requirements in time to graduate from high school.

(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.