

To: Members of the Maryland State Board of Education

From: Perketer Tucker, Director, Adult Education & Literacy Services, Maryland Department of Labor

Date: May 20, 2025

Subject: Final Approval of the Proposed Regulatory Updates for *Alternative Ways to Earn a High School Diploma* (COMAR 09.37.01)

The Maryland Department of Labor (MD Labor) requests that the Maryland State Board of Education (“Board”) consider for final approval updates to the Departments’ joint regulations pertaining to the High School Equivalency (HSE) examination, COMAR .09.37.01.01-.19, *Alternative Ways to Earn a High School Diploma*. As noted during the first introduction of the updates during the Board meeting on Tuesday, February 25, 2025, the proposed modifications include key changes that will provide Adult Learners with the most up-to-date requirements for one of Maryland’s pathways to earn a High School Diploma (HSD).

The draft regulations were posted in the Maryland Register on Friday, April 4, 2025. The required 30-day public comment period closed on Monday, May 5, 2025. Three individuals submitted comments that were not substantive and did not result in any changes to the regulations as approved by the Board on February 25.

MD Labor requests that the State Board grant final approval to advance updates to COMAR 09.37.01 *Alternative Ways to Earn a High School Diploma*.

Thank you for your consideration. We are available for any questions.

Attachments: COMAR 09.37.01 *Alternative Ways to Earn a High School Diploma*

Comment Set #1

From:

Grayla Reneau

Adult Education Program Specialist
Division of Workforce Development & Adult Learning
Maryland Department of Labor

Received: 4/25/25

Good afternoon Jenna,

I have a few questions and comments regarding the GED regulations.

Under Statement of Purpose:

9. Include additional ID options for students taking the test;. Will the additional ID options be defined/listed in the regulations?

Under Definitions:

Terms defined

.02

(4) ["GED®" means the nationally recognized high school equivalency test program.] Should this read " GED® refers to the nationally recognized..., because GED means or stands for, General Educational Development.

High School by Examination

B. Candidates who successfully complete [the GED® Tests] a Test are awarded a Maryland..., using "a" as the article here could be confused with having successfully completed one of the four sections of the Test. Using "the" as the article is clearer in referring to the Test in its entirety and consistent with the next section. Ex: .03 Scope and Content A., B., and C., The [GED® Tests] Test will measure the major subject area skills required of a high school education...

Applicant Eligibility

Meets both of the following requirements:

(a) Has not obtained a Maryland [high school diploma] High School Diploma, or a high school certificate or, diploma or equivalency issued by another state or non-U.S. or correspondence school; and

(b) (text unchanged)

(2) Has obtained a Maryland High School Certificate of Program Completion in accordance with...

Does this mean that someone who has earned a certificate in another state or U.S correspondence school is ineligible to take the Test, however, someone who has obtained a Maryland High School certificate of completion is eligible to take the Test? This eligibility distinction seems unclear to me.

COMAR [13A.03.02.09D.] 13A.03.02.09E; or

Best,
Grayla

Comment Set #2

From:

Rachel Bradley

ESL Program Instructor/Coordinator

Latin American Youth Center

Received: 4/28/25

Hello Ms. Bachman,

I'm writing to include my comments to the Maryland Register about the proposed updates to the regulations concerning high school equivalency exams and the GED. I am a Workforce Team Supervisor that oversees a GED preparation program in Prince George's County. We serve English-speaking youth as well as some Spanish-only speaking youth who are studying to take their GED exams in Spanish.

Here are my comments:

1. Language access: as far as accessibility goes, I think it is a great benefit to offer the GED Reasoning through Language Arts exam in Spanish and to let students complete all four exams in Spanish. It is a challenge to have migrant youth, who speak little English, understand the language up to the point where they are able to detect tone, be familiar with more obscure literary vocabulary and figures of speech, etc.
2. However, for youth that are preparing to attend college or university, they may need to now take additional courses or exams to prove their English language proficiency. This would be in line with international standards where students complete their high school education in their native language, and then take English proficiency exams such as the IELTS or the TOEFL. This could add a burden of time, study, costs, and testing to students, but would probably encourage a more helpful course of education to university-bound students. For training or apprenticeship-bound youth, other tests of English proficiency may be used.
3. For the expanded access to testing online, this may be a benefit to some students who are living in rural areas and cannot easily access a testing site without traveling for an hour or so. However, the requirements for testing at home are strict and difficult to read and understand for some GED students, and require the more expensive versions of at-home computer equipment (students cannot use the more affordable Chromebooks, for example). They also cannot come to test at our center or at the library, because corporate networks with security software running in the background are not allowed. My comment would be to expand access to libraries (not homes), because not as many students would be included in this measure as you would think. Because of at-home testing fiascos that we have experienced due to misunderstanding, I do not allow our students to use this option.
4. I think the use of HSE instead of GED is confusing. As far as I'm aware, these regulations only pertain to GED. Maryland does not recognize the alternative credential, HiSET, so there is no other alternative that is included in the language--if there is, I am not aware of it, at least. I don't understand the reasoning behind this suggested change. More general education about what high school equivalency is and how it is available to the community is needed, because I am frequently explaining the concept to youth and families.

Thank you!

Rachel

Comment Set #3

From:

Emely Rodriguez

Program Manager

Latin American Youth Center

Received: 5/5/25

Hi Jenna,

My name is Emely Rodriguez and I'm the education programs manager for a nonprofit called LAYC, based in Maryland and DC. I submit this testimony in strong support of the proposed amendments to COMAR 09.37.01, Subtitle 37—Workforce Development and Adult Learning: Alternate Ways to Earn a High School Diploma.

As an organization that supports opportunity youth, particularly in marginalized and underserved communities, we commend the Maryland Department of Labor and the State Board of Education for taking decisive steps to update and modernize the High School by Examination program. These changes directly address longstanding barriers that have affected our students and will substantially enhance equity and access to high school equivalency credentials. In particular, we highlight and support the following:

1. Expanded Foreign Language Options

Many of our GED candidates at LAYC are English language learners (ELLs), including recent immigrants and asylum seekers. Until now, students were often forced to take the GED Reasoning Through Language Arts module in English, even if they completed the other modules in Spanish or another available language. This placed them at a serious disadvantage. By now allowing candidates to take all test modules in any available foreign language without requiring the language arts section to be in English, the proposed regulation respects linguistic diversity and removes a major barrier to success. This change will lead to greater testing accuracy and stronger educational outcomes for our multilingual students.

2. Clearer Age Requirements for 18-Year-Olds

Previously, there was significant confusion around documentation required for 18-year-olds to prove withdrawal from school. The updated regulation clarifies that only those *under* 18 years of age need to provide proof of withdrawal, simplifying the application process for young adults. This is an important clarification for our case managers and students, as it removes a bureaucratic obstacle that has caused delays and confusion in enrollment and scheduling.

3. Additional Identification Options and Waivers

Many of our students, especially those in transient or undocumented situations, lack access to traditional forms of identification. The expanded list of acceptable ID types—including school IDs, corrections-issued IDs, and the ability to request a waiver with alternative documentation—represents a compassionate and realistic approach to student verification. These options acknowledge the realities faced by our youth and ensure that identification issues do not disqualify capable students from pursuing their education.

4. Retention of Passing Scores in Perpetuity

Prior to this update, passing scores would expire after 60 months or with the release of a new test series, leaving many students who passed some modules to start over. The new policy to retain passing scores indefinitely is a monumental shift that provides stability and encouragement. It recognizes the commitment and progress made by students, many of whom juggle employment, childcare, and other responsibilities that can delay test completion.

5. Clarification of Credential Equivalence

LAYC staff often field questions from students about whether the Maryland High School Diploma by Examination is equivalent to a traditional high school diploma. The updated language throughout the regulations—uniformly using

“Maryland High School Diploma”—reinforces that this credential holds equal value. This will support our efforts in helping graduates transition into college, vocational training, or employment with confidence in the legitimacy of their achievement.

6. Flexibility in Online Testing and Test Center Language

Acknowledging online proctored exams and clarifying procedures for both online and in-person testing modernizes access to the credential. Many of our students face transportation and scheduling challenges. The ability to take the test in a secure, proctored online environment increases flexibility and participation.

In conclusion, these regulatory amendments represent a comprehensive and thoughtful update that aligns with the lived experiences of our GED students. They promote fairness, accessibility, and clarity—principles that LAYC strongly supports. We believe these changes will directly enhance our program outcomes and help more students earn a high school diploma, opening doors to further education and meaningful employment.

Please let us know how we may support this movement should there be a public hearing in the future. Thank you for your commitment to educational equity and for the opportunity to provide input.

Sincerely,
Emely Rodriguez
LAYC
202-893-6855

Title 09 MARYLAND DEPARTMENT OF LABOR

Subtitle 37 WORKFORCE DEVELOPMENT AND ADULT LEARNING

Chapter 01 Alternate Ways to Earn a High School Diploma

**Authority: Labor and Employment Article, §§11-807 and 11-808, Annotated Code of
Maryland**

.01 Definitions.

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

B. Terms Defined.

(1) "Applicant" means the individual who is seeking to *earn a high school diploma by examination* [take the GED® Tests].

(2) "Candidate" means an individual who is deemed eligible to take, [the GED® Tests, is] scheduled to sit for, [the Tests] or has taken *high school equivalency test* [the GED® Tests].

(3) "Department" means the Maryland Department of Labor.

(4) ["GED®" means the nationally recognized high school equivalency test program.] "*GED Option Program*" has the meaning set forth in Labor and Employment Article, §11-808(b), Annotated Code of Maryland.

(5) "*High school equivalency test* means an examination program authorized by the Department and the Maryland State Board of Education as a method for earning a high school diploma.

(6) "Module" means a single subject area being measured by the [GED® Tests] Test.

(7) "*Online Proctored*" means the administration format for the Test whereby candidates can access and complete the Test from a virtual location that meets the criteria and is delivered online and is continually monitored by a trained staff member of the Testing Service.

[(6)] (8) "Secretary" means the Secretary of Labor.

[(7)](9) "State Board" means the Maryland State Board of Education.

(10) "*Test*" means the instrument given by a high school equivalency test program for the purpose of earning a Maryland High School Diploma.

(11) "Testing Service" means a contractor awarded to provide a high school equivalency test.

.02[GEDTesting®] High School by Examination Program Description.

A. The [GED® Tests] *High School by Examination* program offers an alternate and acceptable way for an individual who [is older than the age required for compulsory school attendance set by Education Article, §7-301, Annotated Code of Maryland,] *has not received a high school diploma and is eligible pursuant to Regulation .04 of this chapter to earn a Maryland High School Diploma* [high school diploma].

B. Candidates who successfully complete [the GED® Tests] *a Test* are awarded a Maryland *High School Diploma* [high school diploma] by the State Board and the Department.

C. A successful [GED®] candidate may not be awarded any other Maryland [high school diploma] *High School Diploma* either by the State Board, *the Department*, or by a local school system.

.03 The High School by Examination [GED®] Tests — Scope and Content.

A. The [GED® Tests] *Test* will measure the major subject area skills required of a high school education as determined by [the national] *a testing service* [issuing GED instrument].

B. The [GED® Tests] *Test* will be offered in modules of each of the major subject areas and each module may be scheduled separately.

C. The [GED® Tests are] *Test is given:*

- i. on a computer at an approved test center[.]; or,*
- ii. online as permitted by the Department.*

D. The State Board shall review and approve the State agreement with the Department and [the national] *a testing service* issuing the [GED® instrument] *Test*.

.04 Applicant Eligibility.

An applicant is eligible to take the [GED® Tests] *Test* if the applicant:

A. Resides in the State of Maryland at the time of testing;

B. Is [older than the age requirement for] *not subject to* compulsory school attendance set by Education Article, §7-301, Annotated Code of Maryland; and

C. Either:

(1) Meets both of the following requirements:

(a) Has not obtained a Maryland [high school diploma] *High School Diploma*, or a high school certificate or diploma *or equivalency* issued by another state or non-U.S. or correspondence school; and

(b) Has been officially withdrawn from a regular full-time public or private school; or

(2) Has obtained a Maryland High School Certificate of Program Completion in accordance with COMAR 13A.03.02.09[D.] *E, or*

(3) *Is enrolled in a GED Option Program.*

.05 [Date, Time, and Place of Testing] Scheduling of Testing.

A. Various [GED®] test centers shall be operated throughout Maryland *and online*.

B. Scheduling of the [GED Tests] *Test* shall be done by the applicant via the internet. A link to the [national testing service issuing the GED® instrument, locations of test centers] *Test application, schedule*, and other pertinent information shall be posted on the Department's website [and be available from the GED® Testing Office at the Department].

.06 Requirements for Applying to Take the [GED® Tests] *Test*.

A. An applicant shall be required to demonstrate identity, age, and residency by providing one of the following at the *time of testing* [test center]:

- (1) A current official Maryland driver's license or current official Maryland learner's permit;
- (2) A current official Maryland identification (ID) card issued by the Motor Vehicle Administration;
- (3) A current official photo ID issued to an incarcerated individual, with name, current address, date of birth, and signature, by the Department of Juvenile Services, the Department of Public Safety and Correctional Services, or other residential facility accepted by the [State GED Administrator] *Adult Education Director or the Director's designee*.
- (4) A current official photo ID issued to an [incarcerated] individual *under supervision by the Department of Juvenile Services*, with name, current address, date of birth, and signature, and current residential address issued by [a residential facility] *by the Department of Juvenile Services* accepted by the [State GED Administrator] *Adult Education Director or the Director's designee*.
- (5) A current active duty military ID card *for in person testing*;[.]
- (6) A valid passport and additional documentation that demonstrates residency in Maryland.
- (7) GED Option candidates may use a current school photo ID issued to an individual, with name, current address, date of birth, and signature approved by the *Adult Education Director or the Director's designee*.

B. If none of the forms of identification and residency identified in §A of this regulation are attainable, prior to scheduling a [GED® test] *Test*, the applicant may apply to the Secretary for a waiver in accordance with the procedures set out in Regulation .18 of this chapter. The applicant shall provide to the Department [GED® Testing Office] one or more forms of identification which collectively show name, address, date of birth, signature, and photograph. If the Secretary or the Secretary's designee is satisfied that the documentation of identification is authentic and valid, and the individual meets age and residency requirements, the Secretary may issue a waiver. The applicant shall present the documentation submitted to the Secretary in support of the waiver to the test center.

C. In addition to the documentation required in §A or B of this regulation, the applicant shall:

- (1) Provide the applicant's signature verifying his or her identity and residency in Maryland [at the test center] at the time of testing;
- (2) Remit the appropriate fee along with the completed application at the time of registration; and
- (3) For an applicant *younger than 18 years of age* [old or younger], present to the [GED® Testing Office] Department prior to the scheduling of a [GED® test] *Test*:
 - (a) Written verification of school withdrawal from an official of the last regular full-time public or private school attended;
 - (b) Verification of home schooling pursuant to COMAR 13A.10.01 from an official of the:
 - (i) Supervising public or private school system; or
 - (ii) School or institution offering an educational program operated by a bona fide church organization; or
 - (c) A Maryland High School Certificate of Program Completion.

.07 Fee Schedule.

A. The Department shall establish a reasonable fee schedule for the scheduling of tests, issuance of diplomas and transcripts, and related costs associated with the administration of the GED® Program.

B. Only duplicate copies of official transcripts *and diplomas* may be issued with remittance of fee.

.08 Admission to the [GED®] Test Center.

A. Confirmation of test date and location shall be transmitted electronically to [GED®] candidates before the assigned test date.

B. To be admitted to the test center, each candidate shall present documentation verifying identity, age, and Maryland residency as described in Regulation .06A of this chapter.

.09 Minimum Score Requirements for Award of Maryland High School Diploma.

A. To qualify for a Maryland [high school diploma] *High School Diploma* by examination, a candidate shall earn the minimum passing score for each test module and the overall passing score for the entire battery of the [GED® Tests] *Test* established by the [national] testing service [issuing the GED® instrument].

B. Once a candidate receives a passing score on an individual module, that score *remains* [is] valid *towards the achievement of a Maryland High School Diploma* [for up to 60 months from the date taken or] until a new series of tests has been issued by the [national testing] service [issuing the GED® instrument, whichever comes first].

C. *In the event that a new series of tests has been issued, the Secretary may determine how and for how long passing scores on the previous series can be applied to the achievement of a Maryland High School Diploma.*

.10 Requirements for Retesting.

A. Candidates who have failed one or more modules of the [GED® Tests] *Test* and candidates who fail to report to the Test[center] on the assigned date may register for a retest/reschedule and [will] *may* be charged the applicable testing fee.

B. Candidates who are retested shall be administered a different form of the [GED® Tests] *Test* from that previously administered.

C. [There is a maximum number of test forms available from the national testing service issuing the GED® instrument in any 1-year period.

D. A candidate who has taken all forms of the Tests in a 1-year period is not eligible to retest until new forms of the GED® Tests are available from the GED® Testing Service.

E.] A candidate seeking to retest shall register as proscribed in Regulation .05 of this chapter.

.11 Permanent Record Changes.

A. Changes may not be made to a candidate's record after the diploma has been awarded unless the changes are a result of an error on behalf of the [GED® Office] *testing service or the Department or a legally verifiable name change* [and can be verified as such].

B. The *Adult Education Director or the Director's designee* [State GED® Administrator] shall make changes when the *Department* [Maryland GED® Testing Office] is known to be in error.

.12 Retention of Scores.

[A. Passing] *All scores* [that result in the issuance of a Maryland high school diploma] shall be retained in perpetuity by the *Department* [Maryland GED® Testing Office].

[B. Passing, failing, and incomplete scores that do not result in the issuance of a Maryland high school diploma shall be retained by the Maryland GED® Testing Office for a period of up to 60 months. All scores will be retained by the Maryland GED® Testing Office for up to 60 months or until a new series of tests has been issued by the national testing service issuing the GED® instrument, whichever comes first. Upon the expiration of 60 months or with the issuance of a new test series, all scores attained on the previous series that did not result in the issuance of a diploma will expire.]

.13 Language Options for [Foreign Language GED® Tests] *Test*.

A. Each module of the [Tests] *Test*, may be taken in [foreign languages] *a selected language* as available from the national test service issuing the GED® instrument, except as indicated in §D of this regulation] *Testing Service*.

B. If a candidate chooses to take a module in a [foreign] *selected language*, the entire module must be taken in the same language.

C. Separate modules may be taken in different languages if available from the [national testing service issuing the GED® instrument] *Testing Service*.

D. [A candidate who chooses to take one or more modules in a selected foreign language must take the Reasoning Through Language Arts (RTLA) test module in English to demonstrate English proficiency.

E.] A candidate who obtains passing scores on the [foreign] *selected language tests* [and on the RTLA test in English,] and who obtains the required overall passing score, shall be awarded a *Maryland High School Diploma* [high school diploma].

.14 [Special Testing] Accommodations for Individuals with Disabilities.

A. Accommodations for candidates with disabilities shall be made available. Individuals who request [GED®] testing accommodations shall provide appropriate documentation of their disability and the need for the requested testing accommodations, prior to scheduling.

B. An individualized assessment of each request for testing accommodations shall be made based on the documentation provided and in accordance with the documentation policies of the [national testing service issuing the GED® instrument] *Testing Service*.

.15 [GED®] Tests Taken Out of State.

[Results of GED® Tests take within the past 5 years at official GED® testing centers outside Maryland may be used for credit toward a Maryland high school diploma, if a GED® credential has not been issued and if the test results are from the same series as issued by the national testing service issuing the GED® instrument.] *Candidates who have passed a Test module outside of Maryland may transfer those results for credit towards a Maryland High School Diploma if that Test module is a current, valid, approved exam within Maryland, and the Applicant has not previously been issued a high school diploma or credential.*

.16 Testing for Individuals Whose High School Records Are Unobtainable.

A. An applicant, high school graduate, or nongraduate whose records are unobtainable may take the [GED®] Test[s] and be awarded a diploma without verification of school withdrawal required in Regulation .06C(3) of this chapter by:

- (1) Making a written request to the [State] *Adult Education Director* [GED® Administrator™]; and
- (2) Providing evidence that shows attempts made to obtain official verification.

B. Based on the facts and extenuating circumstances of each case, the [State GED® Administrator™] *Adult Education Director or the Director's designee* has discretion to grant or deny requests to take the *Test* [GED® Tests] without official verification of school withdrawal.

.17 Test Security.

- A. To protect the security of the tests, the integrity of the testing procedure, and the validity of test scores, the [State GED® Administrator™] *Adult Education Director or the Director's designee* has authority to *request from the Testing Service* the [invalidate] *invalidation and revocation of* test scores and to require the candidate to retest.
- B. Misrepresentation of information on the [GED® Tests] *Test* application form may result in the revocation of the diploma.
- C. Any violation of *testing and* test center policy may result in ejection from the *test and* test center *and may result in a revocation of test scores and the Maryland High School Diploma* [and invalidation of test scores].

.18 Waivers

- A. Waivers to the requirements of Regulations .06(A) and .07 of this chapter are granted only by the Secretary or the Secretary's designee in exceptional circumstances if it is in the candidate's best interest and in accordance with [GED®] testing standards.
- B. If the candidate is a student with a disability who receives special education and related services from a public or nonpublic program, the candidate must request a waiver of withdrawal from the Secretary prior to registration which requires that:
 - (1) The waiver application to the Secretary or the Secretary's designee shall include a copy of the student's current individualized education program indicating:
 - (a) That preparation for and taking of the [GED® Tests] *Test* is part of the student's transition plan pursuant to COMAR 13A.05.01.09A(3); and
 - (b) Any accommodations that the student may need for the [GED® Tests] *Test*;
 - (2) If it is necessary for the student to continue to attend school after the date of the filing of the waiver request in order to receive a free appropriate public education, the request shall indicate:
 - (a) That the student will withdraw from school before the [GED®] testing date; and
 - (b) The date upon which the student will withdraw from school;
 - (3) The request shall be appended with a release that:
 - (a) States that the parent has approved the waiver request and understands that receipt of a [GED® diploma] *Maryland High School Diploma* will conclude the student's eligibility for special education and related services;
 - (b) Is signed by the student's parent; and
 - (c) Is on a form approved by the Department; and
 - (4) Upon receipt of notice from the Department that the candidate has failed to pass the [GED® Tests] *Test*, the local school system shall convene an individualized education program team meeting pursuant to COMAR 13A.05.01.07—.08 to plan for:
 - (a) The student's resumption of special education and related services within 90 days of the [GED® Tests] *Test* date; and
 - (b) Compensatory services for the period in which the student was withdrawn from school, as appropriate.

C. The decision of the Secretary or the Secretary's designee on a waiver request is final.

.19 Diplomas.

A. A Maryland [high school diploma] *High School Diploma* shall be awarded to all candidates who successfully complete the [GED® Tests] *Test*. Diplomas shall be awarded *timely by the Department or its designee* [within a month of successful Completion].

B. The diplomas shall be awarded by the State Board and the Department and shall bear the signatures of the Board President and the Secretary.