



Lillian M. Lowery, Ed.D.
State Superintendent of Schools

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TO: Members of the State Board of Education
FROM: Lillian M. Lowery, Ed.D. *Lillian M. Lowery*
DATE: May 19, 2015
SUBJECT: COMAR 13A.03.02.06 and .02 Graduation Requirements for Public High Schools in Maryland (Amend)
ADOPTION

PURPOSE:

The purpose of this memo is to request adoption of the proposed amendments to the Graduation Requirements regulations that revise assessment regulations for the two year transition from HSA English and Algebra assessments to the PARCC English 10 and Algebra I assessments.

HISTORICAL BACKGROUND:

At the October 24, 2014 Board meeting, we presented an assessment transition plan explaining the two major challenges in balancing testing requirements and graduation assessment requirements.

The first challenge concerned the opportunity to retake the HSA English and Algebra assessments. That opportunity will end at the close of the 2014-2015 school year. Students who are in grades 12 and 11 in school year 2014-2015 who have not passed the English or Algebra HSAs and the re-testers in lower grades who will not have met the English and/or Algebra HSA assessment graduation requirements by school year 2014-2015 their opportunity to do so will expire. Shifting these students to PARCC assessments would present significant challenges to those students.

The second challenge related to when the PARCC English 10 and Algebra I results will be available. For first time test takers in school year 2014-2015, the test results must be sufficiently analyzed to do standard setting to establish a cut score for passing the tests. Our best prediction is that cut scores will not be available until December 2015. That is mid-way through the 2015-2016 school year. Thus, those students taking the PARCC English 10 and Algebra I assessments in school year 2014-2015 will not know if they passed until December 2015, at the earliest, and their PARCC re-take opportunities would not occur until late in the 2015-2016 school year.

Thus, as we explained, during these two transition years, there is misalignment in testing opportunities and in obtaining PARCC results quickly. Moreover, passing the HSA or PARCC assessments currently carries the high stakes of being a graduation requirement. Yet, the transition challenges add more uncertainties for students in school years 2014-2015 and 2015-2016 who have not passed the requisite assessments. Those challenges currently affect their ability to graduate. Just as teachers requested relief from high-stakes evaluation during the transition years, on behalf of our students, we recommended to you in October a plan to provide students with similar relief.

As the State Board did when it phased in the HSAs to become graduation requirements, we proposed to phase in passing PARCC English 10 and Algebra I as graduation assessment requirements and phase out passing the HSA English and Algebra assessments to graduate. We recommended that passing PARCC English 10 and Algebra I become a graduation requirement in the 2016-2017 school year.

You approved the HSA to PARCC English/Algebra Transition Plan for school years 2014-2015 and 2015-2016.

On December 16, 2014, we presented proposed amendments to the Graduation Requirements regulation that reflect the transition plan described above. Given the expiration of the HSA opportunities and the timing of the receipt of the PARCC results, the amended regulations phase-out the high stakes impact of the assessments for a limited time period. Simply put, the proposed regulations allow any student who has taken an HSA-aligned or PARCC-aligned test in English and/or Algebra prior to the 2016-2017 school year to meet graduation requirements by passing the course and taking the aligned assessment. There will be no re-test or Bridge Plan requirements for those students who do not meet cut scores on the aligned-assessment.

We also amended the definition section of the regulation to define "HSA" and "PARCC Assessment."

On March 20, 2015 the regulations were published in the Maryland Register for public comment. Public comments were accepted through April 20, 2015. There were fewer than ten comments submitted. Most were general statements and requests to stop using the Common Core State Standards and the PARCC assessments in Maryland. One comment expressed support of the new, proposed language; one specifically identified the amount of time that students in one family were spending in testing and asked for that amount of time to be reduced; one comment noted the reduction of local control.

There was one comment of multiple pages that asked MSDE to focus on student cohorts rather than on tests administered in particular years. The comment identified that there is ambiguity when specific cohorts are not identified. Of the multiple pages that were submitted, several included specific recommendations for changes to the regulatory language. While the comments had merit, the changes would require MSDE to recommend a cohort-based approach to the challenges identified earlier in this memo rather than an approach based on the years of administration. Staff continues to recommend that the methodology that was proposed in the published amendments be adopted. The information from this comment, without identifying information, has been shared with various offices in the department to inform our thinking about communications with school employees, students and parents about these changes.

ACTION:

I request the State Board of Education adopt amendments to COMAR 13A.03.02.06 and .02, Graduation Requirements for Public High Schools in Maryland.

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

**Notice of Proposed Action
[15-095-P]**

The Maryland State Board of Education proposes to amend Regulations .02, .06, and .09 under COMAR 13A.03.02 Graduation Requirements for Public High Schools in Maryland. This action was considered at the Maryland State Board of Education meeting held on December 16, 2014.

Statement of Purpose

The purpose of this action is to revise assessment requirements during the upcoming 2 years of transition from HSA English and Algebra Assessments to the PARCC English 10 and Algebra I assessments.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Dr. Jack R. Smith, Chief Academic Officer, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-3646 (TTY 410-333-6442), or email to jack.smith@maryland.gov, or fax to 410-333-2275. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Maryland State Board of Education during a public meeting to be held on May 19, 2015, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02 Definitions.

A. (text unchanged)

B. Terms Defined.

(1)—(3) (text unchanged)

(4) "HSA" means the high school assessment aligned with the Maryland State Curriculum standards.

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

[(5)] (6) "Maryland High School Assessments" means the HSA, PARCC, or other tests 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 content standards for those subjects.

[(6)] (7) (text unchanged)

(8) "PARCC Assessment" means the assessment aligned with the Maryland College and Career Readiness standards.

.06 Maryland High School Assessments.

A.—D. (text unchanged)

E. Bridge Plan for Academic Validation.

(1) Eligibility Criteria. [A] 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)—(e) (text unchanged)

(2) (text unchanged)

F. Reporting Student Performance.

(1) (text unchanged)

(2) For the purpose of this section, "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[,] or, for students identified in §G of this regulation, taking the assessments aligned with the HSA or PARCC Algebra I and/or English 10.

G. Prior to the 2016—2017 school year, if a student has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course and has passed the course(s) but failed the assessment aligned with the course(s) that student is exempt from completing a Bridge Plan for Academic Validation.

.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) Satisfy one of the following:

(a) (text unchanged)

(b) Achieve [an overall] a combined score(s) as established by the Department on the Maryland High School Assessments [for algebra, biology, English, and government];

(c) Achieve a score as established by the Department on Department-approved substitute assessments for algebra, biology, English, and government, aligned with the Maryland High School Assessments such as Advanced Placement examinations, SAT I, SAT II, ACT, and International Baccalaureate examinations; [or]

(d) [If the] In school years 2016—2017 and beyond, if a student is unable to meet the requirements in §B(3)(a)—(c) of this regulation, then satisfactorily complete the requirements of the Bridge Plan for Academic Validation as set forth in Regulation .06E of this chapter[.]; or

(e) Prior to the 2016—2017 school year, if a student has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course and has passed the course(s) but failed the assessment aligned with the course(s) that student is exempt from completing a Bridge Plan for Academic Validation.

C. Any student who has taken an HSA-aligned or PARCC-aligned Algebra I and/or English 10 course prior to the 2016—2017 school year may meet the graduation requirements for Algebra I and/or English 10 in the following ways:

(1) Passing the course(s) and passing the assessments aligned with the Algebra I and/or English 10 course; or

(2) Passing the course(s) and taking the assessment aligned with the Algebra I and/or English 10 course at least one time.

[C.] D. Maryland High School Diploma by Examination.

(1)—(2) (text unchanged)

[D.] E. Maryland High School Certificate of Program Completion.

- (1) (text unchanged)
 - (a) (text unchanged)
 - (i)—(iii) (text unchanged)
 - (iv) [Day programming] *Other services that are integrated in the community;*
 - (b) (text unchanged)
- (2) (text unchanged)
- (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)—(5) (text unchanged)

[E.] 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.

LILLIAN M. LOWERY, Ed.D.
State Superintendent of Schools

Subtitle 15 FAMILY CHILD CARE

Notice of Proposed Action [15-091-P]

The State Superintendent of Schools proposes to:

- (1) Amend Regulation .02 under COMAR 13A.15.02 Registration Application and Maintenance;
- (2) Amend Regulations .02—,05 under COMAR 13A.15.03 Management and Administration;
- (3) Amend Regulation .04 under COMAR 13A.15.05 Home Environment and Equipment;
- (4) Amend Regulation .02 under COMAR 13A.15.06 Provider Requirements;
- (5) Amend Regulation .01 and repeal Regulation .03 under COMAR 13A.15.08 Child Supervision;
- (6) Amend Regulations .01 and .02 under COMAR 13A.15.09 Program Requirements;
- (7) Amend Regulation .04 under COMAR 13A.15.11 Health; and
- (8) Amend Regulation .01 under COMAR 13A.15.12 Nutrition.

Statement of Purpose

The purpose of this action is to permit temporary admission to care under certain circumstances; require a plan of action in response to a notice of contaminated water; establish requirements to accommodate breast-feeding mothers; strengthen requirements for accommodation of children with special needs; limit the use of noneducational electronic media by children in care; and clarify requirements regarding the provision of milk and other beverages.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Elizabeth Kelley, Director, Office of Child Care, Maryland State Department of Education, Division of Early Childhood, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-7806 (TTY 410-333-6442), or email to elizabeth.kelley@maryland.gov, or fax to 410-333-6622. Comments will be accepted through April 20, 2015. A public hearing has not been scheduled.

13A.15.02 Registration Application and Maintenance

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Initial Registration.

- A. (text unchanged)
- B. An applicant for an initial registration shall:
 - (1)—(6) (text unchanged)
 - (7) As applicable, submit documentation that:
 - (a) (text unchanged)
 - (b) If the home is located in a condominium or residence which requires homeowners' association membership, the applicant has homeowner's liability insurance coverage as required by Maryland law; [and]
 - (8) Submit documentation that the applicable training requirements specified in COMAR 13A.15.06.02 have been met[.]; and
 - (9) Submit documentation showing that the home has met all applicable lead-safe environment requirements set forth in COMAR 13A.15.05.02.
- C. (text unchanged)

13A.15.03 Management and Administration

Authority: Article 88A, §6(b); Family Law Article, §§5-550, 5-557.1, and 5-560; State Government Article, §10-617; Annotated Code of Maryland Agency Note: Federal Statutory Reference—Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.); Pro-Children Act of 1994 (20 U.S.C. §6081 et seq.)

.02 Admission to Care.

A. The provider may not admit a child to the home for child care or allow a child to remain in care unless the provider has received:

- (1) An emergency form for the child as required in Regulation .04A(1) of this chapter; and
- (2) A written report of a health assessment of the child on a form supplied or approved by the office; and
- (3) Evidence, on a form supplied or approved by the office, that the child has had immunizations appropriate for the child's age that meet the immunization guidelines set by the Maryland Department of Health and Mental Hygiene.]
 - (2) *Unless the child is temporarily admitted or retained pursuant to §D of this regulation*
 - (a) *A written report of a health assessment of the child on a form supplied or approved by the office; and*
 - (b) *Evidence, on a form supplied or approved by the office, that the child has had immunizations appropriate for the child's age that meet the immunization guidelines set by the Maryland Department of Health and Mental Hygiene.*

B.—C. (text unchanged)