

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**Enrolled - Revised**

Senate Bill 1126

(Senators Pugh and Young)

Education, Health, and Environmental Affairs

Ways and Means

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**Frederick County - Linking Youth to New Experiences (LYNX) High School**

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This bill establishes a Linking Youth to New Experiences (LYNX) High School at Frederick High School in Frederick County. By September 30, 2016, the Frederick County superintendent must develop, in consultation and collaboration with specified individuals and collective bargaining representatives, and submit to the Frederick County Board of Education for approval a plan that describes in detail the program description, proposed curriculum, evaluation procedures, performance standards, and standards for graduation for students to be enrolled in the LYNX High School. By December 1, 2016, the Frederick County Board of Education must approve the plan and submit it to the State Board of Education for review. Within 45 days of receipt of the plan, in accordance with its authority to grant waivers, the State Board of Education must grant the LYNX High School a waiver from any regulation, other than those specifically prohibited by the bill that conflicts with the plan approved by the county board. The LYNX High School may apply for and accept donations, grants, or other financial assistance from a government or any nonprofit or other private organization.

The bill takes effect July 1, 2016.

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**Fiscal Summary**

**State Effect:** The Maryland State Department of Education (MSDE) can evaluate the LYNX High School plan for the State board and review the annual evaluation report using existing resources. The Department of Labor, Licensing, and Regulations (DLLR) can meet with the State board and the Frederick County superintendent using existing resources; it is assumed that the LYNX High School staff will set up any apprenticeship experiences and internships for the program, and thus, additional DLLR staff is not required.

**Local Effect:** Frederick County Public Schools (FCPS) expenditures will depend on choices made by FCPS on the operations of the LYNX High School. FCPS revenues from a private grant from the XQ Institute may increase to offset some of the costs associated with the LYNX High School. However, with or without the private grant, it is assumed that any expenditures for the LYNX High School will be absorbable within the FCPS budget. FCPS can produce the required reports using existing resources.

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Purposes of the LYNX High School*

The LYNX High School is a public school under the authority and supervision of the Frederick County Board of Education and the Frederick County Superintendent of Schools.

The purposes of the LYNX High School are to:

- provide individualized, self-directed learning opportunities for every student in accordance with a personal plan for success that is developed by each student with the assistance of education and business advocates and parents or guardians and is approved by the Frederick County Superintendent of Schools;
- in accordance with a student's personal plan for success, allow the student to select academic course work, the method of instruction, and the pace of learning that works best for the individual student; and
- allow the student to participate in and move between project-based learning experiences at the high school and college levels and work, internship, or apprenticeship experiences focused on college and career readiness competencies as an integral part of the student's curriculum.

#### *The Plan*

The plan must describe:

- how course credits will be assigned to classroom academic coursework and other learning opportunities;
- how students may earn credits other than through classroom academic course work;

- how the curriculum will hold each student accountable for meeting the requirements of the Maryland College and Career-Ready Standards;
- the hours and days of operation of the LYNX High School;
- the use of online courses and other learning opportunities and a proposed method of approving online courses that meets the requirements and pace of the curriculum; and
- any other relevant information as determined by the Frederick County Superintendent of Schools.

On receipt of the plan, the Frederick County board must consult with the Frederick County superintendent to ensure that the plan is in the best interests of the students of the LYNX High School.

*Waivers from Regulations, Collective Bargaining Requirements, and Other Requirements*

The State board may not grant a waiver to the LYNX High School from the following Code of Maryland Regulations (COMAR):

- the personnel requirements in COMAR 13A.12.01 or 13A.12.02;
- the mandatory school days and school year requirements in COMAR 13A.03.02.12; and
- the assessment requirements in COMAR 13A.03.02.06.

In addition, a waiver granted by the State board for the LYNX High School that relates to working conditions is subject to the collective bargaining laws for certificated and noncertificated personnel as found in Subtitles 4 and 5 of Title 6 of the Education Article.

After granting any waivers from its regulations, the State board and the Frederick County superintendent must meet with representatives of DLLR regarding the development and implementation of apprenticeship experiences for students to be enrolled in the LYNX High School.

*Annual Evaluation and Length of Program*

By September 30 each year, the Frederick County superintendent must submit to the State board an evaluation report for the prior fiscal year that includes:

- the academic and career progress of each student enrolled in the LYNX High School;
- the level of satisfaction of the students, teachers, parents or guardians, and advocates with the LYNX High School; and

- the LYNX High School’s fiscal year financial report.

The LYNX High School may continue to operate until the Frederick County superintendent sends to the State board a written notice that the LYNX High School has been discontinued.

*Reports to Committees of the General Assembly*

By September 30, 2016, the Frederick County superintendent must submit the plan for the LYNX High School to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means.

By June 30, 2019, the Frederick County superintendent must submit to the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means a report that includes:

- the academic and career progress of each student enrolled in the LYNX High School as compared to other students in Frederick County including assessment results;
- the level of satisfaction of the students, teachers, parents or guardians, and advocates with the LYNX High School; and
- the LYNX High School’s fiscal year financial report for each of the preceding years.

**Current Law:**

*State Board of Education and Waiver from Regulations*

The State Board of Education must determine the elementary and secondary educational policies of this State, and cause to be carried out those provisions of the Education Article that are within its jurisdiction. The State board must adopt bylaws, rules, and regulations for the administration of the public schools. These bylaws, rules, and regulations have the force of law when adopted and published. The bylaws, rules, and regulations apply to each county; however, they do not apply to Baltimore City to the extent that they relate to matters that are the subject of other provisions of this article that do not apply to Baltimore City.

Through the State Superintendent of Schools, the State board must exercise general control and supervision over the public schools and educational interests of the State. Through the State Superintendent of Schools, the State board must consult with and advise local boards of education, local superintendents and their staffs, principals, teachers, and interested citizens. The board must seek in every way to direct and develop public sentiment in support of public education.

According to COMAR 13A.01.01.02-1, upon demonstration of good cause, substantial compliance, or comparable effort by an educational institution or program, the State Board of Education may grant waivers from its regulations for a three-year period. Waivers may be renewed for additional three-year periods.

#### *Regulations that May Not Be Waived Under the Bill*

There are numerous requirements in COMAR (13A.12.01 and 13A.12.02) to become a certified teacher.

According to COMAR 13A.03.02.12, public schools must be open for at least 180 days and 1,080 school hours (1,170 hours for high schools) during a 10-month period. However, under certain conditions (*i.e.*, a natural disaster, civil disaster, and severe weather conditions), the State Board of Education may permit a local board of education to make adjustments to the length of the school day and school year, as well as exceptions to the 10-month period limit.

According to COMAR 13A.03.02.06, after receiving credit for algebra, biology, English, or government, a student must take the requisite corresponding Maryland High School Assessment. The Maryland High School Assessment is defined as the high school assessment aligned with the Maryland State Curriculum standard, the Partnership for Assessment of Readiness for College and Careers (better known as PARCC), or other specified tests in algebra, biology, English, and government developed or adopted by MSDE. In addition, to be awarded a Maryland High School diploma, all students must take the Maryland High School Assessment for algebra, biology, English, and government after the student completes the required course. The regulation also details requirements for the bridge plan for academic validation for students who have not achieved satisfactory scores on the assessments.

#### *Other Education Regulations*

According to COMAR 13A.03.02.03, beginning with students entering the ninth grade class of 2014-2015 school year, each student must enroll in a mathematics course in each year of high school that the student attends, up to a maximum of four years of attendance, unless in the fifth or sixth year a mathematics course is needed to meet a graduation requirement. This provision is also contained in Section 7-205.1(c) of the Education Article.

To be awarded a diploma, under COMAR, a student must be enrolled in a Maryland public school system and must have earned a minimum of 21 credits in specified coursework.

Under COMAR 13A.03.02.04, local school systems may grant credit through specified other means including through summer school, online courses, and through examination; however, specified rules must be followed.

According to COMAR 13A.12.02.11, local school systems must follow the specified procedures for implementing alternative programs leading to high school diplomas. First, a curricular plan that meets specified conditions must be developed. The curricular plan must assure that the content of the specified credits is included and the standards for graduation are met (as specified in regulations). The plan must also contain a program description, performance requirements, and evaluation procedures. The local superintendent of schools is responsible for approving any plan and must notify the State Superintendent of Schools once approval has been given.

COMAR 13A.04.15.04 requires that credit-bearing online courses provided to students by a local school system are subject to MSDE approval by a committee to ensure that the course meets instructional standards and is in compliance with the technology standards and the web content accessibility guidelines 2.0. Level AA. Noncredit-bearing courses and blended courses provided to students by a local school system do not require MSDE approval.

### *Elementary and Secondary Education Act*

The most recent reauthorization of ESEA, the [Every Student Succeeds Act \(ESSA\) of 2015](#), maintained the annual assessment requirements. The law requires annual assessments of *all* students in grades 3 through 8 and at least once in high school in reading/language arts and mathematics; the law also requires students to be tested in science at least once in grades 3 through 5, 6 through 8, and 9 through 12. Furthermore, ESEA sections 1111(b)(3)(C)(i) and (ix)(I) require State assessments to “be the same academic assessments used to measure the achievement of all children” and “provide for the participation in such assessments of all students.” States are required to have 95% of students participate in the assessment, although states may allow parents to have their students opt out of taking the assessment.

Under ESSA, states are responsible for establishing their own accountability systems that must be submitted to the U.S. Department of Education. Plans must be peer reviewed, with the reviewers being made public, and states could have a hearing if their plans are turned down. The State Plan includes the federal assessment requirements. Specifically, according to section 1111(b)(3)(C)(i), the assessments must provide for the participation of *all* students, although there should be reasonable adaptations and accommodations for students with disabilities. In addition, limited English proficient students must be assessed in a valid and reliable manner and provided reasonable accommodations on assessments administered to such students. To the extent practicable, the assessments should be in the

language and form most likely to yield accurate data on what such students know and can do in academic content areas, until such students have achieved English proficiency.

### *Elementary and Secondary Education Act Funding Penalty Provisions*

If a state fails to meet any of the requirements of ESEA section 1111, including those that relate to the State Plan and assessments, the U.S. Secretary of Education may withhold funds for state administration under section 1111 of Title I, until the U.S. Secretary of Education determines that the state has fulfilled those requirements.

In addition, the U.S. Secretary of Education can disapprove any State plan that does not meet all of the requirements of section 1111 of Title I, which includes all Title I requirements, including reporting requirements. If the plan is not approved, the State does not receive funding.

### *Assessment of Students and Transition Courses*

Section 7-205.1 (b) of the Education Article, requires all students, no later than grade 11, to be assessed for college readiness in English language arts, literacy, and mathematics using acceptable college placement cut scores beginning in the 2015-2016 school year. Beginning in the 2016-2017 school year, MSDE must, in collaboration with local school systems and public community colleges, develop and implement transition courses or other instructional opportunities to be delivered in grade 12 to students who have not achieved college and career readiness by the end of grade 11.

**Background:** Frederick High School, where the LYNX High School is scheduled to be placed is located in Frederick, Maryland. In fall 2015, the school had an enrollment of about 1,300 students, and the class of 2015 had a four-year cohort graduation rate of 87.46%.

### *XQ Institute Grant Competition*

The XQ Institute announced in September 2015, a \$50 million competition to reimagine and redesign the American high school.

The XQ Super School Project, as the competition is called, is an open call to create high schools that prepare students for the rigorous challenges of college, jobs, and life in the twenty-first century. To that end, the project will provide at least five winning teams with expert support and funds totaling \$50 million over five years to create model “Super Schools.” Teams comprising U.S. residents age 13 and older had to submit their concepts and confirm their eligibility by November 15, 2015, while proposals for the discovery and design phases were due by February 2016. During the latter phase, teams will explore the

needs and aspirations of the youth and communities they aim to serve, along with the latest scientific research about learning, then will be invited to apply that knowledge to reinvent high school as most teens currently experience it.

Design elements can include school mission and culture, teaching and learning, student agency and engagement, and networks and partnerships. Up to 50 semi-finalists will be invited to complete the development phase in March, with up to 25 finalists selected in June and the 5 winners to be announced in August 2016.

### *Linking Youth to New eXperiences Plan*

The LYNX High School project was submitted for funding under the XQ competition by Team Grasmick. However, the team wants to make the school a reality with or without the grant funding. To prepare for opening the LYNX High School for fall 2017, the team plans to:

- design the curriculum and competency evaluation tools for core instructional components;
- hire the staff;
- develop the internship and apprenticeship options that will be available; and
- train the staff and business partners involved in the program.

According to LYNX High School documentation, the program will require exemption from specified regulations to meet their program goals. Their reasoning for the necessity of the various exemptions is explained below. However, some of these plans may have changed since this documentation was produced.

The LYNX High School plans on awarding credit for project-based learning experiences, independent work, and apprenticeship experiences focused on college and career competencies, and online coursework. To do this, the LYNX High School will need flexibility in assigning credit for graduation requirements.

Under current law and regulations, MSDE must approve any online course offered for credit, which is aligned to the practice of granting credit based solely on Carnegie units. The team anticipates online learning opportunities will be an integral part of the LYNX High School experience; thus, the team believes that a streamlined and flexibility for the approval will be required to facilitate their planned individualized approach. Likewise, the team believes that to offer true apprenticeship experiences to LYNX High School students, the program may need to be exempted from certain DLLR regulations.



### *Apprenticeships and Internship Programs at DLLR*

The Division of Labor and Industry and the Maryland Apprenticeship Training Council (MATC) manage Registered Apprenticeships and Youth Apprenticeships. Both programs are governed by regulations and have specific and rigorous on-the-job training and related classroom instruction requirements. DLLR advises that neither the Division of Labor and Industry or MATC manage apprenticeship experiences or internships, whether paid or unpaid; and thus DLLR cannot offer advice or guidance on the development of such experiences.

The Division of Labor and Industry, MATC, the Department of Commerce, and MSDE are currently implementing a Youth Apprenticeship Pilot Program in Frederick and Washington counties. The Division employs apprenticeship navigators that promote Registered and Youth Apprenticeship programs to local businesses.

**State Fiscal Effect:** MSDE can evaluate the LYNX High School program plan within 45 days of submission for the State board and review the annual evaluation report using existing resources.

DLLR advises that it has set up a Youth Apprenticeship Pilot Program in Frederick and Washington counties for true apprenticeship programs. However, since the Youth Apprenticeship Pilot Program is for true apprenticeship programs and not “apprenticeship experiences,” the current staff is not in a position to promote both programs. Thus, a half-time navigator would be needed to liaison with local businesses to develop and implement apprenticeship experiences and internships, at a cost of approximately \$20,000 per year. The Department of Legislative Services advises that it is assumed that staff from the LYNX High School will be responsible for liaison with local businesses to implement apprenticeship experiences and internships with minimal guidance from DLLR staff. However, to the extent that assistance beyond what can be absorbed by DLLR and the Youth Apprenticeship Pilot Program specifically is granted, additional DLLR staff may be required.

**Local Fiscal Effect:** FCPS expenditures will depend on choices made by FCPS on how they choose to operate the LYNX High School. FCPS revenues from a private grant from the XQ Institute may increase to offset some of the costs associated with the LYNX High School. XQ Institute is sponsoring a competitive grant program that will provide a winning team with \$10 million to fund the development and operation of their SuperSchool. However, with or without the private grant, it is assumed that any expenditures for the LYNX High School will be absorbable within the FCPS budget. A cost estimate to develop and operate the LYNX High School cannot be reliably estimated at this time as no information has been provided by FCPS or the LYNX team.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 1615 (Delegate Hixson) - Ways and Means.

**Information Source(s):** Maryland State Department of Education; Department of Labor, Licensing, and Regulation; XQ Institute; Department of Legislative Services

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