

SENATE BILL 866

F5

(7lr2628)

ENROLLED BILL

— *Education, Health, and Environmental Affairs/Economic Matters and Ways and Means* —

Introduced by ~~Senator Klausmeier~~ Senators Klausmeier and Ferguson

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Adult High School Pilot Program**

3 FOR the purpose of establishing an Adult High School Pilot Program; providing for the
4 purpose of the Program; providing that the Program is under the authority and
5 supervision of the State Department of Education and the Department of Labor,
6 Licensing, and Regulation; authorizing the Department, in consultation with the
7 Department of Labor, Licensing, and Regulation, to approve up to a certain number
8 of pilots; establishing requirements for a pilot under the Program; requiring the
9 Department and the Department of Labor, Licensing, and Regulation to consider
10 certain items when considering whether to approve a certain pilot; providing that a
11 certain pilot is not a public school for certain purposes; requiring an applicant to
12 submit a certain plan to the Department and the Department of Labor, Licensing,
13 and Regulation that includes certain information; requiring the Department, in
14 consultation with the Department of Labor, Licensing, and Regulation, to approve
15 or disapprove certain items within a certain period of time; requiring the State Board

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 of Education to grant a certain pilot a waiver from certain regulations; prohibiting
 2 the State Board from granting a waiver of a certain assessment requirement in a
 3 certain regulation; requiring a pilot to be subject to the requirements of a certain
 4 federal law *and provide certain accommodations*; requiring the Department and the
 5 Department of Labor, Licensing, and Regulation to establish qualifications for
 6 operators of pilots under the Program; providing for the minimum content of certain
 7 qualifications; requiring certain operators to adopt certain written standards;
 8 requiring certain standards to be submitted to the Department and Department of
 9 Labor, Licensing, and Regulation for approval; authorizing an operator to partner
 10 with certain entities; requiring an Advisory Board to govern a pilot; providing for the
 11 membership, appointments, officers, and filling of vacancies for an Advisory Board;
 12 ~~providing for the qualifications of teachers and the salaries of certain teachers and~~
 13 ~~certain professional personnel of a pilot;~~ authorizing the operator or the Advisory
 14 Board to apply for and accept certain funding from certain entities; requiring an
 15 operator to conduct a certain evaluation each year; requiring an operator, after
 16 receiving certain approval from the Advisory Board, to submit a certain evaluation
 17 report to certain departments; requiring, beginning on a certain date, a certain
 18 operator to submit certain information to certain departments; requiring the
 19 Department and the Department of Labor, Licensing, and Regulation to jointly
 20 submit to the Governor and the General Assembly a certain report on or before a
 21 certain date; requiring the Department and the Department of Labor, Licensing, and
 22 Regulation to send a certain written notice to certain pilots under certain
 23 circumstances; requiring the Department and the Department of Labor, Licensing,
 24 and Regulation to jointly adopt certain regulations; defining certain terms; and
 25 generally relating to the Adult High School Pilot Program.

26 BY adding to

27 Article – Education

28 Section 9.7–101 through ~~9.7–111~~ 9.7–110 to be under the new title “Title 9.7. Adult
 29 High School Pilot Program”

30 Annotated Code of Maryland

31 (2014 Replacement Volume and 2016 Supplement)

32 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 33 That the Laws of Maryland read as follows:

34 **Article – Education**

35 **TITLE 9.7. ADULT HIGH SCHOOL PILOT PROGRAM.**

36 **9.7–101.**

37 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 38 INDICATED.

1 **(B) “OPERATOR” MEANS A PRIVATE NONPROFIT ENTITY THAT**
2 **ESTABLISHES A PILOT UNDER THE PROGRAM.**

3 **(C) “PILOT” MEANS AN ADULT HIGH SCHOOL ESTABLISHED BY AN**
4 **OPERATOR UNDER THE PROGRAM.**

5 **(D) “PROGRAM” MEANS THE ADULT HIGH SCHOOL PILOT PROGRAM.**

6 **(E) (1) “WRAPAROUND SERVICES” MEANS INDIVIDUALIZED SERVICES,**
7 **EXCLUDING REGULAR SCHOOL PROGRAMS AND SERVICES, THAT ARE PROVIDED TO**
8 **THE STUDENT AND THE STUDENT’S FAMILY.**

9 **(2) “WRAPAROUND SERVICES” INCLUDES:**

10 **(I) CHILD CARE;**

11 **(II) TRANSPORTATION;**

12 **(III) HOUSING REFERRALS;**

13 **(IV) MENTAL HEALTH;**

14 **(V) CRISIS INTERVENTION;**

15 **(VI) SUBSTANCE ABUSE PREVENTION OR TREATMENT; AND**

16 **(VII) LEGAL AID.**

17 **9.7–102.**

18 **(A) THERE IS AN ADULT HIGH SCHOOL PILOT PROGRAM.**

19 **(B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN**
20 **ALTERNATIVE METHOD FOR ADULTS WHO DID NOT GRADUATE FROM HIGH SCHOOL**
21 **TO EARN A HIGH SCHOOL DIPLOMA AND POTENTIALLY TO EARN POSTSECONDARY**
22 **EDUCATION CREDITS AND INDUSTRY–RECOGNIZED CERTIFICATION IN AN**
23 **ENVIRONMENT THAT MEETS THE NEEDS OF THE ADULT LEARNER.**

24 **(C) THE PROGRAM IS UNDER THE AUTHORITY AND SUPERVISION OF THE**
25 **DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.**

26 **9.7–103.**

1 (A) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF
2 LABOR, LICENSING, AND REGULATION, MAY APPROVE UP TO SIX PILOTS.

3 (B) A PILOT ESTABLISHED UNDER THE PROGRAM SHALL:

4 (1) OPERATE FROM A FIXED PHYSICAL LOCATION;

5 (2) ENROLL STUDENTS WHO:

6 (I) ARE 21 YEARS OLD OR OLDER;

7 (II) DO NOT HAVE A HIGH SCHOOL DIPLOMA; AND

8 (III) DID NOT COMPLETE THE REQUIREMENTS FOR HIGH
9 SCHOOL GRADUATION THROUGH GED TESTING OR A NATIONAL EXTERNAL
10 DIPLOMA PROGRAM;

11 (3) ENROLL A MAXIMUM OF 350 STUDENTS;

12 (4) OFFER WRAPAROUND SERVICES NECESSARY FOR THE ADULT
13 LEARNER; AND

14 (5) GRANT A MARYLAND HIGH SCHOOL DIPLOMA ON COMPLETION OF
15 THE REQUIRED COURSE OF STUDY.

16 (C) WHEN CONSIDERING WHETHER TO APPROVE A PILOT UNDER THIS
17 SECTION, THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND
18 REGULATION SHALL:

19 (1) GIVE PRIORITY TO A PILOT LOCATED IN A COUNTY OR
20 GEOGRAPHIC AREA LOCATED WITHIN A COUNTY THAT HAS A HIGH SCHOOL
21 ATTAINMENT RATE THAT IS LOWER THAN THE STATE AVERAGE HIGH SCHOOL
22 ATTAINMENT RATE;

23 (2) CONSIDER GEOGRAPHIC DIVERSITY IN LOCATIONS FOR THE
24 PILOTS; AND

25 (3) APPROVE ONE PILOT IN A RURAL AREA FOR EACH TWO PILOTS
26 APPROVED IN URBAN AREAS.

27 (D) A PILOT ESTABLISHED UNDER THE PROGRAM IS NOT A PUBLIC SCHOOL
28 FOR PUBLIC FINANCING PURPOSES UNDER TITLE 5 OF THIS ARTICLE.

29 9.7-104.

1 (A) (1) TO ESTABLISH A PILOT UNDER THE PROGRAM, AN APPLICANT
2 SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,
3 LICENSING, AND REGULATION A PLAN THAT DESCRIBES IN DETAIL THE PILOT
4 OPERATOR, THE PILOT PROGRAM DESCRIPTION, THE PROPOSED CURRICULUM,
5 ASSESSMENT PROCEDURES, PERFORMANCE STANDARDS, WRAPAROUND SERVICES,
6 THE BUDGET, AND THE PROPOSED BYLAWS ADOPTED BY THE PILOT'S ADVISORY
7 BOARD.

8 (2) THE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
9 INCLUDE:

10 (I) THE PROPOSED CURRICULUM AND PERFORMANCE
11 STANDARDS THAT ALIGN WITH THE MARYLAND COLLEGE AND CAREER READY
12 STANDARDS;

13 (II) INITIAL STUDENT INTAKE ASSESSMENT PROCEDURES;

14 (III) PLANS FOR THE PROVISION OF REMEDIAL INSTRUCTION TO
15 PREPARE STUDENTS FOR SECONDARY-LEVEL ACADEMIC INSTRUCTION, IF
16 NECESSARY;

17 (IV) PLANS FOR WORKING WITH STUDENTS WITH DISABILITIES;

18 (V) A DESCRIPTION OF ASSESSMENT INSTRUMENTS FOR
19 MEASURING STUDENT PROGRESS AND COLLEGE AND CAREER READINESS;

20 (VI) A DESCRIPTION OF ANY PROGRAMS OR PARTNERSHIPS
21 WITH ORGANIZATIONS OR BUSINESSES FOR PROVIDING JOB SKILLS, INDUSTRY
22 CERTIFICATIONS, OR HIGHER EDUCATION CREDITS;

23 (VII) THE WRAPAROUND SERVICES OFFERED;

24 (VIII) A DESCRIPTION OF THE ADVISORY AND COACHING
25 SERVICES THAT PROVIDE SUPPORT FOR STUDENTS TO:

26 1. ESTABLISH CAREER PATHWAYS IN HIGH NEED AND
27 GROWTH INDUSTRY SECTORS; AND

28 2. MAKE EFFECTIVE TRANSITIONS INTO
29 POSTSECONDARY EDUCATION AND INDUSTRY CREDENTIALING OPPORTUNITIES;

30 (IX) THE PILOT'S GOVERNANCE PLAN; ~~AND~~

1 (X) A DETAILED BUDGET FOR THE INITIAL 3-YEAR OPERATING
2 PERIOD THAT DEMONSTRATES THE PILOT'S FINANCIAL SELF-SUFFICIENCY; AND

3 (XI) PLANS FOR WORKING WITH ENGLISH LANGUAGE LEARNERS.

4 (B) WITHIN 60 DAYS OF THE DATE OF RECEIPT OF A PLAN SUBMITTED
5 UNDER SUBSECTION (A) OF THIS SECTION:

6 (1) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT
7 OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR DISAPPROVE THE
8 PILOT'S CURRICULUM; AND

9 (2) IF THE DEPARTMENT APPROVES THE PILOT'S CURRICULUM
10 UNDER ITEM (1) OF THIS SUBSECTION, THE DEPARTMENT, IN CONSULTATION WITH
11 THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR
12 DISAPPROVE THE APPLICANT'S PLAN AND PILOT.

13 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,
14 WITHIN 30 DAYS OF THE DATE OF APPROVAL OF THE PLAN AND PILOT UNDER
15 SUBSECTION (B)(2) OF THIS SECTION AND IN ACCORDANCE WITH THE AUTHORITY
16 OF THE STATE BOARD UNDER § 2-205 OF THIS ARTICLE TO GRANT WAIVERS FROM
17 REGULATIONS ADOPTED BY THE STATE BOARD, THE STATE BOARD SHALL GRANT
18 THE PILOT A WAIVER FROM ANY REGULATION THAT CONFLICTS WITH THE PURPOSE
19 AND GOALS OF THE PILOT'S PLAN APPROVED BY THE DEPARTMENT, INCLUDING THE
20 STUDENT SERVICE REQUIREMENT IN COMAR 13A.03.02.05.

21 (2) A WAIVER REQUIRED UNDER PARAGRAPH (1) OF THIS
22 SUBSECTION MAY NOT BE GRANTED RELATED TO ASSESSMENT REQUIREMENTS IN
23 COMAR 13A.03.02.06.

24 (D) A PILOT SHALL ~~BE~~:

25 (1) BE SUBJECT TO THE REQUIREMENTS OF § 504 OF THE
26 REHABILITATION ACT OF 1973; AND

27 (2) PROVIDE ACCOMMODATIONS EQUAL TO THOSE A STUDENT WOULD
28 QUALIFY FOR UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT IF A
29 STUDENT HAS A DISABILITY WITH AN EDUCATIONAL IMPACT.

30 9.7-105.

31 (A) (1) THE DEPARTMENT AND THE DEPARTMENT OF LABOR,
32 LICENSING, AND REGULATION SHALL ESTABLISH QUALIFICATIONS FOR
33 OPERATORS OF PILOTS UNDER THE PROGRAM.

1 (2) THE QUALIFICATIONS SHALL, AT A MINIMUM, REQUIRE AN
2 OPERATOR TO:

3 (I) BE REGISTERED AS A NONPROFIT ORGANIZATION IN THE
4 STATE;

5 (II) HAVE PREVIOUS EXPERIENCE AND MEASURED SUCCESS IN
6 PROVIDING EDUCATION SERVICES TO ADULT LEARNERS, INCLUDING INDUSTRY
7 CERTIFICATION AND JOB PLACEMENT SERVICES;

8 (III) HAVE PREVIOUS EXPERIENCE PROVIDING EDUCATION
9 SERVICES OR WORKFORCE DEVELOPMENT SERVICES TO ADULT LEARNERS WHO
10 HAVE BEEN LIMITED BY EDUCATIONAL DISADVANTAGES, A DISABILITY, A CRIMINAL
11 RECORD, OR SIMILAR BARRIERS TO EMPLOYMENT OPPORTUNITIES; ~~AND~~

12 (IV) HAVE SECURED FINANCING TO DEVELOP OR THE
13 CAPABILITY TO SECURE FINANCING FOR THE DEVELOPMENT OF A PHYSICAL SITE
14 FOR THE PILOT; AND

15 (V) HIRE APPROPRIATELY TRAINED INSTRUCTIONAL
16 PERSONNEL.

17 (3) AN OPERATOR MAY BE A PARTNERSHIP OF TWO OR MORE
18 PERSONS THAT MEET THE QUALIFICATIONS REQUIRED UNDER THIS SUBSECTION.

19 (B) (1) THE OPERATOR SHALL ADOPT WRITTEN STANDARDS FOR THE
20 ADMISSION AND DISMISSAL OF STUDENTS.

21 (2) THE STANDARDS AND ANY AMENDMENTS SHALL BE SUBMITTED
22 TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND
23 REGULATION FOR APPROVAL.

24 (C) THE OPERATOR MAY PARTNER WITH:

25 (1) A COUNTY BOARD OF EDUCATION; OR

26 (2) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE IF
27 THE OPERATOR INTENDS TO PROVIDE COURSE WORK FOR COLLEGE CREDIT.

28 **9.7-106.**

29 (A) AN ADVISORY BOARD SHALL GOVERN A PILOT.

1 (B) (1) AN ADVISORY BOARD SHALL CONSIST OF AT LEAST 11 MEMBERS
2 AND NOT MORE THAN 25 MEMBERS.

3 (2) OF THE ADVISORY BOARD MEMBERS:

4 (I) ONE SHALL BE APPOINTED BY THE DEPARTMENT;

5 (II) ONE SHALL BE APPOINTED BY THE DEPARTMENT OF
6 LABOR, LICENSING, AND REGULATION; AND

7 (III) THE REMAINING MEMBERS SHALL BE SELECTED IN
8 ACCORDANCE WITH THE BYLAWS OF THE PILOT.

9 (C) A VACANCY SHALL BE FILLED IN THE SAME MANNER IN WHICH THE
10 VACATING MEMBER WAS APPOINTED OR SELECTED.

11 (D) THE ADVISORY BOARD SHALL DETERMINE ITS OFFICERS.

12 **9.7-107.**

13 ~~(A) TEACHERS OF ACADEMIC SUBJECTS IN THE SECONDARY EDUCATION~~
14 ~~CURRICULUM SHALL BE CERTIFIED IN ACCORDANCE WITH THE REQUIREMENTS OF~~
15 ~~THIS ARTICLE.~~

16 ~~(B) TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT A PILOT~~
17 ~~SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE SALARY~~
18 ~~RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL PERSONNEL OF~~
19 ~~SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE SCHOOL IS~~
20 ~~LOCATED.~~

21 ~~**9.7-108.**~~

22 THE OPERATOR OR ADVISORY BOARD OF A PILOT MAY APPLY FOR AND
23 ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE FROM A
24 GOVERNMENTAL ENTITY OR ANY NONPROFIT OR OTHER PRIVATE ORGANIZATION.

25 ~~**9.7-109.**~~ **9.7-108.**

26 (A) AN OPERATOR SHALL CONDUCT AN EVALUATION OF THE PILOT EACH
27 YEAR.

28 (B) THE OPERATOR, AFTER RECEIVING APPROVAL OF THE ADVISORY
29 BOARD, SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,

1 LICENSING, AND REGULATION AN EVALUATION REPORT FOR THE PRIOR FISCAL
2 YEAR THAT INCLUDES:

3 (1) THE ACADEMIC AND CAREER PROGRESS OF EACH STUDENT
4 ENROLLED IN THE PILOT; AND

5 (2) THE PILOT'S FISCAL YEAR FINANCIAL REPORT.

6 ~~9.7-110.~~ 9.7-109.

7 (A) BEGINNING OCTOBER 1, 2018, AND ON OR BEFORE OCTOBER 1 EACH
8 YEAR THEREAFTER, THE OPERATOR OF A PILOT SHALL SUBMIT TO THE
9 DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION
10 THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:

11 (1) WHETHER STUDENTS ENROLLED IN THE PILOT ARE ON TRACK
12 FOR COMPLETION IN A TIME DETERMINED TO BE REASONABLE BY THE ADVISORY
13 BOARD OF THE PILOT;

14 (2) THE ACADEMIC LEVELS OF THE STUDENTS AT THE TIME OF
15 ENROLLMENT IN THE PILOT;

16 (3) THE NUMBER OF:

17 (I) CREDITS STUDENTS COMPLETED; AND

18 (II) STUDENTS WHO COMPLETED AND GRADUATED FROM THE
19 PILOT;

20 (4) THE ACADEMIC PROGRESS OF THE STUDENTS AS MEASURED BY
21 THE STUDENT INTAKE ASSESSMENT INSTRUMENT AND THE ASSESSMENT
22 INSTRUMENT USED;

23 (5) THE GRADUATION RATE;

24 (6) THE NUMBER OF POSTSECONDARY EDUCATION CREDITS EARNED
25 AND THE TYPES OF CREDITS SOUGHT;

26 (7) THE NUMBER OF INDUSTRY CREDENTIALS EARNED AND THE
27 TYPES OF INDUSTRY CREDENTIALS; AND

28 (8) ANY REPORTED POSTGRADUATION EMPLOYMENT.

1 **(B) ON OR BEFORE DECEMBER 1, 2020, THE DEPARTMENT AND THE**
 2 **DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL JOINTLY SUBMIT**
 3 **TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE STATE**
 4 **GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY A REPORT THAT INCLUDES:**

5 **(1) AN EVALUATION OF EACH PILOT APPROVED UNDER THIS**
 6 **SUBTITLE;**

7 **(2) A RECOMMENDATION AS TO EXPANSION, CONTINUATION,**
 8 **MODIFICATIONS TO, OR TERMINATION OF THE PROGRAM;**

9 **(3) DEMOGRAPHIC INFORMATION ON STUDENT ENROLLMENT UNDER**
 10 **THE PROGRAM; AND**

11 **(4) THE FISCAL SOLVENCY OF THE PROGRAM.**

12 ~~9.7-111.~~ 9.7-110.

13 **(A) IF THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING,**
 14 **AND REGULATION AGREE THAT THE PROGRAM IS NOT EFFECTIVE, THE**
 15 **DEPARTMENT AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL**
 16 **SEND WRITTEN NOTICE TO THE PILOTS THAT THE PROGRAM HAS BEEN**
 17 **DISCONTINUED.**

18 **(B) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND**
 19 **REGULATION SHALL JOINTLY ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 21 1, 2017.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.