

SENATE BILL 866

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7lr2628
CF HB 1381

By: ~~Senator Klausmeier~~ Senators Klausmeier and Ferguson

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 16, 2017

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
16 of Education to grant a certain pilot a waiver from certain regulations; prohibiting
17 the State Board from granting a waiver of a certain assessment requirement in a
18 certain regulation; requiring a pilot to be subject to the requirements of a certain
19 federal law; requiring the Department and the Department of Labor, Licensing, and
20 Regulation to establish qualifications for operators of pilots under the Program;
21 providing for the minimum content of certain qualifications; requiring certain
22 operators to adopt certain written standards; requiring certain standards to be
23 submitted to the Department and Department of Labor, Licensing, and Regulation
24 for approval; authorizing an operator to partner with certain entities; requiring an
25 Advisory Board to govern a pilot; providing for the membership, appointments,

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.



1 officers, and filling of vacancies for an Advisory Board; providing for the
 2 qualifications of teachers and the salaries of certain teachers and certain
 3 professional personnel of a pilot; authorizing the operator or the Advisory Board to
 4 apply for and accept certain funding from certain entities; requiring an operator to
 5 conduct a certain evaluation each year; requiring an operator, after receiving certain
 6 approval from the Advisory Board, to submit a certain evaluation report to certain
 7 departments; requiring, beginning on a certain date, a certain operator to submit
 8 certain information to certain departments; requiring the Department and the
 9 Department of Labor, Licensing, and Regulation to jointly submit to the Governor
 10 and the General Assembly a certain report on or before a certain date; requiring the
 11 Department and the Department of Labor, Licensing, and Regulation to send a
 12 certain written notice to certain pilots under certain circumstances; requiring the
 13 Department and the Department of Labor, Licensing, and Regulation to jointly adopt
 14 certain regulations; defining certain terms; and generally relating to the Adult High
 15 School Pilot Program.

16 BY adding to

17 Article – Education

18 Section 9.7–101 through 9.7–111 to be under the new title “Title 9.7. Adult High
 19 School Pilot Program”

20 Annotated Code of Maryland

21 (2014 Replacement Volume and 2016 Supplement)

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

24 **Article – Education**

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

26 **9.7–101.**

27 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
 28 **INDICATED.**

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

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

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

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

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

2 **(I) CHILD CARE;**

3 **(II) TRANSPORTATION;**

4 **(III) HOUSING REFERRALS;**

5 **(IV) MENTAL HEALTH;**

6 **(V) CRISIS INTERVENTION;**

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

8 **(VII) LEGAL AID.**

9 **9.7–102.**

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

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

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

18 **9.7–103.**

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

21 **(B) A PILOT ESTABLISHED UNDER THE PROGRAM SHALL:**

22 **(1) OPERATE FROM A FIXED PHYSICAL LOCATION;**

23 **(2) ENROLL STUDENTS WHO:**

24 **(I) ARE 21 YEARS OLD OR OLDER;**

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

1 (III) DID NOT COMPLETE THE REQUIREMENTS FOR HIGH
2 SCHOOL GRADUATION THROUGH GED TESTING OR A NATIONAL EXTERNAL
3 DIPLOMA PROGRAM;

4 (3) ENROLL A MAXIMUM OF 350 STUDENTS;

5 (4) OFFER WRAPAROUND SERVICES NECESSARY FOR THE ADULT
6 LEARNER; AND

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

9 (C) WHEN CONSIDERING WHETHER TO APPROVE A PILOT UNDER THIS
10 SECTION, THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND
11 REGULATION SHALL:

12 (1) GIVE PRIORITY TO A PILOT LOCATED IN A COUNTY OR
13 GEOGRAPHIC AREA LOCATED WITHIN A COUNTY THAT HAS A HIGH SCHOOL
14 ATTAINMENT RATE THAT IS LOWER THAN THE STATE AVERAGE HIGH SCHOOL
15 ATTAINMENT RATE;

16 (2) CONSIDER GEOGRAPHIC DIVERSITY IN LOCATIONS FOR THE
17 PILOTS; AND

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

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

22 9.7-104.

23 (A) (1) TO ESTABLISH A PILOT UNDER THE PROGRAM, AN APPLICANT
24 SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,
25 LICENSING, AND REGULATION A PLAN THAT DESCRIBES IN DETAIL THE PILOT
26 OPERATOR, THE PILOT PROGRAM DESCRIPTION, THE PROPOSED CURRICULUM,
27 ASSESSMENT PROCEDURES, PERFORMANCE STANDARDS, WRAPAROUND SERVICES,
28 THE BUDGET, AND THE PROPOSED BYLAWS ADOPTED BY THE PILOT'S ADVISORY
29 BOARD.

30 (2) THE PLAN UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
31 INCLUDE:

1 **(I) THE PROPOSED CURRICULUM AND PERFORMANCE**
2 **STANDARDS THAT ALIGN WITH THE MARYLAND COLLEGE AND CAREER READY**
3 **STANDARDS;**

4 **(II) INITIAL STUDENT INTAKE ASSESSMENT PROCEDURES;**

5 **(III) PLANS FOR THE PROVISION OF REMEDIAL INSTRUCTION TO**
6 **PREPARE STUDENTS FOR SECONDARY-LEVEL ACADEMIC INSTRUCTION, IF**
7 **NECESSARY;**

8 **(IV) PLANS FOR WORKING WITH STUDENTS WITH DISABILITIES;**

9 **(V) A DESCRIPTION OF ASSESSMENT INSTRUMENTS FOR**
10 **MEASURING STUDENT PROGRESS AND COLLEGE AND CAREER READINESS;**

11 **(VI) A DESCRIPTION OF ANY PROGRAMS OR PARTNERSHIPS**
12 **WITH ORGANIZATIONS OR BUSINESSES FOR PROVIDING JOB SKILLS, INDUSTRY**
13 **CERTIFICATIONS, OR HIGHER EDUCATION CREDITS;**

14 **(VII) THE WRAPAROUND SERVICES OFFERED;**

15 **(VIII) A DESCRIPTION OF THE ADVISORY AND COACHING**
16 **SERVICES THAT PROVIDE SUPPORT FOR STUDENTS TO:**

17 **1. ESTABLISH CAREER PATHWAYS IN HIGH NEED AND**
18 **GROWTH INDUSTRY SECTORS; AND**

19 **2. MAKE EFFECTIVE TRANSITIONS INTO**
20 **POSTSECONDARY EDUCATION AND INDUSTRY CREDENTIALING OPPORTUNITIES;**

21 **(IX) THE PILOT'S GOVERNANCE PLAN; AND**

22 **(X) A DETAILED BUDGET FOR THE INITIAL 3-YEAR OPERATING**
23 **PERIOD THAT DEMONSTRATES THE PILOT'S FINANCIAL SELF-SUFFICIENCY.**

24 **(B) WITHIN 60 DAYS OF THE DATE OF RECEIPT OF A PLAN SUBMITTED**
25 **UNDER SUBSECTION (A) OF THIS SECTION:**

26 **(1) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT**
27 **OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR DISAPPROVE THE**
28 **PILOT'S CURRICULUM; AND**

29 **(2) IF THE DEPARTMENT APPROVES THE PILOT'S CURRICULUM**
30 **UNDER ITEM (1) OF THIS SUBSECTION, THE DEPARTMENT, IN CONSULTATION WITH**

1 THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION, SHALL APPROVE OR
2 DISAPPROVE THE APPLICANT'S PLAN AND PILOT.

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

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

14 (D) A PILOT SHALL BE SUBJECT TO THE REQUIREMENTS OF § 504 OF THE
15 REHABILITATION ACT OF 1973.

16 9.7-105.

17 (A) (1) THE DEPARTMENT AND THE DEPARTMENT OF LABOR,
18 LICENSING, AND REGULATION SHALL ESTABLISH QUALIFICATIONS FOR
19 OPERATORS OF PILOTS UNDER THE PROGRAM.

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

22 (I) BE REGISTERED AS A NONPROFIT ORGANIZATION IN THE
23 STATE;

24 (II) HAVE PREVIOUS EXPERIENCE AND MEASURED SUCCESS IN
25 PROVIDING EDUCATION SERVICES TO ADULT LEARNERS, INCLUDING INDUSTRY
26 CERTIFICATION AND JOB PLACEMENT SERVICES;

27 (III) HAVE PREVIOUS EXPERIENCE PROVIDING EDUCATION
28 SERVICES OR WORKFORCE DEVELOPMENT SERVICES TO ADULT LEARNERS WHO
29 HAVE BEEN LIMITED BY EDUCATIONAL DISADVANTAGES, A DISABILITY, A CRIMINAL
30 RECORD, OR SIMILAR BARRIERS TO EMPLOYMENT OPPORTUNITIES; AND

31 (IV) HAVE SECURED FINANCING TO DEVELOP OR THE
32 CAPABILITY TO SECURE FINANCING FOR THE DEVELOPMENT OF A PHYSICAL SITE
33 FOR THE PILOT.

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

3 **(B) (1) THE OPERATOR SHALL ADOPT WRITTEN STANDARDS FOR THE**
4 **ADMISSION AND DISMISSAL OF STUDENTS.**

5 **(2) THE STANDARDS AND ANY AMENDMENTS SHALL BE SUBMITTED**
6 **TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND**
7 **REGULATION FOR APPROVAL.**

8 **(C) THE OPERATOR MAY PARTNER WITH:**

9 **(1) A COUNTY BOARD OF EDUCATION; OR**

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

12 **9.7-106.**

13 **(A) AN ADVISORY BOARD SHALL GOVERN A PILOT.**

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

16 **(2) OF THE ADVISORY BOARD MEMBERS:**

17 **(I) ONE SHALL BE APPOINTED BY THE DEPARTMENT;**

18 **(II) ONE SHALL BE APPOINTED BY THE DEPARTMENT OF**
19 **LABOR, LICENSING, AND REGULATION; AND**

20 **(III) THE REMAINING MEMBERS SHALL BE SELECTED IN**
21 **ACCORDANCE WITH THE BYLAWS OF THE PILOT.**

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

24 **(D) THE ADVISORY BOARD SHALL DETERMINE ITS OFFICERS.**

25 **9.7-107.**

26 **(A) TEACHERS OF ACADEMIC SUBJECTS IN THE SECONDARY EDUCATION**
27 **CURRICULUM SHALL BE CERTIFIED IN ACCORDANCE WITH THE REQUIREMENTS OF**
28 **THIS ARTICLE.**

1 **(B) TEACHERS AND ANY OTHER PROFESSIONAL PERSONNEL AT A PILOT**
2 **SHALL BE PAID AN ANNUAL SALARY THAT IS AT LEAST EQUAL TO THE SALARY**
3 **RECEIVED BY PUBLIC SCHOOL TEACHERS AND PROFESSIONAL PERSONNEL OF**
4 **SIMILAR TRAINING AND EXPERIENCE IN THE COUNTY IN WHICH THE SCHOOL IS**
5 **LOCATED.**

6 **9.7-108.**

7 **THE OPERATOR OR ADVISORY BOARD OF A PILOT MAY APPLY FOR AND**
8 **ACCEPT DONATIONS, GRANTS, OR OTHER FINANCIAL ASSISTANCE FROM A**
9 **GOVERNMENTAL ENTITY OR ANY NONPROFIT OR OTHER PRIVATE ORGANIZATION.**

10 **9.7-109.**

11 **(A) AN OPERATOR SHALL CONDUCT AN EVALUATION OF THE PILOT EACH**
12 **YEAR.**

13 **(B) THE OPERATOR, AFTER RECEIVING APPROVAL OF THE ADVISORY**
14 **BOARD, SHALL SUBMIT TO THE DEPARTMENT AND THE DEPARTMENT OF LABOR,**
15 **LICENSING, AND REGULATION AN EVALUATION REPORT FOR THE PRIOR FISCAL**
16 **YEAR THAT INCLUDES:**

17 **(1) THE ACADEMIC AND CAREER PROGRESS OF EACH STUDENT**
18 **ENROLLED IN THE PILOT; AND**

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

20 **9.7-110.**

21 **(A) BEGINNING OCTOBER 1, 2018, AND ON OR BEFORE OCTOBER 1 EACH**
22 **YEAR THEREAFTER, THE OPERATOR OF A PILOT SHALL SUBMIT TO THE**
23 **DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION**
24 **THE FOLLOWING INFORMATION FOR THE PRIOR FISCAL YEAR:**

25 **(1) WHETHER STUDENTS ENROLLED IN THE PILOT ARE ON TRACK**
26 **FOR COMPLETION IN A TIME DETERMINED TO BE REASONABLE BY THE ADVISORY**
27 **BOARD OF THE PILOT;**

28 **(2) THE ACADEMIC LEVELS OF THE STUDENTS AT THE TIME OF**
29 **ENROLLMENT IN THE PILOT;**

30 **(3) THE NUMBER OF:**

31 **(I) CREDITS STUDENTS COMPLETED; AND**

1 (II) STUDENTS WHO COMPLETED AND GRADUATED FROM THE
2 PILOT;

3 (4) THE ACADEMIC PROGRESS OF THE STUDENTS AS MEASURED BY
4 THE STUDENT INTAKE ASSESSMENT INSTRUMENT AND THE ASSESSMENT
5 INSTRUMENT USED;

6 (5) THE GRADUATION RATE;

7 (6) THE NUMBER OF POSTSECONDARY EDUCATION CREDITS EARNED
8 AND THE TYPES OF CREDITS SOUGHT;

9 (7) THE NUMBER OF INDUSTRY CREDENTIALS EARNED AND THE
10 TYPES OF INDUSTRY CREDENTIALS; AND

11 (8) ANY REPORTED POSTGRADUATION EMPLOYMENT.

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

16 (1) AN EVALUATION OF EACH PILOT APPROVED UNDER THIS
17 SUBTITLE;

18 (2) A RECOMMENDATION AS TO EXPANSION, CONTINUATION,
19 MODIFICATIONS TO, OR TERMINATION OF THE PROGRAM;

20 (3) DEMOGRAPHIC INFORMATION ON STUDENT ENROLLMENT UNDER
21 THE PROGRAM; AND

22 (4) THE FISCAL SOLVENCY OF THE PROGRAM.

23 9.7-111.

24 (A) IF THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING,
25 AND REGULATION AGREE THAT THE PROGRAM IS NOT EFFECTIVE, THE
26 DEPARTMENT AND DEPARTMENT OF LABOR, LICENSING, AND REGULATION SHALL
27 SEND WRITTEN NOTICE TO THE PILOTS THAT THE PROGRAM HAS BEEN
28 DISCONTINUED.

29 (B) THE DEPARTMENT AND THE DEPARTMENT OF LABOR, LICENSING, AND
30 REGULATION SHALL JOINTLY ADOPT REGULATIONS TO IMPLEMENT THE PROGRAM.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.