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TO: Members of the State Board of Education

FROM: Nancy S. Grasmick *Nancy*

DATE: June 23, 2009

SUBJECT: High School Diplomas by Examination

PURPOSE:

The purpose of this action is to request approval of a Memorandum of Understanding (MOU) between the State Board of Education, the Maryland State Department of Education, and the Department of Labor Licensing and Regulation (DLLR) that stipulates how the State Board of Education and DLLR will collaborate in the awarding of high school diplomas through the GED Tests and the External Diploma program. The MOU includes a set of assurances to address the Board's request that the Department establish controls to ensure the integrity of the diploma process. The Board is also requested to approve regulations that will govern these high school diplomas by examination.

BACKGROUND:

In its 2008 session, the Maryland General Assembly passed Senate Bill 203 to transfer the Correctional and Adult Education programs from MSDE to DLLR on July 1, 2009. In accordance with this statute, Section 11-807 of the Labor and Employment Article, Annotated Code of Maryland, now requires that the Secretary of DLLR consult with the State Board of Education in drafting regulations that govern the Maryland Adult External Diploma Program (EDP) and requires the Board to award diplomas to individuals meeting the requirements of Subtitle 8 of Title 11. Section 11-808 of the Labor and Employment Article further requires that the regulations governing the award of high school diplomas through examination (GED Tests) be adopted jointly by the Secretary of DLLR and the Board. The Board has requested the development of controls which can ensure that the integrity of the diploma will be maintained.

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EXECUTIVE SUMMARY:

At the May 27, 2009 meeting of the State Board of Education, Tom Perez, Secretary of the Department of Labor Licensing and Regulation (DLLR) presented an update on the status of the transfer of the Adult and Correctional Education programs from the Maryland State Department of Education (MSDE) to DLLR. As part of his update, he shared, for discussion, a draft Summary of Proposed Adult Education Regulations, and a draft MOU. In consultation with the Office of the Attorney General and in collaboration with DLLR, proposed regulations for the GED Tests and External Diploma program and a MOU between the State Board of Education and DLLR have been developed.

ACTION

We request approval of the MOU between the State Board of Education and the Department of Labor Licensing and Regulation and the proposed regulations for the General Educational Development and Maryland Adult External High School programs.

NSG/kmo

Attachments

**MEMORANDUM OF UNDERSTANDING
BETWEEN
MARYLAND DEPARTMENT OF LABOR, LICENSING, AND REGULATION
AND
MARYLAND STATE BOARD OF EDUCATION**

THIS MEMORANDUM OF UNDERSTANDING is made this day of June, 2009, between the Maryland Department of Labor, Licensing, and Regulation (“DLLR”) and the Maryland State Board of Education (“Board”).

RECITALS

Whereas, the Maryland General Assembly has transferred certain responsibilities for administering the Adult Education and Literacy programs from the Board and the Maryland State Department of Education to the Department of Labor, Licensing, and Regulation effective July 1, 2009;

Whereas, the Maryland General Assembly has by statute directed DLLR and the Board to work together on certain aspects of these programs;

Whereas, Section 11-807 of the Labor and Employment Article, Annotated Code of Maryland, requires that the Secretary of DLLR consult with the Board in drafting regulations that govern the National Adult External High School Program (EDP), and requires the Board to award diplomas to the individuals meeting the requirements of Subtitle 8 of Title 11;

Whereas, Section 11-808 of the Labor and Employment Article, Annotated Code of Maryland, requires that the regulations governing the award of high school diplomas through examination (GED) be adopted jointly by the Secretary of DLLR and the Board;

Whereas, the National External Diploma Program (NEDP) is an international proprietary assessment of the Comprehensive Adult Student Assessment System (CASAS) and is administered in Maryland under a state license;

Whereas, the General Education Development (GED) Tests are an international proprietary assessment of the GED Testing Service (GEDTS) of the American Council on Education (ACE) and administered in Maryland under a state license;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein, the parties agree as follows:

1. The Maryland High School Diploma by assessment, awarded through the GED Tests and the National EDP program will bear the signatures of the State Board President and the Secretary of DLLR.
2. DLLR shall ensure joint development of any changes to state legislation or COMAR affecting a Maryland High School Diploma by Examination.

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AND
MARYLAND STATE BOARD OF EDUCATION**

3. DLLR shall provide the Board with least two months advance notice of any draft language for proposed regulations or legislation to ensure sufficient opportunity for joint consultation and consideration of proposed changes.
4. The Board will consider and vote on matters relating to the programs in a manner and time sequence that will not unduly delay their efficient operations.
5. DLLR and the State Board shall jointly determine minimum test scores and any other necessary qualifications for earning the high school diploma by assessment.
6. DLLR will jointly develop procedures to notify the State Board and the Maryland State Department of Education of individuals who qualify for a diploma under either the EDP or the GED program and to award the diplomas.
7. DLLR agrees to ensure the integrity of the Maryland High School Diploma by complying with the attached Assurances for Quality Control.
8. DLLR shall present a report on the oversight and implementation of the EDP and GED programs at a State Board meeting, at least once yearly.
9. The DLLR shall submit a written annual report to the Maryland State Board of Education including the results of the NEDP and GED testing program, as well as any changes to the quality control processes and procedures. The report shall include diplomas awarded, GED waiver requests granted, the results of any monitoring visits to GED testing or to EDP sites, professional development provided to state and local EDP staff, GED Chief Examiners, or state GED staff. The report shall also disclose any GED Test center irregularities, GED test compromises or the closing a GED Testing Center when a violation of test security procedures occurs.

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IN WITNESS HERETO, the parties have executed this Memorandum by their duly authorized officials

For Maryland Department of Labor, Licensing, and Regulation

Name: _____

Title: Secretary, Maryland Department of Labor, Licensing, and Regulation

Date: _____

For Maryland State Board of Education

Name: _____

Title: President, Maryland State Board of Education

Date: _____

**Assurances for Quality Control of
Maryland's High School Diploma by Examination -
National External Diploma Program (NEDP)
General Educational Development (GED)**

Purpose

To establish assurances of quality control that supports the validity and reliability of the Maryland High School Diploma awarded by examination jointly awarded by the Maryland State Board of Education and the Maryland Department of Labor, Licensing, and Regulation.

Background

The National External Diploma Program (NEDP) is administered nationally by the Comprehensive Adult Student Assessment System (CASAS), a highly regarded and recognized leader in adult assessment and accountability. CASAS is the sole source of both student materials and materials used for certification of NEDP practitioners. The GED is administered internationally by the GED Testing Service (GEDTS) of the American Council on Education (ACE). States contract with each national entity to receive the right to administer the assessments. Both have established national standards and procedures with which states must comply.

Assurances

The Maryland Department of Labor, Licensing, and Regulation agrees to ensure the high quality and integrity of the Maryland High School Diploma by complying with the following assurances. The Department of Labor, Licensing and Regulation, Division of Workforce Development and Adult Learning will:

General Assurances

- Establish and maintain internal and external processes and procedures that comply with the national accrediting organizations for the GED and the EDP.
- Establish and maintain the necessary national, state, and local agreements necessary to ensure the integrity of the jointly awarded high school diploma.
- Ensure that all testing centers and local EDP sites adhere to all applicable NEDP and GEDTS policies and procedures as well as state laws and regulations governing GED testing and EDP.
- Collaborate with the Maryland State Board of Education in the development of any changes to state legislation or COMAR affecting a Maryland High School Diploma by Examination.

**Assurances for Quality Control of
Maryland's High School Diploma by Examination -
National External Diploma Program (NEDP)
General Educational Development (GED)**

- Ensure that the programs operate in compliance with state and federal laws and regulations regarding privacy and educational records, including but not limited to Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. § 1232(g).
- Maintain an accurate historical file of scores, transcripts and credentials for GED and EDP and make them available to MSDE as needed.
- Monitor and ensure the separation of GED instructional and testing programs and EDP assessment and adult education instructional programs.
- Monitor each local GED testing center and local EDP assessment program at least annually and maintain monitoring reports.
- Ensure that the awarding of subcontracts and the selection of grantees maintains continuing compliance with NEDP and GED Testing Services requirements and maintains the integrity of the diploma.
- Give due credit to MSDE in all media announcements, billboards, websites and other print and electronic media.
- Submit an annual report to the Maryland State Department of Education regarding results of the NEDP and GED testing program, as well as any changes to the quality controls processes and procedures. The report shall include diplomas awarded, GED waiver requests granted, the results of any monitoring visits to GED testing or to EDP sites, professional development provided to state and local EDP staff, GED Chief Examiners, or state GED staff. The report shall also disclose any GED Test center irregularities, GED test compromises or the closing a GED Testing Center when a violation of test security procedures occurs.

Assurances – GED Testing

- Oversee test administration to comply with the American Council on Education's (ACE) policies and procedures.
- Protect confidentiality of test scores and credentials.
- Provide prompt notification of test scores and results.
- Complying with ACE's requirements for administering tests, scoring, and notifications.
- Ensure GED Examiners, Chief Examiners, and state administrator meet national certification requirements and receive the professional development necessary to maintain certification.
- Update the State Board of Education on ACE policies and procedures related to test administration.
- Provide appropriate accommodations for eligible applicants with special needs.
- Provide adequate staff in the GED Office and Test Centers.

**Assurances for Quality Control of
Maryland's High School Diploma by Examination -
National External Diploma Program (NEDP)
General Educational Development (GED)**

Assurances – EDP

- Oversee EDP to comply with the National External Diploma Program (NEDP) policies and procedures.
- Ensure that CASAS is the sole source of both student materials and materials used for certification of NEDP practitioners.
- Maintain national certification of all local NEDP staff with annual professional development conducted by NEDP certified trainers.
- Ensure newly hired staff are trained and evaluated according to NEDP standards by NEDP certified trainers for certification at the more advanced level of Assessor.
- Ensure that local organizations receiving grant funds to provide NEDP services are required, as a condition of the grant, to meet certain NEDP standards and comply with certain assurances regarding their administration of the program.
- Ensure that all candidates continue to demonstrate 100% mastery of all NEDP competencies.
- Conduct multi-level review of mastery on every candidate work prior to awarding a diploma.

Secretary, Maryland Department of Labor, Licensing, and Regulation:

Signature: _____

Name: _____

Date: _____

Alternate Ways to Earn a High School Diploma

.09.37.01 Adult Education

.01 Definitions.

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

B. Terms Defined.

(1) "Department" means the Department of Labor, Licensing, and Regulation.

(2) "Secretary" means the Secretary of the Department of Labor, Licensing, and Regulation.

(3) "State Board" means the Maryland State Board of Education.

.02 General Educational Development Program.

A. Program Description. The General Educational Development (GED) Tests offer an alternate and acceptable way for an individual 16 years old or older to earn a high school diploma. Candidates who successfully complete the GED Tests are awarded a Maryland high school diploma by the State Board. A GED graduate may not be awarded any other Maryland high school diploma either by the State Board or by a local school system.

B. The GED Tests—Scope and Content. (1) The GED Tests include writing skills, social studies, science, interpreting literature and the arts, and mathematics. Each test measures the major subject area skills considered to be the outcomes of a high school education.

(2) The State Board shall review and approve the state license agreement with DLLR and the American Council on Education.

C. Applicant Eligibility. An applicant is eligible to take the GED Tests if the applicant:

(1) Has been a Maryland resident for at least 3 months at the time of testing, unless the [State Superintendent of Schools] Secretary has waived this requirement in accordance with the procedures set out in §Q of this regulation;

(2) Is at least 16 years old; and

(3) Either:

(a) Meets both of the following requirements:

(i) Has not obtained a Maryland high school diploma or a high school certificate or diploma issued by another state or non-U.S. or correspondence school; and

(ii) Has been officially withdrawn from a regular full-time public or private school for at least 3 months at the time of testing, unless the [State Superintendent of Schools] Secretary has waived this requirement in accordance with the procedures set out in §Q of this regulation; or

(b) Has obtained a Maryland High School Certificate of Program Completion in accordance with COMAR 13A.03.02.09D.

D. Date, Time, and Place of Testing. Various GED test centers shall be operated throughout Maryland. The GED testing application form lists locations of test centers. Test dates, times, and locations shall be posted on the [State Department of Education] Department of Labor, Licensing, and Regulation website and also be available from the GED testing office at the Department.

E. Requirements for Applying to Take the GED Tests. At the time application is made to the Maryland GED Testing Office, an applicant shall:

(1) Attach a copy of one of the following to the application:

(a) A current official Maryland driver's license or current official Maryland learner's permit;

(b) A current official Maryland ID card issued by the Motor Vehicle Administration;

(c) 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; or

(d) A current active duty military ID card;

(2) Provide the applicant's signature verifying his or her identity and residency in Maryland;

(3) Remit the appropriate fee along with the completed application; and

(4) For an applicant 18 years old or younger, present:

(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.

F. Fee Schedule.

(1) The [State Board of Education] 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.

(2) Only duplicate copies of official transcripts may be issued with remittance of fee.

G. Admission to the GED Test Center.

(1) Admission cards shall be mailed or transmitted electronically to GED candidates before the assigned test date.

(2) To be admitted to the test center, each candidate shall present the official admission card and proof of age and Maryland residence as described in §E(1) of this regulation.

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

(1) To qualify for the Maryland high school diploma, a candidate shall earn:

(a) A standard score of 410 or above on each of the five tests; and

(b) An average standard score of 450 on all five tests.

(2) Only tests taken within the past 5 years, since 2002, receive credit toward the diploma.

I. Requirements for Retesting.

(1) Candidates who have failed one or more parts of the GED Tests, and candidates who fail to report to the test center on the assigned date shall wait 2 months before retesting. Candidates who are retested shall be administered a different form of the GED Tests from that previously administered. Three test forms are available from the GED Testing Service of the American Council on Education in any 1-year period. A candidate who has taken all three forms of the Tests in a 1-year period is not eligible to retest until new forms of the Tests are available from the GED Testing Service.

(2) A candidate seeking to retest shall return the admission card or retest request form to the Maryland GED Testing Office along with the appropriate rescheduling fee.

J. Permanent Record Changes.

(1) Changes may not be made to an applicant's record after the diploma has been awarded unless the changes are a result of an error on behalf of the GED office and can be verified as such.

(2) The GED administrator shall make changes when the GED office is known to be in error.

K. Retention of Scores. Passing scores which result in the issuance of a Maryland high school diploma shall be retained in perpetuity by the Maryland GED Testing Office. Passing, failing, and incomplete scores which 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 60 months.

L. [Spanish] Foreign Language GED Tests. The GED Tests may be taken in Spanish or French. In addition to the Spanish or French version of the GED Tests, a candidate shall take the writing skills test in English to demonstrate English proficiency. A candidate who obtains passing scores on the Spanish or French tests and on the writing skills test in English shall be awarded the Maryland high school diploma.

M. Special Testing for Individuals with Disabilities. Special editions of the GED Tests are available for individuals with disabilities. These include an audiocassette tape version, a large print version, and a braille version. Other special 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. 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 GED Testing Service of the American Council on Education.

N. GED Tests Taken Out of State. Results of GED Tests taken within the past 5 years on scores obtained since 2002 at official GED testing centers outside Maryland may be used for credit toward the Maryland high school diploma. An official copy of test scores shall be sent directly to the Maryland GED Testing Office from the test center where the credit was earned.

O. Testing for Individuals Whose High School Records are Unobtainable.

(1) An applicant, high school graduate or non-graduate, whose records are unobtainable, may take the GED Tests and be awarded a diploma without verification of school withdrawal required in §E(1) of this regulation by:

(a) Making a written request to the State GED Administrator; and

(b) Providing evidence that shows attempts made to obtain official verification.

(2) Based on the facts and extenuating circumstances of each case, the State GED Administrator has discretion to grant or deny requests to take the GED Tests without official verification of school withdrawal.

P. Test Security. To protect the security of the tests, the integrity of the testing procedure, and the validity of test scores, the State GED Administrator has authority to invalidate test scores and to require the examinee to retest. Misrepresentation of information on the GED test application form may result in the revocation of the diploma. The chief examiner at each test center has authority to request that a thumbprint of the candidate be taken at the time of testing when, in the chief examiner's judgment, additional verification of the examinee's identity is necessary.

Q. Waivers.

(1) Waivers to this regulation are granted only by the [State Superintendent of Schools] Secretary in exceptional circumstances when it is in the candidate's best interest and in accordance with this section.

(2) Waiver of the 3-Month Waiting Period from Withdrawal to Testing.

(a) A candidate seeking a waiver of the requirement that the student withdraw from school 3 months before taking the GED test shall submit a written request to the [State Superintendent of Schools] Secretary and include:

(i) Written proof of passing scores on the official GED Practice Test;

(ii) The written recommendation of the principal of the school where the candidate is or was enrolled;

(iii) The written recommendation of the local school superintendent, if applicable; and

(iv) A signed release from the candidate authorizing the Department to share results of the GED test with the local school principal and, if the student is attending a public school, the local superintendent.

(b) If the candidate is younger than 18 years old, the candidate's parent or guardian shall:

(i) Provide written approval of the request; and

(ii) Sign a release authorizing the Department to share the test results with the local school principal and, if the student is attending a public school, the local superintendent.

(3) Waivers of the 3-Month Waiting Period for Students with Disabilities. If the candidate seeking a waiver of the 3-month waiting period is a student with a disability who receives special education and related services from a public or nonpublic program, the following additional requirements apply:

(a) The application shall include a copy of the student's current individualized education program indicating:

(i) That preparation for and taking of the GED test is part of the student's transition plan pursuant to COMAR 13A.05.01.09A(3), and

(ii) Any accommodations that the student may need for the GED test;

(b) 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:

(i) That the student will withdraw from school before the GED test date, and

(ii) The date upon which the student will withdraw from school;

(c) The request shall be appended with a release that:

(i) States that the parent has approved the waiver request and understands that receipt of a GED diploma will conclude the student's eligibility for special education and related services,

(ii) Is signed by the student's parent, and

(iii) Is on a form approved by the Department;

(d) Upon receipt of notice from the Department that the candidate has failed to pass the GED test, the local school system shall convene an individualized education program team meeting pursuant to COMAR 13A.05.01.07 —.08 to plan for:

(i) The student's resumption of special education and related services within 90 days of the GED test date; and

(ii) Compensatory services for the period in which the student was withdrawn from school, as appropriate.

(4) Other Waivers. A candidate seeking a waiver of other provisions shall submit a request in writing to the [State Superintendent of Schools] Secretary and include written verification of passing scores on the official GED Practice Test.

(5) The [State Superintendent's] Secretary's decision on a waiver request is final.

R. Diplomas. A Maryland high school diploma will be awarded to all candidates who successfully complete the GED tests. Diplomas will be awarded monthly. The diplomas will be awarded by the State Board, and will bear the signatures of the Board President and the Secretary.

.03 Maryland Adult External High School Program.

A. Program Description.

(1) The Maryland Adult External High School Program is designed to recognize demonstrated competence in adults regardless of whether the skill was acquired in a formal school setting.

(2) Competencies Areas addressed by the assessment are established by the National External Diploma Program.

~~[(a) An applied performance test mechanism is used to measure competencies in the areas of General Life Skills and Individual Skills.~~

~~(b) General Life Skills include:~~

~~(i) Reading;~~

~~(ii) Writing;~~

~~(iii) Math;~~

~~(iv) Health;~~

~~(v) Consumer awareness;~~

~~(vi) Citizenship awareness;~~

~~(vii) Scientific awareness;~~

~~(viii) Self and other awareness;~~

~~(ix) Occupational preparedness.~~

~~(e) Individual Skills include:~~

~~(i) Occupational skills;~~

~~(ii) Advanced academic skills;~~

~~(iii) Artistic skills.]~~

B. Procedures for Administering the Maryland Adult External High School Program and the Issuance of the Diploma.

(1) The Maryland Adult External High School Program is administered under a license agreement with the National Adult External Diploma Program by the [State Department of Education] Department of Labor, Licensing, and Regulation in consultation with the State Board.

(2) Local school systems receiving Department funding to implement Maryland Adult External High School Programs shall operate those programs according to National EDP standards and requirements in addition to provisions identified in annual requests for proposals and requirements determined by the [State Department of Education] Department.

(3) Requirements for the program are described in manuals available at the [State Department of Education, 200 W. Baltimore Street, Baltimore, Maryland 21201] Department of Labor, Licensing, and Regulation, 1100 North Eutaw Street, Baltimore, Maryland 21201. These manuals describe all diagnostic and assessment instruments, administrative procedures, evaluation criteria, eligibility of applicants, time and place of testing, requirements for a diploma, reports of results to candidates.

(4) Eligibility. Residents of Maryland 18 years old or older who are not currently enrolled in a high school, who are not high school graduates, and who pass a screening test, are eligible to register for the program.

(5) Fees for Program Participation. A registration fee shall be charged each individual at the time of entering the program. If a student leaves the program before completion and subsequently elects to register at a later time, a new registration fee shall be charged.

(6) Revision. The required [competencies and the]assessment instruments shall [be reviewed periodically by the [Maryland State Department of Education] Department and the State Board to comply with the most current standards and materials of the National EDP program to assure that they are valid. [and current. All revisions will be placed in the appropriate manuals.]

(7) Diplomas. A Maryland high school diploma will be awarded to all graduates upon certification by the External Diploma Regional Center Director that the program requirements have been satisfactorily met. Diplomas will be awarded monthly. The diplomas will be awarded by the State Board, and will bear the signatures of the Board President and the Secretary.