DIVISION OF WORKFORCE DEVELOPMENT AND ADULT LEARNING
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To: Members of the Education Policy Committee
From: Perketer Tucker, Director, Adult Education & Literacy Services, Maryland Department of Labor
Date: November 18, 2026
Subject: COMAR 09.37.01 Alternative Ways to Earn a High School Diploma (Permission to Publish)

The Maryland Department of Labor (MD Labor) requests that the Maryland State Board of Education consider and approve updates to the Departments' joint regulations pertaining to the High School Equivalency (HSE) examination. Specifically, the proposed updates would modify COMAR 09.37.01.04 and 09.37.01.18 of the regulations governing Alternative Ways to Earn a High School Diploma. The proposed modification is a key change that will provide learners with disabilities in the Department of Juvenile Services (DJS) facilities with direct access to earning a High School Diploma (HSD).

The proposed edit reflects an accessibility practice that will enable eligible learners residing with DJS or similar facilities to earn a High School credential. The proposed update makes the following change:

> **Eligibility**- The update to Applicant Eligibility allows learners who are and receiving special education services within a DJS or similar facility to register for the GED® test without the waiver requirements mandated for learners with disabilities. This allows the learner to maintain services, study for the GED® test and access registration to the GED® test while they are in State custody and participating in a State-run educational program.

MD Labor requests that the State Board grant approval to advance updates to COMAR 09.37.01 Alternative Ways to Earn a High School Diploma. Thank you for your consideration. We are available for any questions.

Attachments: COMAR 09.37.04 and COMAR 09.37.18, Alternative Ways to Earn a High School Diploma

Subtitle 37 WORKFORCE DEVELOPMENT AND ADULT LEARNING

09.37.01 Alternate Ways to Earn a High School Diploma

Authority: Labor and Employment Article, §§ 11-807 and 11-808, Annotated Code of Maryland

.04 Applicant Eligibility.

An applicant is eligible to take the Test if the applicant:

A. Resides in the State of Maryland at the time of testing;

B. Is not subject to compulsory school attendance set by Education Article, § 7-301, Annotated Code of Maryland; and

C. Either:

(1) Meets both of the following requirements:

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

(b) Has been officially withdrawn from a regular full-time public or private school; or

(2) Has obtained a Maryland High School Certificate of Program Completion in accordance with COMAR 13A.03.02.09E; [or]

(3) Is enrolled in a GED Option Program[.]*; or*

(4) Is a student with a disability who receives special education services in a program within the Maryland Department of Juvenile Services, or another similar program, and participates in a GED program authorized by the Secretary and the Maryland State Department of Education.

.18 Waivers.

A. (text unchanged)

B. If the candidate is a student with a disability who receives special education [and related services] from a public or nonpublic program *who does not meet the requirements of COMAR 09.37.01.04C(4)*, the candidate must request a waiver of withdrawal from the Secretary prior to registration which requires that:

(1) —(4) (text unchanged)

C. (text unchanged)

Maryland Department of Labor

Division of Workforce Development and Adult Learning (DWDAL)

Maryland State Department of Education
Policy Subcommittee
November 19, 2026

Maryland
DEPARTMENT OF LABOR

GED® Test in Maryland

GED® Testing in Maryland

- The GED® test is an alternate and acceptable way for an eligible Maryland individual who has not received a high school credential to earn a Maryland High School Diploma jointly issued by MD Labor and MSDE.
- The GED test, offered in English and Spanish, consists of four subjects:
  - Reasoning through Language Arts
  - Mathematics
  - Science
  - Social Studies
- The test is computer-based and is offered Online Proctored or at a test center.
- JSEP is an approved GED testing site at all DJS facilities.

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Subtitle 37 WORKFORCE DEVELOPMENT AND ADULT LEARNING 09.37.01

Alternate Ways to Earn a High School Diploma

Authority: Labor and Employment Article, §§ 11-807 and 11-808, Annotated Code of Maryland

Regulatory Context: COMAR 09.37.01.04

COMAR 09.37.01.04 **Applicant Eligibility**:
An applicant is eligible to take the Test if the applicant:

- A. Resides in the State of Maryland at the time of testing;
- B. Is not subject to compulsory school attendance set by Education Article, § 7-301, Annotated Code of Maryland; and
- C. Either:
    - (1) Meets both of the following requirements:
        - (a) Has not obtained a Maryland High School Diploma, or a high school certificate or, diploma or equivalency issued by another state or non-U.S. or correspondence school; and
        - (b) Has been officially withdrawn from a regular full-time public or private school; or

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Regulatory Context: COMAR 09.37.01.04 (CONTINUED)

(2) Has obtained a Maryland High School Certificate of Program Completion in accordance with COMAR 13A.03.02.09E; [or]

(3) Is enrolled in a GED Option Program[.]; or

(4) Is a student with a disability who receives special education services in a program within the Maryland Department of Juvenile Services, or another similar program, and participates in a GED program authorized by the Secretary and the Maryland State Department of Education.

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Regulatory Context: COMAR 09.37.01.18

COMAR 09.37.01.18 Waivers.

- A. Waivers to the requirements of Regulations .06(A) and .07 of this chapter are granted only by the Secretary or the Secretary's designee in exceptional circumstances if it is in the candidate's best interest and in accordance with testing standards.
- B. If the candidate is a student with a disability who receives special education [and related services] from a public or nonpublic program *who does not meet the requirements of COMAR 09.37.01.04C(4),* the candidate must request a waiver of withdrawal from the Secretary prior to registration which requires that:
- (1) The waiver application to the Secretary or the Secretary's designee shall include a copy of the student's current individualized education program indicating:
- (a) That preparation for and taking of the Test is part of the student's transition plan pursuant to COMAR 13A.05.01.09A(3); and
- (b) Any accommodations that the student may need for the Test;

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Regulatory Context: COMAR 09.37.01.18 (continued 2)

COMAR 09.37.01.18 Waivers.

- (2) 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:
- (a) That the student will withdraw from school before the testing date; and
- (b) The date upon which the student will withdraw from school;
- (3) The request shall be appended with a release that:
- (a) States that the parent has approved the waiver request and understands that receipt of a Maryland High School Diploma will conclude the student's eligibility for special education and related services;
- (b) Is signed by the student's parent; and
- (c) Is on a form approved by the Department; and

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Regulatory Context: COMAR 09.37.01.18 (continued 3)

COMAR 09.37.01.18 Waivers.

- (4) Upon receipt of notice from the Department that the candidate has failed to pass the Test, the local school system shall convene an individualized education program team meeting pursuant to COMAR 13A.05.01.07—.08 to plan for:
- (a) The student's resumption of special education and related services within 90 days of the Test date; and
- (b) Compensatory services for the period in which the student was withdrawn from school, as appropriate.
- C. The decision of the Secretary or the Secretary's designee on a waiver request is final.

(Individuals with documented disabilities may request testing accommodations from the GED Testing Service.)

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Impact of Amendment

Impact of Amendment

- The amendment will allow learners who are receiving special education services within DJS facilities who are preparing for the GED® test to register for the test without the waiver requirements mandated for learners with disabilities and allow the students to maintain those services.
- The amendment will allow students with disabilities in the JSEP program—or any other similar programs approved by MD Labor and MSDE—to take the GED test with their non-disabled peers while still preserving protection of services for the students.

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Integrated Coursework

- JSEP students participate in credit-bearing, integrated coursework that is transferable to their local home school.
- Students who are preparing for the GED test remain in their credit-bearing, secondary coursework while preparing for the GED® test.
- To be eligible to participate in JSEP GED prep, students must be: over aged and under credited, passing the GED practice test, multidisciplinary team approval.
- JSEP IEP meeting held where parents informed that passing the GED test terminates special education services. Parents must provide consent. IEPs remain aligned to IDEA.

JSEP Student Data & GED® Exam Outcomes

FY24 – FY25 PERFORMANCE (STUDENTS WITH IEPS)

JSEP IEP Learners Outpace State Pass Rate

79% JSEP IEP battery pass rate vs. **70% statewide pass rate**

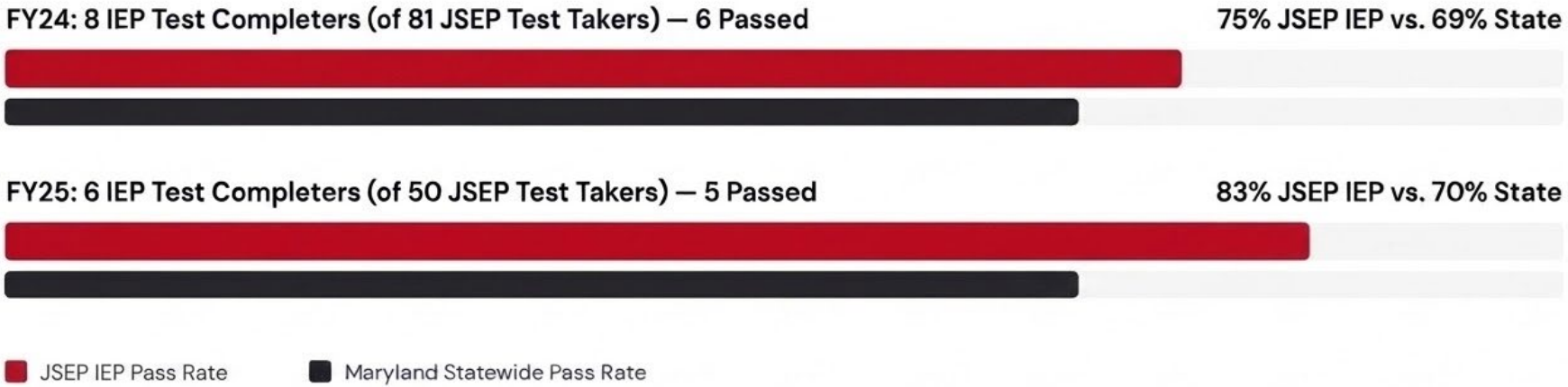
34
IEP students completed ≥1 test

14
Completed full 4-test battery

11
Earned Maryland High School Diploma

JSEP ANNUAL TESTING BREAKDOWN

FY24 & FY25 Participation & Pass Rates



PROPOSED CHANGE BENEFIT

Removing the Withdrawal Waiver for JSEP Students with Disabilities

Waiver Exemption
Eliminates withdrawal waiver mandate for DJS students with disabilities.

Protected Services
Maintains active IEP entitlements during GED® prep and testing.

Individual Education
Supports services aligned to their secondary and post-secondary goals.

Questions?