

# HOUSE BILL 705

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By: Delegates Vogt, Angel, D. Barnes, Beitzel, Bromwell, Brooks, Buckel, Carozza, Ebersole, Folden, Frick, Grammer, Hettleman, Hixson, Hornberger, Jackson, Kipke, Kittleman, Knotts, McComas, McKay, Proctor, Rose, Szeliga, Vallario, C. Wilson, and K. Young

Introduced and read first time: February 2, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – PARCC Testing – Children With Disabilities**  
3 **(Ben’s Rule)**

4 FOR the purpose of authorizing a parent or guardian of a child with a disability who is  
5 nonverbal to refuse to allow the child to participate in a Partnership for Assessment  
6 of Readiness for College and Careers (PARCC) assessment or its equivalent in a  
7 public school; requiring documentation in the Individualized Education Program of  
8 a certain child of a certain refusal to participate in a PARCC assessment or its  
9 equivalent; defining a certain term; and generally relating to assessments of  
10 students in public schools.

11 BY repealing and reenacting, with amendments,  
12 Article – Education  
13 Section 7–203  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2016 Supplement)

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

18 **Article – Education**

19 7–203.

20 (a) The State Board, the State Superintendent, each county board, and each  
21 public school shall implement a program of education accountability for the operation and  
22 management of the public schools.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) In this subsection, “grade band assessment” means one assessment of  
2 a middle school student’s knowledge in a core academic subject area during grades 6  
3 through 8.

4 (2) The education accountability program shall include the following:

5 (i) The State Board and the State Superintendent shall assist each  
6 county board to establish educational goals and objectives that conform with statewide  
7 educational objectives for subject areas including reading, writing, mathematics, science,  
8 and social studies;

9 (ii) With the assistance of its county board, each public school shall  
10 survey current student achievement in reading, language, mathematics, science, social  
11 studies, and other areas to assess its needs;

12 (iii) 1. The State Board and the State Superintendent shall  
13 implement assessment programs in reading, language, mathematics, science, and social  
14 studies that include written responses;

15 2. The assessment program required in this subsection shall:

16 A. Provide information needed to improve public schools by  
17 enhancing the learning gains of students and academic mastery of the skills and knowledge  
18 set forth in the State’s adopted curricula or common core curricula;

19 B. Inform the public annually of the educational progress  
20 made at the school, local school system, and State levels; and

21 C. Provide timely feedback to schools and teachers for the  
22 purposes of adapting the instructional program and making placement decisions for  
23 students; and

24 3. Beginning in the 2014–2015 school year, the following  
25 assessments shall be implemented and administered annually:

26 A. At the middle school level, a statewide, comprehensive,  
27 grade band assessment program that measures the learning gains of each public school  
28 student towards achieving mastery of the standards set forth in the common core curricula  
29 or the State’s adopted curricula for the core content areas of reading, language,  
30 mathematics, science, and social studies; and

31 B. At the high school level, a statewide, standardized,  
32 end-of-course assessment that is aligned with and that measures each public school  
33 student’s skills and knowledge of the State’s adopted curricula for the core content areas of  
34 reading, language, mathematics, science, and social studies;

1 (iv) Each public school shall establish as the basis for its assessment  
2 of its needs, project goals and objectives that are in keeping with the goals and objectives  
3 established by its county board and the State Board;

4 (v) With the assistance of its county board, the State Board, and the  
5 State Superintendent, each public school shall develop programs to meet its needs on the  
6 basis of the priorities it sets;

7 (vi) Evaluation programs shall be developed at the same time to  
8 determine if the goals and objectives are being met; and

9 (vii) A reevaluation of programs, goals, and objectives shall be  
10 undertaken regularly.

11 (3) (i) After the 2014–2015 school year, the State Board shall determine  
12 whether the assessments at the middle school and high school levels required under  
13 paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth  
14 in the State’s adopted curricula for the core content areas of reading, language,  
15 mathematics, science, and social studies.

16 (ii) If the State Board makes a determination under subparagraph  
17 (i) of this paragraph that an assessment does not adequately measure the skills and  
18 knowledge set forth in the State’s adopted curricula for a core content area, the Department  
19 shall develop a State-specific assessment in that core content area to be implemented in  
20 the 2018–2019 school year.

21 **(C) (1) IN THIS SUBSECTION, “CHILD WITH A DISABILITY” HAS THE**  
22 **MEANING STATED IN § 8–401 OF THIS ARTICLE.**

23 **(2) A PARENT OR GUARDIAN OF A CHILD WITH A DISABILITY WHO IS**  
24 **NONVERBAL MAY REFUSE TO ALLOW THE CHILD TO PARTICIPATE IN A**  
25 **PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS**  
26 **(PARCC) ASSESSMENT OR ITS EQUIVALENT ADMINISTERED UNDER THIS SECTION.**

27 **(3) IF A PARENT OR GUARDIAN OF A CHILD REFUSES TO ALLOW THE**  
28 **CHILD TO PARTICIPATE IN A PARCC ASSESSMENT OR ITS EQUIVALENT**  
29 **ADMINISTERED UNDER THIS SECTION, THE REFUSAL SHALL BE DOCUMENTED IN**  
30 **THE INDIVIDUALIZED EDUCATION PROGRAM OF THE CHILD REQUIRED UNDER §**  
31 **8–405 OF THIS ARTICLE.**

32 **[(c)] (D)** National standardized testing may not be the only measure for  
33 evaluating educational accountability.

34 **[(d)] (E)** The Department shall assist each county board to establish an  
35 education accountability program by providing:

1 (1) Guidelines for development and implementation of the program by the  
2 county boards; and

3 (2) Assistance and coordination where it is needed and requested by the  
4 county boards.

5 **[(e)] (F)** (1) The Department shall survey a statewide, representative sample  
6 of public schools and public school teachers annually to measure:

7 (i) The amount of instructional time spent on social studies and  
8 science instruction in elementary schools;

9 (ii) The availability and use of appropriate instructional resources  
10 and teaching technology in social studies and science classrooms;

11 (iii) The availability and use of appropriate professional development  
12 for social studies and science teachers; and

13 (iv) The number of secondary school social studies and science classes  
14 that are taught by teachers who are:

15 1. Certified in the subject being taught; and

16 2. Not certified in the subject being taught.

17 (2) The Department shall:

18 (i) Compile the results of the survey conducted under paragraph (1)  
19 of this subsection; and

20 (ii) Publish the results on the Department's Web site.

21 **[(f)] (G)** The State Superintendent shall send the Governor and, subject to §  
22 2–1246 of the State Government Article, the General Assembly a report each January that  
23 includes:

24 (1) Documentation of the progress of the Department, the county boards,  
25 and each public school in this State towards their respective goals and objectives; and

26 (2) Recommendations for legislation that the State Board and the State  
27 Superintendent consider necessary to improve the quality of education in this State.

28 **[(g)] (H)** On the recommendation of the State Superintendent, the State Board  
29 shall include in its annual budget request the funds it considers necessary to carry out the  
30 provisions of this section.

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