

# HOUSE BILL 366

F1

8lr0864  
CF 8lr0865

---

By: **Delegates Vogt, Hornberger, Patterson, and K. Young**

Introduced and read first time: January 24, 2018

Assigned to: Ways and Means

---

## 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 certain terms; and generally relating to assessments of students  
10 in public schools.

11 BY renumbering  
12 Article – Education  
13 Section 7–203(c) through (h), respectively  
14 to be Section 7–203(d) through (i), respectively  
15 Annotated Code of Maryland  
16 (2014 Replacement Volume and 2017 Supplement)

17 BY adding to  
18 Article – Education  
19 Section 7–203(c)  
20 Annotated Code of Maryland  
21 (2014 Replacement Volume and 2017 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That Section(s) 7–203(c) through (h), respectively, of Article – Education of the Annotated  
24 Code of Maryland be renumbered to be Section(s) 7–203(d) through (i), respectively.

25 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read  
26 as follows:

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



## Article – Education

1  
2 7–203.

3 (C) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE  
4 MEANINGS INDICATED.

5 (II) “CHILD WITH A DISABILITY” HAS THE MEANING STATED IN  
6 § 8–401 OF THIS ARTICLE.

7 (III) “NONVERBAL” MEANS LACKING COMMUNICATIVE  
8 COMPETENCE.

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

13 (3) IF A PARENT OR GUARDIAN OF A CHILD REFUSES TO ALLOW THE  
14 CHILD TO PARTICIPATE IN A PARCC ASSESSMENT OR ITS EQUIVALENT  
15 ADMINISTERED UNDER THIS SECTION, THE REFUSAL SHALL BE DOCUMENTED IN  
16 THE INDIVIDUALIZED EDUCATION PROGRAM OF THE CHILD REQUIRED UNDER §  
17 8–405 OF THIS ARTICLE.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
19 1, 2018.