

HOUSE BILL 162

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HB 404/97 - W&M

1998 Regular Session  
8lr0843

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By: **Delegates Greenip, Baldwin, Beck, Brinkley, M. Burns, Ciliberti,  
Faulkner, Getty, Jacobs, Morgan, Schade, Stocksdale, Stull, Kittleman,  
Mossburg, Rzepkowski, O'Donnell, Ports, and Snodgrass**

Introduced and read first time: January 21, 1998

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Replacement of Maryland Criterion-Referenced Tests**

3 FOR the purpose of establishing the use of certain tests to set the standard for the  
4 minimum required reading level of children in the public schools; eliminating  
5 the use of the Maryland Criterion-Referenced Tests as a measure of student  
6 performance for evaluating educational accountability; and generally relating to  
7 education.

8 BY repealing and reenacting, with amendments,  
9 Article - Education  
10 Section 7-202 and 7-203  
11 Annotated Code of Maryland  
12 (1997 Replacement Volume and 1997 Supplement)

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

15 **Article - Education**

16 7-202.

17 (a) (1) The State Board shall require a minimum level of reading ability for  
18 each grade 2 through 12 that rises for each succeeding grade.

19 (2) THE STANDARD FOR THE MINIMUM READING LEVEL SHALL BE THAT  
20 OF A NATIONAL STANDARDIZED ACADEMIC ACHIEVEMENT TEST.

21 (b) If a county board, based on local assessment of student progress and in  
22 conjunction with the Maryland education accountability program, finds that a  
23 student in grade 3, 7, or 9 through 11 who is not moderately, severely, or profoundly  
24 intellectually limited has not met either a minimum grade level competency or the  
25 minimum reading level as required by the State Board for the previous grade, the  
26 student shall be:

- 1 (1) Kept in the current grade; or
- 2 (2) Enrolled in an appropriate reading assistance program as part of his  
3 instructional program.

4 (c) The provisions of this section may not be the sole reason for withholding  
5 grade advancement more than once in grades 2 through 7.

6 (d) The State Board shall adopt bylaws to implement this section.

7 7-203.

8 (A) IN THIS SECTION, "NATIONAL STANDARDIZED TESTS" DOES NOT INCLUDE  
9 THE MARYLAND CRITERION-REFERENCED TESTS.

10 [(a)] (B) The State Board, the State Superintendent, each county board, and  
11 each public school shall implement a program of education accountability for the  
12 operation and management of the public schools.

13 [(b)] (C) The education accountability program shall include the following:

14 (1) The State Board and the State Superintendent shall assist each  
15 county board to establish educational goals and objectives that conform with  
16 statewide educational objectives for subject areas including reading, writing, and  
17 mathematics;

18 (2) With the assistance of its county board, each public school shall  
19 survey current student achievement in reading, language, mathematics, and other  
20 areas to assess its needs;

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

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

27 (5) Evaluation programs shall be developed at the same time to  
28 determine if the goals and objectives are being met; and

29 (6) A reevaluation of programs, goals, and objectives shall be undertaken  
30 regularly.

31 [(c)] (D) National standardized [testing] TESTS [may not] SHALL be the only  
32 TESTS USED TO measure STUDENT PERFORMANCE for evaluating educational  
33 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  
2 the county boards; and

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

5     [(e)] (F) The State Superintendent shall send the Governor and, subject to §  
6 2-1246 of the State Government Article, the General Assembly a report each January  
7 that includes:

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

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

12     [(f)] (G)     On the recommendation of the State Superintendent, the State Board  
13 shall include in its annual budget request the funds it considers necessary to carry  
14 out the provisions of this section.

15     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take  
16 effect October 1, 1998.