
By: **Delegates Owings, O'Donnell, Boschert, Costa, Dwyer, and Sossi**
Introduced and read first time: February 6, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Evaluation and Graduation**

3 FOR the purpose of requiring the State Board of Education to make certain
4 information available under certain circumstances; requiring the State Board to
5 administer only certain tests; requiring each county board of education to
6 develop and implement certain tests and assessments; requiring the State
7 Board to provide a certain test to a certain individual under certain
8 circumstances; prohibiting the State Board from requiring a certain parent or
9 legal guardian to sign a certain document; prohibiting the State Board, certain
10 county boards, and certain public schools from recording certain scores on a
11 certain transcript or record card and from using certain scores for certain
12 purposes; prohibiting the State Board from requiring passage of certain tests in
13 order to obtain a certain diploma or certificate; and generally relating to the
14 evaluation and graduation of public school students.

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 7-204 and 7-205
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

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

22 **Article - Education**

23 7-204.

24 (a) (1) In this section the following words have the meanings indicated.

25 (2) "Criterion-referenced test" means a measuring instrument that
26 meets common standards or criteria including validity, reliability, objectivity,
27 efficiency, and usefulness.

28 (3) "Measurement" means a procedure for determining quantity.

- 1 (4) "Standardized test" means a measuring instrument that:
- 2 (i) Is designed to measure important common outcomes of
3 representative courses of study;
- 4 (ii) Is administered according to specific detailed directions
5 prescribed in a manual;
- 6 (iii) Is scored by an objective procedure;
- 7 (iv) Provides norms for comparison of individual scores with
8 representative group scores; and
- 9 (v) Provides information needed for judging the value of the test.
- 10 (5) "Test" means a method, technique, or instrument that measures the
11 amount, status, or level of progress achieved toward an instructional objective.
- 12 (6) "Test objectivity" means a set of conditions leading to standard
13 procedure and interpretation, and the elimination of all elements of personal bias.
- 14 (7) "Test reliability" means the consistency with which a test can be
15 trusted to give the same or similar scores or descriptions of behaviors at different
16 times.
- 17 (8) "Test validity" means the extent to which an appraisal technique
18 actually measures the element it is designed to measure.
- 19 (b) (1) The State Board shall conduct a comprehensive, in-depth
20 assessment of State mandated testing and measurement programs.
- 21 (2) The assessment shall include for each State mandated testing or
22 measurement program an evaluation of:
- 23 (i) Costs of materials for administering the testing and
24 measurement programs;
- 25 (ii) The efficiency and effectiveness of the testing and measurement
26 programs;
- 27 (iii) Administrative procedures and costs associated with the testing
28 and measurement programs;
- 29 (iv) Allocation of time devoted to testing and measurement; and
- 30 (v) Methods for scoring and utilization of test results.
- 31 (3) The assessment shall include an analysis of the validity, reliability,
32 and objectivity of all testing and measurement instruments including:
- 33 (i) Standardized tests;

- 1 (ii) Criterion-referenced tests; and
- 2 (iii) The functional testing program established under § 7-203 of
3 this subtitle.

4 (c) (1) For any test instrument authorized for use in a State mandated
5 testing and measurement program, the Board shall recommend procedures and
6 standards for determining test validity, test reliability, and test objectivity.

7 (2) On or before December 1, 1992, the Board shall make a report of its
8 findings and recommendations to the Governor, and in accordance with § 2-1246 of
9 the State Government Article, to the General Assembly.

10 (D) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE STATE BOARD
11 SHALL MAKE AVAILABLE, ON REQUEST:

12 (1) ALL ADMINISTERED TESTS AND TEST QUESTIONS WITHIN 3 WEEKS
13 OF THE ADMINISTRATION OF THE TEST;

14 (2) INFORMATION REGARDING THE PROCESS OF TEST CONSTRUCTION;

15 (3) INFORMATION REGARDING TEST VALIDITY, RELIABILITY, AND
16 OBJECTIVITY, AS DETERMINED UNDER SUBSECTION (C) OF THIS SECTION; AND

17 (4) INFORMATION REGARDING SCORING OF THE TEST INCLUDING THE
18 WEIGHTING, SCALING, AND DETERMINATION OF CUT SCORES.

19 (E) THE STATE BOARD SHALL ADMINISTER:

20 (1) ONLY MULTIPLE CHOICE TESTS; AND

21 (2) A DIFFERENT TEST EACH YEAR.

22 (F) EACH COUNTY BOARD SHALL DEVELOP AND IMPLEMENT WRITTEN TESTS
23 AND ASSESSMENTS TO BE ADMINISTERED AT THE LOCAL LEVEL.

24 (G) (1) THE STATE BOARD SHALL PROVIDE A COPY OF THE TEST AND A
25 STUDENT'S SCORED TEST TO AN INDIVIDUAL WHO SUBMITS TO THE STATE BOARD:

26 (I) A WRITTEN REQUEST; AND

27 (II) AN AFFIDAVIT ATTESTING THAT THE INDIVIDUAL IS THE
28 STUDENT'S PARENT OR LEGAL GUARDIAN OR OTHER PROOF OF PARENTAGE
29 AUTHORIZED BY THE STATE BOARD.

30 (2) THE STATE BOARD MAY NOT REQUIRE A PARENT OR LEGAL
31 GUARDIAN WHO REQUESTS A COPY OF THE TEST OR A STUDENT'S SCORED TEST IN
32 ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION TO SIGN A
33 NONDISCLOSURE DOCUMENT REGARDING THE TEST.

34 (H) THE STATE BOARD, A COUNTY BOARD, OR A PUBLIC SCHOOL MAY NOT:

1 (1) RECORD A STUDENT'S TEST SCORES ON A STUDENT'S TRANSCRIPT
2 OR RECORD CARD; OR

3 (2) USE A STUDENT'S TEST SCORES FOR THE EVALUATION,
4 ASSESSMENT, OR MEASUREMENT OF ATTITUDES, VALUES, OR BELIEFS OF STUDENTS
5 FOR RESEARCH PURPOSES.

6 7-205.

7 (a) The promotion of students in a public school and graduation from a public
8 high school shall be in accordance with:

9 (1) Policies established by the county board; and

10 (2) The rules and regulations of the State Board.

11 (B) THE STATE BOARD MAY NOT REQUIRE PASSAGE OF A TEST UNDER § 7-204
12 OF THIS TITLE IN ORDER TO OBTAIN A DIPLOMA OR CERTIFICATE UNDER THIS
13 SECTION.

14 [(b)] (C) (1) Each student who graduates from a public high school shall
15 receive the same type of diploma or certificate, regardless of the high school attended
16 or the course taken.

17 (2) The diploma or certificate shall state that the student has completed
18 a program of studies satisfactorily in accordance with the requirements of the State
19 Board.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2004.