

HOUSE BILL 1204

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HB 1141/15 – HRU

6lr0986

By: **Delegates Vogt, Anderton, Arentz, Aumann, Buckel, Carozza, Carter, Folden, Ghrist, Glass, Grammer, Hornberger, Jacobs, Jalisi, Kittleman, Malone, McComas, McKay, Metzgar, Miele, Morgan, Otto, Reilly, Rose, Shoemaker, Sophocleus, C. Wilson, and K. Young**

Introduced and read first time: February 12, 2016

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of exempting a child with a disability from being given a Partnership for
5 Assessment of Readiness for College and Careers (PARCC) assessment or its
6 equivalent in a public school; making a certain exception; defining a certain term;
7 and generally relating to assessments of students in public schools.

8 BY repealing and reenacting, with amendments,
9 Article – Education
10 Section 7–203
11 Annotated Code of Maryland
12 (2014 Replacement Volume and 2015 Supplement)

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

15 **Article – Education**

16 7–203.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

18 C. Provide timely feedback to schools and teachers for the
19 purposes of adapting the instructional program and making placement decisions for
20 students; and

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

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

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

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

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

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

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

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

13 (ii) If the State Board makes a determination under subparagraph
14 (i) of this paragraph that an assessment does not adequately measure the skills and
15 knowledge set forth in the State’s adopted curricula for a core content area, the Department
16 shall develop a State–specific assessment in that core content area to be implemented in
17 the 2016–2017 school year.

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

20 **(2) A CHILD WITH A DISABILITY SHALL BE EXEMPT FROM A**
21 **PARTNERSHIP FOR ASSESSMENT OF READINESS FOR COLLEGE AND CAREERS**
22 **(PARCC) ASSESSMENT OR ITS EQUIVALENT ADMINISTERED UNDER THIS SECTION,**
23 **EXCEPT:**

24 **(I) IF A PARENT OR GUARDIAN OF THE CHILD AND THE**
25 **ADMINISTRATION OF THE SCHOOL THAT THE CHILD ATTENDS HAVE AGREED THAT**
26 **THE CHILD MAY BE GIVEN A PARTNERSHIP FOR THE ASSESSMENT OF READINESS**
27 **FOR COLLEGE AND CAREERS (PARCC) ASSESSMENT OR ITS EQUIVALENT**
28 **ADMINISTERED UNDER THIS SECTION; AND**

29 **(II) THE AGREEMENT SPECIFIED IN ITEM (I) OF THIS**
30 **PARAGRAPH HAS BEEN DOCUMENTED IN THE INDIVIDUALIZED EDUCATION**
31 **PROGRAM OF THE CHILD REQUIRED UNDER § 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, 2016.