The Anne Arundel County Board of Education OPPOSES House Bill 705 - PARCC Testing - Children With Disabilities (Ben's Rule). This bill would authorize the parent of a child with a disability who is nonverbal to refuse to allow the child to participate in a Partnership for Assessment of Readiness for College and Careers (PARCC) assessment or its equivalent. The refusal of the parent would have to be documented in the Individualized Education Program (IEP) of the child.

Local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction to meet the unique needs of every disabled student. Maryland’s professional educators and school administrators are working within a very comprehensive federal and state legal and educational framework to serve special education students. Similarly, the State Board of Education and the local boards of education have been delegated the responsibility for the development of curriculum and student assessments. Accordingly, the authority to establish curriculum and assessments is under the domain of the State Board of Education and the local boards of education.

The PARCC assessment provides performance level data which provides schools key information a student’s strengths and weaknesses. By allowing parents to refuse the PARCC assessment, many students would not be assessed. The educational needs of special education students would not be calculated to inform the instruction and curriculum decisions of the school and special education professionals. Students with disabilities can and should be given the appropriate accommodations to take the PARCC assessment, but simply authorizing the parents of students with disabilities to refuse to allow their child to take the assessment creates a disservice to special education their students.

The Anne Arundel County Board of Education opposes efforts such as House Bill 705 which seek to legislate curriculum and assessments. We support local decision-making authority in developing curriculum and assessments, in conjunction with the State Board of Education, as these entities are charged with the responsibility to research, investigate, and evaluate curriculum and assessments, and are ultimately accountable for student performance. At the same time, compliance with federal laws and regulations, which require that all students be assessed, including those with disabilities, is a principal concern. This bill is inconsistent with these federal requirements.

Accordingly, the Anne Arundel County Board of Education respectfully requests an UNFAVORABLE committee report on House Bill 705.