

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1157
Ways and Means

(Delegate Grammer)

Education - Student Grades - Purposeful Misrepresentation

This bill prohibits a person from altering a grade of a student to purposefully misrepresent the student's performance, knowledge, or achievement in a course. The bill applies to a grade received by a student in a public primary or secondary school or a private noncollegiate educational institution. A teacher or other instructor may award extra credit. A violator is guilty of a misdemeanor and subject to imprisonment for up to one year. **The bill takes effect July 1, 2020.**

Fiscal Summary

State Effect: Potential minimal increase in general fund expenditures due to the bill's penalty provisions.

Local Effect: Local school system expenditures are not affected. Potential minimal increase in expenditures due to the bill's penalty provision.

Small Business Effect: None.

Analysis

Bill Summary: A "grade" is defined as (1) a numerical or alphabetical representation or scoring of student performance, knowledge, or achievement in a course and (2) a record of whether a student satisfactorily completed a course.

Current Law: According to regulations effective December 2018, each local school system must develop a written policy on grading and reporting that complies with the specified student record requirements and that includes:

- an explanation of the grading scale at the elementary and secondary levels;
- an explanation of the calculation of the final grade for a course;
- an explanation of weights of honors, Advanced Placement, International Baccalaureate, and/or dual enrollment courses;
- an explanation of how attendance factors into a student's grade; and
- an explanation of grade changing procedures.

The grade changing procedures must include a timeline for final grade changes that cannot exceed 45 school days following the last day of the grading period. For a change of grade for the fourth marking period, the timeline would begin on the first day of school in the new school year. The policy must also include the names of personnel at the school and central office level authorized to make final grade changes.

At a minimum, documentation of the following must be maintained to support final grade changes: the name of the teacher requesting a grade change, the reason for the grade change, signature of the person approving the grade change, the reason for the approval, the date of the approval, and the signature of the principal.

The policy must include how and when the school system will audit the validity of the grade changes each year and appeal procedures.

On October 1 of each school year, each local school system must (1) file its policy on grading and reporting with the State Superintendent of Schools and (2) submit a copy of the grade change validity audit as specified. Upon submission, the Maryland State Department of Education (MSDE) will verify that the local school system has met the requirements of the regulation and direct the local school system to develop a correction action plan to bring it into compliance with this regulation and monitor the school systems progress in completing its corrective action.

Background: In recent years, there have been several “grade fixing” scandals in the State including one in Baltimore City Public Schools (BCPS) and one in Prince George’s County Public Schools (PGCPS).

For the BCPS scandal, in late 2017, Fox45 sued BCPS when it refused to release an internal grade changing investigation sparked by a series of Project Baltimore reports. According to [Fox45](#), the report that was finally released noted (1) 386 grade change entries at one school during the 2016-2017 school year; (2) 10 of the 13 teachers interviewed said their grades were changed without their knowledge or consent; and (3) “misconduct and neglect of duty for improper grade changes” against an individual whose identity was redacted.

Also in 2017, PGCPS had complaints related to grade manipulation for the purpose of increasing graduation rates. The Chief Executive Officer of the Prince George's County Public School System requested that MSDE investigate the claims.

An [audit](#) by an independent outside auditor categorized its findings into four major categories. The report found that (1) the school system's governance structure had performance gaps; (2) staff did not consistently adhere to policies and procedures related to grading and graduation certification; (3) school-level recordkeeping related to grading and graduation certification was poor; and (4) irregularities in grade changes were identified.

Additional Comments: The bill also applies to private schools. Private schools have to receive a certificate of approval to operate from MSDE, but the schools set their own grading policies.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland State Department of Education; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Fox45; Department of Legislative Services

Fiscal Note History: First Reader - February 26, 2020
af/rhh

Analysis by: Caroline L. Boice

Direct Inquiries to:
(410) 946-5510
(301) 970-5510