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**TO:** Members of the State Board of Education

**FROM:** Karen B. Salmon, Ph.D.

**DATE:** June 28, 2016

**SUBJECT:** CH 421/Commission on Assessments Update

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**PURPOSE:**

The purpose of this agenda item is to provide information and an update on the Commission on Assessments.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

Maryland's House Bill 452 was signed into law on May 12, 2015 and became effective June 1, 2015. In 2015, the Maryland General Assembly established the Commission to Review Maryland's Use of Assessments and Testing in Public Schools to make recommendations on how local school systems and the State can improve the process in which local, state, and federally mandated assessments are administered and used to inform instruction. In formulating its recommendations, the Commission was charged with reviewing, surveying, and analyzing a variety of issues related to assessments.

In addition to the work of the Commission, the Maryland State Department of Education (MSDE) was required by the same legislation to:

- survey and assess how much time is spent in each grade and in each local school system on administering local, State, and federally mandated assessments; and
- compile the results of the survey into documents that are consistent across local school systems and grade levels.

The survey, conducted in the summer of 2015, contained a matrix of each federal, state and locally mandated assessment administered in each of the 24 Maryland school systems. The survey included the information required by the legislation for each assessment. MSDE submitted these documents to the Governor, the General Assembly, the State Board of Education, each local board of education, and other stakeholders on August 31, 2015. The State Board, local boards, and four stakeholder groups reviewed and commented on the results of the

survey. These documents became the foundation of the Commission’s work and can be found at <http://msde.maryland.gov/commissiononassessments/index.html>.

The Commission on Assessments Legislation Timeline per House Bill 452/Chapter 421 is outlined below:

<b>August 31, 2015</b>	<b>November 30, 2015</b>	<b>December 15, 2015</b>	<b>December 15, 2015</b>
<ul style="list-style-type: none"> <li>MSDE submits Assessment Survey</li> <li>Survey to include matrix and narrative</li> </ul>	<ul style="list-style-type: none"> <li>Local Board to review and consider MSDE survey</li> <li>Make comments and recommendation on Survey</li> </ul>	<ul style="list-style-type: none"> <li>State Board to review and consider Survey</li> <li>Make comments and recommendations on Survey</li> </ul>	<ul style="list-style-type: none"> <li>State Board to submit compilation to General Assembly</li> </ul>

<b>July 1, 2016</b>	<b>September 1, 2016</b>	<b>October 1, 2016</b>	<b>October 1, 2016</b>
<ul style="list-style-type: none"> <li>Commission reports on findings and recommendations to:</li> <li>State Board</li> <li>Local Board</li> <li>General Assembly</li> </ul>	<ul style="list-style-type: none"> <li>Local Board to:</li> <li>Review and consider findings and recommendation</li> <li>Make comments on whether they accept or reject</li> </ul>	<ul style="list-style-type: none"> <li>State Board to:</li> <li>Review and consider findings and recommendation</li> <li>Make comments on whether they accept or reject</li> </ul>	<ul style="list-style-type: none"> <li>State Board to submit compilation to Governor and General Assembly</li> </ul>

**EXECUTIVE SUMMARY:**

Upcoming dates of significance to the State Board include that on or before July 1, 2016, the Commission shall report its findings and recommendations to the State Board of Education, each county board of education, and the General Assembly in accordance with §2-1246 of the State Government Article.

On or before September 1, 2016, each county board of education shall review and consider the Commission’s findings and recommendations; and make comments and recommendations related to whether they accept or reject the Commission’s findings and recommendations to the State Board; and make comments and recommendations available to the public on request.

On or before October 1, 2016, the State Board shall review and consider the Commission's findings and recommendations; make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations; and submit a compilation to the Governor and, in accordance with §2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Committee on Ways and Means of their comments and recommendations and the comments and recommendations of each county board of education.

At the September 27, 2016 State Board meeting, the Board will be asked to review the summary of Local Boards' findings on the Commission's report and make recommendations in order to meet the October 1, 2016 deadline.

**ACTION:**

For information only.

**ADDITIONAL RESOURCES:**

[Commission on Assessments Website](#)

Attachment

# HOUSE BILL 452

F1

(5lr1712)

## ENROLLED BILL

— *Ways and Means / Education, Health, and Environmental Affairs* —

Introduced by **Delegates Ebersole, Afzali, Atterbeary, Barkley, Cassilly, Cullison, Davis, Fraser-Hidalgo, Hill, Hixson, Hornberger, C. Howard, Jalisi, Kaiser, Kelly, Kipke, Krimm, Lafferty, Lam, Lisanti, Luedtke, McComas, McCray, McDonough, Metzgar, Moon, Oaks, Pendergrass, Platt, Reilly, Reznik, Shoemaker, Sydnor, Szeliga, Tarlau, Turner, Waldstreicher, A. Washington, and M. Washington**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
Speaker.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Commission to Review Maryland's Use of Assessments and Testing in Public**  
3 **Schools**

4 FOR the purpose of establishing the Commission to Review Maryland's Use of Assessments  
5 and Testing in Public Schools; providing for the composition, chair, and staffing of  
6 the Commission; prohibiting a member of the Commission from receiving certain  
7 compensation, but authorizing the reimbursement of certain expenses; requiring the  
8 Commission to survey, assess, review, and make recommendations regarding certain  
9 matters; requiring the Commission to report its findings and recommendations to  
10 the State Board of Education ~~and~~, certain county boards of education, and the

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 *General Assembly*, on or before a certain date; requiring the State Board and certain  
 2 county boards to review and consider the Commission's findings and make certain  
 3 comments or recommendations on or before a certain date; requiring the State  
 4 Department of Education to survey, review, and assess certain data relating to local,  
 5 State, and federally mandated assessments; requiring the Department to report  
 6 certain findings and recommendations results to the State Board of Education, each  
 7 county board of education, certain educational organizations, and certain legislative  
 8 committees on or before a certain date; requiring each county board and certain  
 9 educational institutions to review and consider certain findings and  
 10 recommendations results and make certain comments on or before a certain date;  
 11 requiring the State Board to review and consider certain findings and  
 12 recommendations results, make certain comments, and submit a certain compilation;  
 13 requiring certain county boards to make certain comments and recommendations  
 14 available to the public on request; requiring the State Board to submit a certain  
 15 compilation to the General Assembly on or before a certain date; providing for the  
 16 termination of this Act; and generally relating to the Commission to Review  
 17 Maryland's Use of Assessments and Testing in Public Schools.

18 Preamble

19 WHEREAS, Maryland has been recognized nationally for its leadership in education;  
 20 and

21 WHEREAS, It is of crucial importance to assess children so that local school systems  
 22 and states can gain formative information on student achievement levels and how students  
 23 compare to other students locally, statewide, and nationwide; and

24 WHEREAS, Because of Maryland's nationally recognized success in education, we  
 25 can play an integral part in both the State's and the nation's efforts in developing greater  
 26 efficiency and efficacy around administering local, State, and federally mandated  
 27 assessments; and

28 WHEREAS, While assessing children is necessary to continue to make educational  
 29 gains, there is a need to examine the interplay between and the possible duplication of local,  
 30 State, and federally mandated assessments; and

31 WHEREAS, All assessments administered to children should have instructional  
 32 value and a stated purpose; now, therefore,

33 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 34 That:

35 (a) (1) In this section, "assessment" means a local, State, or federally  
 36 mandated test that is intended to measure a student's academic readiness, learning  
 37 progress, and skill acquisition.

38 (2) "Assessment" does not include a teacher-developed quiz or test.

1 (b) There is a Commission to Review Maryland's Use of Assessments and Testing  
2 in Public Schools.

3 (c) The Commission consists of the following members:

4 (1) two members of the Senate of Maryland, appointed by the President of  
5 the Senate;

6 (2) two members of the House of Delegates, appointed by the Speaker of  
7 the House;

8 (3) the State Superintendent of Schools, or the Superintendent's designee;

9 (4) the Governor, or the Governor's designee;

10 (5) one member of the State Board of Education, appointed by the  
11 President of the State Board; and

12 (6) the following members, appointed by the Governor:

13 (i) one representative of the Maryland State Education Association;

14 (ii) one representative of the Baltimore Teachers Union;

15 (iii) one representative of a local education association;

16 (iv) one county school board member;

17 (v) two county superintendents, at least one of whom is from a local  
18 school system with over 120,000 students;

19 (vi) one principal of a public school;

20 (vii) one National Board Certified teacher who teaches in the State;

21 (viii) two parents of children who attend a public school in the State  
22 who:

23 1. are active in the local school system; and

24 2. have a background in education policy; and

25 (ix) two nationally recognized education experts in the field of  
26 student assessment, at least one of whom specializes in duplicative testing.

27 (d) The Governor shall designate the chair of the Commission.

1 (e) The State Department of Education shall provide staff for the Commission.

2 (f) A member of the Commission:

3 (1) may not receive compensation as a member of the Commission; but

4 (2) is entitled to reimbursement for expenses under the Standard State  
5 Travel Regulations, as provided in the State budget.

6 (g) The Commission shall:

7 (1) survey and assess how much time is spent in each grade and in each  
8 local school system on administering local, State, and federally mandated assessments;

9 (2) review the purpose of all local, State, and federally mandated  
10 assessments administered by local school systems, whether summative or formative, and  
11 determine whether some assessments are duplicative or otherwise unnecessary;

12 (3) review and analyze the local school systems' and the Department's  
13 interests in requiring assessments and attempt to develop a statewide approach to  
14 administering assessments;

15 (4) determine whether the current local and State schedules for  
16 administering assessments allots enough time between administering a formative  
17 assessment and receiving the results of the formative assessment to meaningfully inform  
18 instruction;

19 (5) survey and assess if the testing windows implemented by the local  
20 school systems and the State have any negative ancillary effects on instruction, materials  
21 and equipment use, and school calendars;

22 (6) consider the implications for the State if changes were to be made to  
23 the Elementary and Secondary Education Act that would allow for more flexibility in  
24 administering assessments;

25 (7) make recommendations on:

26 (i) how local school systems and the State can improve the process  
27 in which local, State, and federally mandated assessments are administered and used to  
28 inform instruction;

29 (ii) if the Commission finds that the allotted time for administering  
30 assessments is resulting in reduced instruction time, the most efficient and effective  
31 methods to ensure that adequate time is allotted to both administering assessments and  
32 instruction; ~~and~~

1 (iii) which developmentally appropriate elements, if any, should be  
 2 included in an assessment administered to kindergarten students; and

3 ~~(iii)~~ (iv) any other relevant issue identified by the Commission;  
 4 and

5 (8) ensure that any recommendation retains the ability to compare student  
 6 achievement across local school systems, the State, and the nation.

7 (h) (1) On or before ~~April September~~ July 1, 2016, the Commission shall report  
 8 its findings and recommendations to the State Board of Education ~~and~~, each county board  
 9 of education, and the General Assembly in accordance with § 2-1246 of the State  
 10 Government Article.

11 (2) On or before ~~June November~~ September 1, 2016, ~~the State Board and~~  
 12 each county board of education shall:

13 (i) review and consider the Commission's findings and  
 14 recommendations; ~~and~~

15 (ii) make comments and recommendations related to whether they  
 16 accept or reject the Commission's findings and recommendations to the ~~General Assembly~~  
 17 ~~Governor and, in accordance with § 2-1246 of the State Government Article, the Senate~~  
 18 ~~Education, Health, and Environmental Affairs Committee and the House Committee on~~  
 19 ~~Ways and Means~~ State Board; and

20 (iii) make the comments and recommendations available to the public  
 21 on request.

22 (3) On or before October 1, 2016, the State Board shall:

23 (i) review and consider the Commission's findings and  
 24 recommendations;

25 (ii) make comments and recommendations related to whether they  
 26 accept or reject the Commission's findings and recommendations; and

27 (iii) submit a compilation to the Governor and, in accordance with §  
 28 2-1246 of the State Government Article, the Senate Education, Health, and Environmental  
 29 Affairs Committee and the House Committee on Ways and Means of their comments and  
 30 recommendations and the comments and recommendations of each county board of  
 31 education under paragraph (2) of this subsection.

32 SECTION 2. AND BE IT FURTHER ENACTED, That:

33 (a) The State Department of Education shall:

1 (1) survey and assess how much time is spent in each grade and in each  
2 local school system on administering local, State, and federally mandated assessments; and

3 (2) compile the results of the survey referred to in item (1) of this subsection  
4 into documents that are consistent across local school systems and grade levels;

5 ~~(3) review and analyze the local school systems' and the Department's~~  
6 ~~interests in requiring assessments and attempt to develop a statewide approach to~~  
7 ~~administering assessments; and~~

8 ~~(4) determine whether the current local and State schedules for~~  
9 ~~administering assessments allot enough time between administering a formative~~  
10 ~~assessment and receiving the results of the formative assessment to meaningfully inform~~  
11 ~~instruction.~~

12 (b) (1) The compilation referred to in subsection (a)(2) of this section shall  
13 include the following information for each assessment administered in a local school  
14 system, in matrix form:

15 (i) the title of the assessment;

16 (ii) the purpose of the assessment;

17 (iii) if the assessment is a local, State, or federal assessment;

18 (iv) the grade level to which the test is administered;

19 (v) the subject area of the assessment;

20 (vi) the testing window of the assessment;

21 (vii) how long a student has to complete the assessment; and

22 (viii) if the assessment requires a change in the school schedule.

23 (2) The compilation referred to in subsection (a)(2) of this section shall  
24 include the following information for each assessment administered in a local school  
25 system, in narrative form:

26 (i) if the assessment requires any test preparation;

27 (ii) if the assessment must be taken by pencil and paper or by  
28 electronic device;

29 (iii) if the assessment must be taken by electronic device, the student  
30 to electronic device ratio;

- 1           (iv) if the assessment is a high-stakes assessment;  
 2           (v) the date the assessments are turned in to receive results;  
 3           (vi) the date the results of the assessment are or were released;  
 4           (vii) to whom the results of the assessment are or were released;  
 5           (viii) how much time passes between administration of the assessment  
 6 and the receipt of the results of the assessment;  
 7           (ix) if the assessment requires proctors or other personnel to  
 8 administer the assessment;  
 9           (x) if the assessment requires technological support to administer  
 10 the assessment;  
 11           (xi) if the assessment allows for accommodations for students with  
 12 disabilities; and  
 13           (xii) if the assessment is available in other languages for English  
 14 language learners.

15           (c) (1) ~~(i)~~ On or before August 31, 2015, and October 15, 2015, the  
 16 Department shall report its findings and recommendations submit the documents referred  
 17 to in subsection (b)(1) and (2) of this section, respectively, to:

18                   ~~1.~~ (i) the State Board of Education;

19                   ~~2.~~ (ii) each county board of education;

20                   ~~3.~~ (iii) the Governor and, in accordance with § 2-1246 of the  
 21 State Government Article, the Senate Education, Health, and Environmental Affairs  
 22 Committee and the House Committee on Ways and Means; and

23                   ~~4.~~ (iv) the Maryland Association of Boards of Education,  
 24 Maryland State Education Association, Maryland PTA, Public School Superintendents  
 25 Association of Maryland, and any other education organization in the State that the  
 26 Governor chooses.

27                   ~~(ii) The Department shall compile the information gathered from the~~  
 28 ~~survey referred to in subsection (b) of this section into a document that is consistent across~~  
 29 ~~local school systems and grade levels.~~

30           (2) (i) On or before ~~October 31, 2015~~ November 30, 2015, each county  
 31 board of education and each organization listed in paragraph ~~(1)(i)~~ (1)(iv) of this subsection  
 32 shall:

1                   1.     ~~review and consider the Department's findings and~~  
2 ~~recommendations~~ results of the Department's surveys;

3                   2.     ~~make comments and recommendations related to whether~~  
4 ~~they accept or reject the Department's findings and recommendations~~ the results of the  
5 Department's surveys to the State Board; and

6                   3.     make the comments and recommendations available to  
7 the public on request.

8                   (ii)   The organizations listed in paragraph ~~(1)(i)4~~ (1)(iv) of this  
9 subsection shall provide comments and recommendations that are one to three pages in  
10 length.

11                 (3)   On or before December 31, 2015, the State Board shall:

12                   (i)   ~~review and consider the~~ results of the Department's ~~findings and~~  
13 ~~recommendations~~ surveys;

14                   (ii)   ~~make comments and recommendations related to whether they~~  
15 ~~accept or reject the Department's findings and recommendations~~ the results of the  
16 Department's surveys; and

17                   (iii) submit a compilation to the Senate Education, Health, and  
18 Environmental Affairs Committee and the House Committee on Ways and Means, in  
19 accordance with § 2-1246 of the State Government Article, of the comments and  
20 recommendations of the State Board, each county board of education, and each organization  
21 listed in paragraph ~~(1)(i)4~~ (1)(iv) of this subsection.

22                 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 June 1, 2015. It shall remain effective for a period of ~~3~~ 2 years and, at the end of May 31,  
24 ~~2018~~ 2017, with no further action required by the General Assembly, this Act shall be  
25 abrogated and of no further force and effect.

# Commission on Assessments Update

**Maryland State Board of Education**  
**June 28, 2016**

**Dr. Henry Johnson, Interim Deputy State Superintendent**  
**Heather Lageman, Director of Curriculum**

# Commission to Review Maryland's Use of Assessments and Testing in Public Schools

- HB 452 was signed into law on May 12, 2015 (Chapter 421)
- Effective June 1, 2015

# Commission's Charge

Survey and assess how much time is spent in each grade and in each school system on administering assessments



Review the purpose of all local, State, and federally mandated assessments, whether summative or formative, and are duplicative or otherwise unnecessary



Review and analyze the school systems' and MSDE's interest in requiring assessments and attempt to develop a statewide approach to administering assessments



Determine whether the current local and state schedules for assessments allot enough time between administering a formative assessment and receiving the results of the formative assessment to meaningfully inform instruction



Survey and assess if the testing windows implemented by the school systems and the State have any negative ancillary effects on instruction, materials and equipment use, and school calendars



Consider the implications for the State if changes were made to ESEA that would allow more flexibility in administering assessments



Ensure that any recommendation retains the ability to compare student achievement across local school systems, the State, and the nation

# Commission's Recommendations

How local school systems and the State can improve the process by which local, state, and federally mandated assessments are administered and used to inform instruction

If the Commission finds that the allotted time for administering assessments is resulting in reduced instruction time, the most efficient and effective methods to ensure that adequate time is allotted to both administering assessments and instruction

Which developmentally appropriate elements, if any, should be included in an assessment administered to kindergarten students

Any other relevant issue identified by the Commission

# Next Steps

- **July 1** – Commission Final Report due
- **September 1** – Local Boards review and consider findings and recommendations
- **October 1** – State Board review and consider findings and recommendations
- **November 1** – State Board submits compilation to Governor and General Assembly