



**Karen B. Salmon, Ph.D.**  
State Superintendent of Schools

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

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

**DATE:** July 23, 2019

**SUBJECT:** COMAR 13A.03.04  
*Test Administration and Data-Reporting Policies and Procedures*  
**ADOPTION**

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**PURPOSE:**

Request adoption of amendments to COMAR 13A.03.04 *Test Administration and Data-Reporting Policies and Procedures*.

**REGULATION PROMULGATION PROCESS:**

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, Maryland State Department of Education (MSDE) staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

**BACKGROUND/HISTORICAL PERSPECTIVE:**

The proposed amendments update the list of tests administered by the MSDE, clarify that “security” and “monitoring” apply to all instruments administered by the MSDE, clarify that personnel should be trained at least annually in test administration policy and procedures, and clarify eligibility requirements for Local Accountability Coordinators, School Test Coordinators, Test Administrators, Proctors, and Accommodators.

**SUMMARY:**

The proposed amendments were shared with a small group of stakeholders (Local Accountability Coordinators and LEA24 School Test Coordinators) on October 5, 2018 for review and feedback and then forwarded to the entire group of Local Accountability Coordinators on October 22, 2018. The proposed amendments were also discussed during a Local Accountability Coordinator meeting on October 30, 2018. Comments were received and reviewed and changes were made accordingly to address suggestions and questions.

The State Board reviewed the amendment to the regulation and granted permission to publish at the March 26, 2019 State Board meeting. The regulation was published in the Maryland Register from June 7, 2019 until July 8, 2019. No comments were received. The MSDE does not recommend any changes to the proposed regulation.

**ACTION:**

Request adoption of amendments to COMAR 13A.03.04 *Test Administration and Data-Reporting Policies and Procedures*.

Attachment:

COMAR 13A.03.04 *Test Administration and Data-Reporting Policies and Procedures*.

## PROPOSED ACTION ON REGULATIONS

564

### .09 Diplomas and Certificates.

- A.—B. (text unchanged)
- C. Exception To Passing Score Requirement.
  - (1)—(2) (text unchanged)
  - (3) For all students taking the Maryland Integrated Science Assessment in the 2017—2018 [and], 2018—2019, 2019—2020, and 2020—2021 school years, taking the Maryland Integrated Science Assessment will meet the graduation assessment requirement for science.
  - D.—G. (text unchanged)

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## Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

### 13A.03.04 Test Administration and Data-Reporting Policies and Procedures

Authority: Education Article, §§2-205 and 7-203, Annotated Code of Maryland

#### Notice of Proposed Action

[19-100-P]

The Maryland State Board of Education proposes to amend Regulations .01, .03, and .04 under COMAR 13A.03.04 Test Administration and Data-Reporting Policies and Procedures. This action was considered at the March 26, 2019 meeting of the State Board of Education.

#### Statement of Purpose

The purpose of this action is to update the list of tests administered by the MSDE, clarify that “security” and “monitoring” apply to all instruments administered by the MSDE, clarify that personnel should be trained at least annually in test administration policy and procedures, and clarify eligibility requirements for Local Accountability Coordinators, School Test Coordinators, Test Administrators, Proctors, and Accommodators.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Dr. Tamara Lewis, Assessment Specialist/Test Security Officer, Assessment Branch, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0074 (TTY 410-333-6442), or email to tamara.lewis@maryland.gov, or fax to 410-333-0052. Comments will be accepted through July 8, 2019. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on July 23, 2019, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

### .01 Scope.

This chapter applies to:

- A. Tests administered by or through the State Board of Education including but not limited to:
  - (1) The Partnership for Assessment of Readiness for College and Career (PARCC) Assessments;
  - (2) The Maryland School Assessment (Science);
  - (3) The Alternate Maryland School Assessment (Science);
  - (4) The Alternate Maryland School Assessments (Reading and Mathematics), which will be replaced by the National Center and State Collaborative Assessments for Reading and Mathematics in school year 2016—2017;
  - (5) The Maryland High School Assessments (Government and Science);
  - (6) The Kindergarten Readiness Assessment;
  - (7) The norm-referenced test or tests in use by the State;
  - (8) The Educator Credentialing Tests; and
  - (9) Other test instruments required by the State Board of Education;]
    - (1) *The Maryland Comprehensive Assessment Program (MCAP) (English and Language Arts and Mathematics);*
    - (2) *The Maryland Integrated Science Assessment (MISA) for grades 5 and 8;*
    - (3) *The Alternate Maryland Integrated Science Assessment (Alt-MISA);*
    - (4) *The Multi-State Alternate Assessment (MSAA);*
    - (5) *The High School Assessment for Government (HSA Government);*
    - (6) *The High School Assessment for Science (HS MISA);*
    - (7) *The Kindergarten Readiness Assessment (KRA);*
    - (8) *The English Language Proficiency Assessment (ELPA) — ACCESS for ELLs;*
    - (9) *The norm-referenced test or tests in use by the State;*
    - (10) *The Educator Credentialing Tests; and*
    - (11) *Other instruments required by the State Board of Education;*

B. Data reporting required by the State Board of Education including the data-based areas described in COMAR 13A.01.04 and other measures used to determine availability of services and funding; [and]

C. Local school system-owned materials that are the same as those used in any State-operated assessment program[.]; and

D. *The security and monitoring of any instrument administered by or through the State Board of Education, to include assessments and surveys.*

### .03 Local School System Test Administration and Data-Reporting Policies.

- A. (text unchanged)
- B. The test administration policy shall provide for:
  - (1)—(2) (text unchanged)
  - [(3) Annual training of appropriate personnel on the local test administration policy and procedures; and]
    - (3) *Training, at least annually, of appropriate personnel on test administration policy and procedures;*
    - (4)—(5) (text unchanged)
  - C.—E. (text unchanged)

### .04 Local School System Testing Designates.

A. *All personnel involved in testing shall be employees of the local school system, be trained for their role, meet the requirements of their role as described herein, and sign a Department approved Test Administration and Certification of Training Form.*

B. *Personnel may not serve as a Test Administrator, Proctor, or Accommodator in the same testing room as a student who is a family member or who resides within the same dwelling.*

*C. Testing Personnel.*

[A.] (1) Local Accountability Coordinators (LACs).

[(1)] (a) (text unchanged)

[(2)] (b) The LAC shall have oversight of the:

[(a)] (i) — [(c)] (iii) (text unchanged)

[(3)] (c) (text unchanged)

[B.] (2) School Test Coordinators (STCs).

[(1)] (a) Each school system shall designate one individual per school to serve as the Primary School Test Coordinator (STC).

(b) A Principal may not serve as the STC unless permission has been granted by the Department.

(c) *STCs shall possess a valid Maryland State Department of Education (MSDE) certificate for professional school staff.*

(d) *Eligible STCs include the following:*

(i) *State-certified teachers; and*

(ii) *State-certified guidance counselors, library media specialists, school psychologists, pupil personnel workers, and school administrators (other than the Principal).*

[(2)] (e) The Primary STC shall:

[(a)] (i) — [(b)] (ii) (text unchanged)

[(3)] (f) The school system may further designate, one or both, an:

[(a)] (i) — [(b)] (ii) (text unchanged)

(3) *Test Administrators (TAs).*

(a) *TAs are selected by each public school's principal subject to review and approval by the local Superintendent.*

(b) *For any multi-state assessment consortium testing, TAs shall possess a valid Maryland State Department of Education (MSDE) certificate for professional school staff.*

(4) *Proctors.*

(a) *A local school system may use Proctors.*

(b) *A Proctor shall be under the direct supervision of an eligible TA.*

(c) *TAs may serve as Proctors.*

(d) *Proctors may include:*

(i) *Instructional assistants and aides; or*

(ii) *Substitutes or other staff members who are employees of the school system.*

(5) *Accommodators.*

(a) *Accommodators may provide accommodations to students during testing.*

(b) *Accommodators shall be under the direct supervision of an eligible TA.*

(c) *Accommodators may include:*

(i) *Test Administrators;*

(ii) *Instructional assistants and aides; or*

(iii) *Substitutes or other staff members who are employees of the school system.*

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## Subtitle 10 HOME INSTRUCTION

### 13A.10.01 General Regulations

Authority: Education Article, §§2-205 and 7-301, Annotated Code of Maryland

#### Notice of Proposed Action

[19-093-P]

The Maryland State Board of Education proposes to amend Regulations .01 and .05 under **COMAR 13A.10.01 General Regulations**. This action was considered at the March 26, 2019, meeting of the State Board of Education.

#### Statement of Purpose

The purpose of this action is to eliminate observing instruction as part of the portfolio review process for home instruction programs.

#### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

#### Estimate of Economic Impact

The proposed action has no economic impact.

#### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

#### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

#### Opportunity for Public Comment

Comments may be sent to Walter J. Sallee, Director, Student Services and Strategic Planning, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201, or call 410-767-0417 (TTY 410-333-6442), or email to walter.sallee@maryland.gov, or fax to 410-333-0880. Comments will be accepted through July 8, 2019. A public hearing has not been scheduled.

#### Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on July 23, 2019, 9 a.m., at 200 West Baltimore Street, Baltimore, MD 21201.

### .01 Home Instruction Program.

A.—D. (text unchanged)

E. A parent or guardian shall agree to permit a representative of a local school system to review the portfolio of educational materials[,] and discuss the instructional program, [and observe instruction] provided that all of the following requirements are met:

(1) — (3) (text unchanged)

F. (text unchanged)

### .05 Home Instruction Under Supervision of Nonpublic School or Institution.

A. A parent or guardian may provide a home instruction program for his or her child without compliance with the requirements of this regulation, other than the requirements of Regulations .01B(1)(b) and .04 of this chapter, if that program offers regular, thorough instruction during the school year in the studies usually taught in the public schools to children of the same age and is under the supervision of a:

(1) School or institution offering an educational program operated by a bona fide church organization, and the supervision includes at a minimum all of the following components:

(a) (text unchanged)

(b) Textbooks, lesson materials, and other instructional materials or equipment designed to be used independently by the pupil at a site other than a school; and

(c) Annual visits by supervisory personnel to the site where the pupil is receiving instruction, and

[(d)] (c) (text unchanged)

(2) (text unchanged)

B.—D. (text unchanged)

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