

Chapter 421

(House Bill 452)

AN ACT concerning

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

FOR the purpose of establishing the Commission to Review Maryland's Use of Assessments and Testing in Public Schools; providing for the composition, chair, and staffing of the Commission; prohibiting a member of the Commission from receiving certain compensation, but authorizing the reimbursement of certain expenses; requiring the Commission to survey, assess, review, and make recommendations regarding certain matters; requiring the Commission to report its findings and recommendations to the State Board of Education ~~and~~, certain county boards of education, *and the General Assembly*, on or before a certain date; requiring the State Board and certain county boards to review and consider the Commission's findings and make certain comments or recommendations on or before a certain date; requiring the State Department of Education to survey, review, and assess certain data relating to local, State, and federally mandated assessments; requiring the Department to report certain ~~findings and recommendations~~ results to the State Board of Education, each county board of education, *certain educational organizations*, and certain legislative committees on or before a certain date; requiring each county board *and certain educational institutions* to review and consider certain ~~findings and recommendations~~ results and make certain comments on or before a certain date; requiring the State Board to review and consider certain ~~findings and recommendations~~ results, make certain comments, and submit a certain compilation; *requiring certain county boards to make certain comments and recommendations available to the public on request; requiring the State Board to submit a certain compilation to the General Assembly on or before a certain date;* providing for the termination of this Act; and generally relating to the Commission to Review Maryland's Use of Assessments and Testing in Public Schools.

Preamble

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

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

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

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

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

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

(a) (1) In this section, “assessment” means a local, State, or federally mandated test that is intended to measure a student’s academic readiness, learning progress, and skill acquisition.

(2) “Assessment” does not include a teacher–developed quiz or test.

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

(c) The Commission consists of the following members:

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

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

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

(4) the Governor, or the Governor’s designee;

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

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

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

(ii) one representative of the Baltimore Teachers Union;

(iii) one representative of a local education association;

(iv) one county school board member;

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

(vi) one principal of a public school;

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

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

1. are active in the local school system; and

2. have a background in education policy; and

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

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

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

(f) A member of the Commission:

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

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

(g) The Commission shall:

(1) 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;

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

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

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

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

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

(7) make recommendations on:

(i) 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;

(ii) 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; ~~and~~

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

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

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

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

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

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

(ii) make comments and recommendations related to whether they accept or reject the Commission's findings and recommendations to the ~~General Assembly 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~~ State Board; and

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

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

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

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

(iii) 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 under paragraph (2) of this subsection.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education shall:

(1) 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

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

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

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

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

(i) the title of the assessment;

(ii) the purpose of the assessment;

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

- (iv) the grade level to which the test is administered;
- (v) the subject area of the assessment;
- (vi) the testing window of the assessment;
- (vii) how long a student has to complete the assessment; and
- (viii) if the assessment requires a change in the school schedule.

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

- (i) if the assessment requires any test preparation;
- (ii) if the assessment must be taken by pencil and paper or by electronic device;
- (iii) if the assessment must be taken by electronic device, the student to electronic device ratio;
- (iv) if the assessment is a high-stakes assessment;
- (v) the date the assessments are turned in to receive results;
- (vi) the date the results of the assessment are or were released;
- (vii) to whom the results of the assessment are or were released;
- (viii) how much time passes between administration of the assessment and the receipt of the results of the assessment;
- (ix) if the assessment requires proctors or other personnel to administer the assessment;
- (x) if the assessment requires technological support to administer the assessment;
- (xi) if the assessment allows for accommodations for students with disabilities; and
- (xii) if the assessment is available in other languages for English language learners.

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

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

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

~~3.~~ (iii) 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; and

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

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

(2) (i) On or before ~~October 31, 2015~~ November 30, 2015, each county board of education and each organization listed in paragraph ~~(1)(i)4~~ (1)(iv) of this subsection shall:

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

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

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

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

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

(i) review and consider the ~~Department's findings and recommendations~~ surveys;

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

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

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

Approved by the Governor, May 12, 2015.