



**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:** March 26, 2019  
**SUBJECT:** COMAR 13A.03.04  
*Test Administration and Data-Reporting Policies and Procedures*  
**PERMISSION TO PUBLISH**

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**PURPOSE:**

Request permission to publish 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.

**ACTION:**

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

**Title 13A**  
**STATE BOARD OF EDUCATION**  
**Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS**  
**Chapter 04 Test Administration and Data-Reporting Policies and Procedures**

**.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;]

*(1) The Maryland Comprehensive Assessment Program (MCAP) (English and Language Arts and Mathematics);*

[(2) The Maryland School Assessment (Science);]

*(2) The Maryland Integrated Science Assessment (MISA) for grades 5 and 8;*

[(3) The Alternate Maryland School Assessment (Science);]

*(3) The Alternate Maryland Integrated Science Assessment (Alt-MISA);*

[(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;]

*(4) The Multi-State Alternate Assessment (MSAA);*

[(5) The Maryland High School Assessments (Government and Science);]

*(5) The High School Assessment for Government (HSA Government);*

[(6) The Kindergarten Readiness Assessment;]

*(6) The High School Assessment for Science (HS MISA);*

[(7) The norm-referenced test or tests in use by the State;]

*(7) The Kindergarten Readiness Assessment (KRA);*

[(8) The Educator Credentialing Tests; and]

*(8) The English Language Proficiency Assessment (ELPA) – ACCESS for ELLs;*

[(9) Other test instruments required by the State Board of Education;]

*(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.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Department" means the State Department of Education.

(2) "Individual" means a student, teacher, administrator, or other school system or Department employee.

(3) Local School System.

(a) "Local school system" means a public school system.

(b) "Local school system" includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.

(4) "Maryland School Performance Program (MSPP)" means a performance-based education accountability program that focuses on accountability through school improvement in the public schools.

(5) "Test administration" means the range of activities from procurement of secure assessment materials through the return of secure assessment materials to the Department or its agents.

*(6) "Security" and "monitoring" apply to the proper administration 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. A local school system shall develop and adopt test administration and data-reporting policies.

B. The test administration policy shall provide for:

(1) The security of the materials during testing and the storage under lock and key of all secure tests and test materials in all versions, including, but not limited to, answer keys, audio tapes, videotapes, compact disks (CDs), and examinee answer documents, before, during, and after testing;

(2) The proper administration of tests and the monitoring of test administrations;

[(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) The prohibition of electronic devices, including personal devices, (unless required for testing or administrative purposes) in testing rooms during testing; and

(5) The retention of an archival document for a minimum of 6 years after the date of test administration, containing the following information for each testing group each testing day:

(a) Name and student identification number for each student;

(b) School and system names and identifiers;

(c) Names of the test administrators, examiners, accommodators, and proctors; and

(d) Unique test document identification number for each student for paper testing only.

C. The data reporting policy shall contain:

(1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter;

(2) Procedures for reporting assessment results to parents/guardians of students within 30 days of receipt by the local school system, but no later than the 15th of September for spring assessment results.

(3) Procedures for the delivery of assessment results to parents/guardians by one or more of these methods:

(a) First-class mail;

(b) Backpack or student folder only if parents/guardians are notified by phone or electronically to expect the assessment results to be delivered on a date certain by that method;

(c) Personally at Parent/Teacher conferences; or

(d) Electronically through the communication system used by the local school system to keep parents/guardians informed; and

(4) Training of appropriate personnel on data reporting procedures.

D. Test Administration and Certification of Training Forms.

(1) The Department and each local school system shall use a Department provided or approved test administration and certification of training form and a Department provided or approved nondisclosure agreement, as appropriate, for its employees.

(2) Before initially handling any test materials, and annually after that, each individual directly or indirectly involved shall sign a test administration and certification of training form or a nondisclosure agreement, whichever is applicable.

(3) All signed forms and agreements shall be retained by the Department or local school system for the duration of the individual's employment or relationship with the Department or local school system.

(4) Forms and agreements may be signed electronically using any means approved by the Department.

E. Electronic Archival of Documents. Each local school system may develop and adopt policies and procedures for the secure electronic archival of paper documents.

#### **.04 Local School System Testing Designates.**

*A. All personnel involved in testing must 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) A local superintendent of schools shall designate annually one individual per school system to serve as the Local Accountability Coordinator (LAC).

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

[a] (i) Procurement of test instruments that are used in testing programs administered by or through the State Board of Education;

[b] (ii) Organization, implementation, orientation, and verification of the Maryland educational assessment programs in the school system; and

[c] (iii) Administration and security of state-mandated assessments.

[3] (c) The name of the LAC shall be provided in writing to the Department within 10 days of the designation.

[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 must possess a valid Maryland State Department of Education (MSDE) certificate for professional school staff.*

*(d) Eligible STCs include the following:*

*(i) State-certified teachers.*

*(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) Have responsibility for training and supervising school personnel in test administration policy and procedures; and

[(b)](ii) Be the primary point of contact with the LAC and the Department during the administration of all state assessments.

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

[(a)](i) Alternate STC per school.

[(b)](ii) Assistant STC per state-mandated assessment.

*(3) Test Administrators (TAs)*

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

*(4) Proctors*

*(a) The decision to use Proctors is a local school system option.*

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

*(c) TAs may serve as Proctors.*

*(d) Proctors may include:*

*(i) Instructional assistants and aides.*

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

*(5) Accommodators*

*(a) May provide accommodations to students during testing.*

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

*(c) Accommodators may include:*

*(i) Test Administrators.*

*(ii) Instructional assistants and aides.*

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