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

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

**DATE:** June 28, 2016

**SUBJECT:** COMAR 13A.08.01.02-3 Kindergarten Readiness Assessment  
**PERMISSION TO PUBLISH EMERGENCY ACTION**

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**PURPOSE:**

The purpose of this memorandum is to receive permission from the State Board of Education to publish as emergency regulations the amended Early Childhood Assessment regulations (13A.08.01.02-3) under the new title Kindergarten Readiness Assessment (KRA).

**REGULATION PROMULGATION PROCESS:**

These regulations are being proposed as “emergency” regulations because HB 657 – Education – Pre-Kindergarten and Kindergarten Assessments – Administration (Chapter 273 of the Laws of Maryland 2016 and effective July 1, 2016) requires the State Board to adopt regulations to implement the new provisions of law concerning the Kindergarten Readiness Assessment before the 2016/2017 school year. The adoption of standard regulations, which require notice and comment period, could not be adopted in the timeframe required by HB 657. Thus, emergency regulations are being proposed to implement the provisions of HB 657.

Emergency regulations, which bypass the normal public notice and comment period, remain in effect for a limited period of time - not to exceed 180 days - to meet exigent circumstances. Although emergency regulations are not published in the [Maryland Register](#) before adoption, notice of the Administrative, Executive, and Legislative Review (AELR) Committee's receipt of the regulation is posted on the Maryland General Assembly's website. In addition to notice on the General Assembly website, the Department must post the text of the proposed emergency regulations on the agency website within three business days of submission to the AELR Committee.

If a member of the AELR Committee requests a public hearing on the emergency adoption of a regulation, the committee must hold the hearing. If no public hearing is requested, staff to the committee may poll the Committee members on the emergency regulation as soon as 10 business

days after receipt of the regulation. Approval by the AELR Committee is required for an emergency regulation to take effect.

**BACKGROUND:**

On May 24, 2016, the Board was asked to give permission to publish as emergency regulations the amended Early Childhood Assessment regulations (13A.08.01.02-3). At that meeting, the Board requested additional information pertaining to the definition of “representative sample meaning no less than 25 percent of the total kindergarten student population.” At issue was the reporting of reliable aggregate subgroup results with a group size of at least 30 students. In smaller local school systems, a representative sample at 25 percent will not provide enough student counts in major subgroups to produce KRA results, while larger school systems may not require a representative sample of 25 percent to produce valid and reliable subgroup information.

The Board asked MSDE to examine the approach whereby a sufficient sample size, as applied to each local school system, may produce valid and reliable results on subgroups of students to define “representative sample” as a sample “of sufficient size to produce valid and reliable assessment information on all or major subgroups of students in the school systems as of the first day of school and as identified by the Department.” Thus, the definition of “representative sample” was updated to reflect this concept (**ATTACHMENT A.**)

The Department applied the following methodology to answer the question what sample size is sufficient and reliable to represent all or major subgroups when reporting KRA results by local school systems:

- Creation of two random samples from the KRA cohort of 2015-16 for sample sizes from 10 to 35 percent, i.e., at 10, 15, 20, 25, 30, and 35 percent;
- Comparison of the two random samples for each local school system to examine the KRA results against the census results of the local school systems; and
- Identification of subgroups represented by each local school system at sufficient sample sizes.

Local school systems that opted to administer the KRA for all students were excluded from the methodology since their reports will include all subgroup information and follow the protocol that was used for the KRA administrations in 2014 and 2015.

The enclosed information (**ATTACHMENT B**) provides a data table which lists all subgroups by local school system. The checkmarks indicate an estimation of a sufficient sample size to generate reliable KRA subgroup information. The sample size for each local school system is noted with the names of the school systems. Local school systems that are administering census administration are marked accordingly. In addition, a summary (**ATTACHMENT C**) depicts of what is considered a valid and reliable sufficient sample size for each of the local school systems that administer the KRA to a sample of students.

In order to generate overall KRA results for the State, each of the sample sizes contributes to the statewide sample. For local school systems that conduct census administration a random sample size of 25 percent will be generated post-hoc and added to the State sample. Statistical weighting will be necessary to account for the varying sample sizes from the 24 local school systems.

**PROPOSED AMENDMENTS:**

The proposed amendments of the emergency regulations address the content of the law and retitles them as Kindergarten Readiness Assessment (KRA). The emergency regulations include:

- newly defined terms of the Kindergarten Readiness Assessment and representative sample;
- requirements for the representative sample assessment process that each local school system shall complete on four domains of learning;
- full-census assessment process which is permissible if a local board of education or a principal, in mutual agreement with teachers, decide to assess all kindergarten students; and
- publication deadline which requires the Department to report out the aggregate results no later than 45 days after completion of the administration.

If approved by the State Board and the AELR Committee, the emergency regulations will be in effect prior to the KRA administration this fall.

**SUMMARY:**

The proposed amended Regulations for COMAR 13A.08.01.02-3 will establish:

- newly defined terms regarding the KRA;
- policies for administering a representative sample assessment;
- policies for administering census administration; and
- deadline for publication of the assessment results.

**ACTION:**

Permission to publish the emergency regulations which are necessary to meet the time requirements set forth in the new law.

Attachments

## ATTACHMENT A

### **13A.08.01.02-3 [Early Childhood Assessment] *Kindergarten Readiness Assessment.***

A. *For the purpose of this regulation, the following terms have the meanings indicated.*

B. *Terms Defined.*

(1) *“Department-approved kindergarten assessment” means the Kindergarten Readiness Assessment developed and approved by the Department for the purpose of measuring school readiness.*

(2) *“Representative sample” means a sample of sufficient size to produce valid and reliable assessment information on all or major subgroups of students in the school systems as of the first day of school and as identified by the Department.*

C. *Representative Sample Assessment Process.*

(1) *The Department shall provide each school system with the representative sample identified for the school system by the Department for assessment.*

(2) [Each local school system shall provide to the Department by December 1 of each year information about school readiness of students entering kindergarten as measured by a Department-approved kindergarten assessment system] *Each school year, each local school system shall complete the administration of the Department-approved kindergarten assessment to the representative sample in the following areas:*

[A.] (a) [Personal and social development] *Social development;*

[B.] (b) *Language and literacy skills;*

[C.] (c) [Mathematical thinking] *Academic knowledge in Mathematics, Science, and Social Studies; and*

[D. *Scientific thinking;*

[E. *Social studies;*

[F. *Arts; and]*

G.] (d) *Physical development.*

(3) *The Department shall report the results of the representative sample assessment to local school systems in a format developed by the Department.*

D. *Full-Census Assessment Process.*

(1) *A local county board of education or a principal and a teacher, who are in mutual agreement, may decide to assess all students entering kindergarten in a school year using the Department-approved kindergarten assessment.*

(2) *The superintendent of a local school system shall notify the Department that:*

*(a) The local county board of education has decided to conduct a full census assessment of all students in all kindergarten classes; or*

*(b) A principal and teacher in a school in the school system have agreed to conduct a full census assessment of all students in that teacher's kindergarten class.*

*(3) A teacher who is administering a full census assessment shall complete the assessment on or before October 1 of the school year.*

*(4) The Department shall return to the school system the aggregate results of the full census assessment within 45 days after the administration of the assessment.*

*.E. Publication of Results of the Assessments. The Department shall publish and disseminate to local school systems the aggregated assessment information no later than November 15 of each year.*

**ATTACHMENT B:** Sampling Demographic Data That May Be Reported (n≥30) Based on LSS Statistics from the KRA Cohort of School Year 2015 – 2016

	Allegany	Anne Arundel 20%	Baltimore City	Baltimore County 20%	Calvert 25%	Caroline	Carroll 30%	Cecil 30%	Charles 25%	Dorchester	Frederick 30%	Garrett
<b>Gender</b>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Ethnicity</b>												
<i>American Indian/Alaska Native</i>												
<i>Asian</i>		✓		✓							✓	
<i>Black/African American</i>		✓	✓	✓	✓				✓	✓	✓	
<i>Native Hawaiian/Other</i>												
<i>White</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Hispanic/Latino</i>		✓	✓	✓			✓		✓		✓	
<i>Two or More Races (Non-Hispanic/Latino)</i>		✓		✓	✓				✓		✓	
<b>FARMS</b>												
<i>No</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓
<i>Yes</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>ELL</b>												
<i>No</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Yes</i>		✓	✓	✓							✓	
<b>Special Ed</b>												
<i>No</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Yes</i>		✓	✓	✓			✓	✓	✓		✓	
<b>Prior Care</b>												
<i>Head Start</i>		✓	✓	✓								
<i>Prekindergarten</i>	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
<i>Child Care Center</i>		✓	✓	✓	✓		✓	✓	✓		✓	
<i>Family Child Care</i>		✓	✓	✓	✓							
<i>Home/Informal Care</i>		✓	✓	✓	✓		✓	✓	✓		✓	
<i>Non-Public Nursery</i>		✓	✓	✓	✓		✓		✓		✓	
<i>Repeated Kindergarten</i>			✓	✓								

Note: Shaded section indicates census administration at LSS in school year 2016-17

	Harford 30%	Howard	Kent	Montgomery 10%	Prince George's 10%	Queen Anne's 30%	Saint Mary's 30%	Somerset	Talbot 30%	Washington 30%	Wicomico	Worcester 25%
<b>Gender</b>	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>Ethnicity</b>												
<i>American Indian/Alaska Native</i>												
<i>Asian</i>		✓		✓	✓							
<i>Black/African American</i>	✓	✓		✓	✓		✓			✓	✓	
<i>Native Hawaiian/Other</i>												
<i>White</i>	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
<i>Hispanic/Latino</i>	✓	✓		✓	✓					✓	✓	
<i>Two or More Races (Non-Hispanic/Latino)</i>	✓	✓		✓			✓			✓	✓	
<b>FARMS</b>												
<i>No</i>	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓
<i>Yes</i>	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
<b>ELL</b>												
<i>No</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Yes</i>		✓		✓	✓							
<b>Special Ed</b>												
<i>No</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Yes</i>	✓	✓		✓	✓		✓					
<b>Prior Care</b>												
<i>Head Start</i>		✓		✓	✓		✓			✓	✓	
<i>Prekindergarten</i>	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Child Care Center</i>	✓	✓		✓	✓	✓	✓			✓	✓	
<i>Family Child Care</i>	✓	✓		✓	✓							
<i>Home/Informal Care</i>	✓	✓		✓	✓		✓			✓	✓	
<i>Non-Public Nursery</i>	✓	✓		✓	✓		✓					
<i>Repeated Kindergarten</i>				✓								

Note: Shaded section indicates census administration in LSS in school year 2016-17

**ATTACHMENT C: Summary Chart of Minimum Sufficient Sample by Local School System**

	<b>% Sufficient for Subgroup Representation</b>	<b>% Sufficient for Valid and Reliable Results</b>	<b>Recommended Minimum Sufficient Sample</b>
<b>Allegany County</b>			
<b>Anne Arundel Co.</b>	20%	20%	20%
<b>Baltimore City</b>			
<b>Baltimore County</b>	10%	20%	20%
<b>Calvert County</b>	25%	25%	25%
<b>Caroline County</b>			
<b>Carroll County</b>	30%	30%	30%
<b>Cecil County</b>	30%	30%	30%
<b>Charles County</b>	25%	25%	25%
<b>Dorchester County</b>			
<b>Frederick County</b>	30%	30%	30%
<b>Garrett County</b>			
<b>Harford County</b>	25%	30%	30%
<b>Howard County</b>			
<b>Kent County</b>			
<b>Montgomery Co.</b>	10%	10%	10%
<b>Prince George's Co.</b>	10%	10%	10%
<b>Queen Anne's Co.</b>	30%	30%	30%
<b>St. Mary's Co.</b>	25%	30%	30%
<b>Somerset County</b>			
<b>Talbot County</b>	30%	30%	30%
<b>Washington Co.</b>	30%	30%	30%
<b>Wicomico County</b>			
<b>Worcester County</b>	25%	25%	25%

Note: Shaded sections indicate LSS that intend to conduct census administration in school year 2016-17.

# Maryland State Department of Education

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**Kindergarten Readiness Assessment:  
Representative Sample Size**

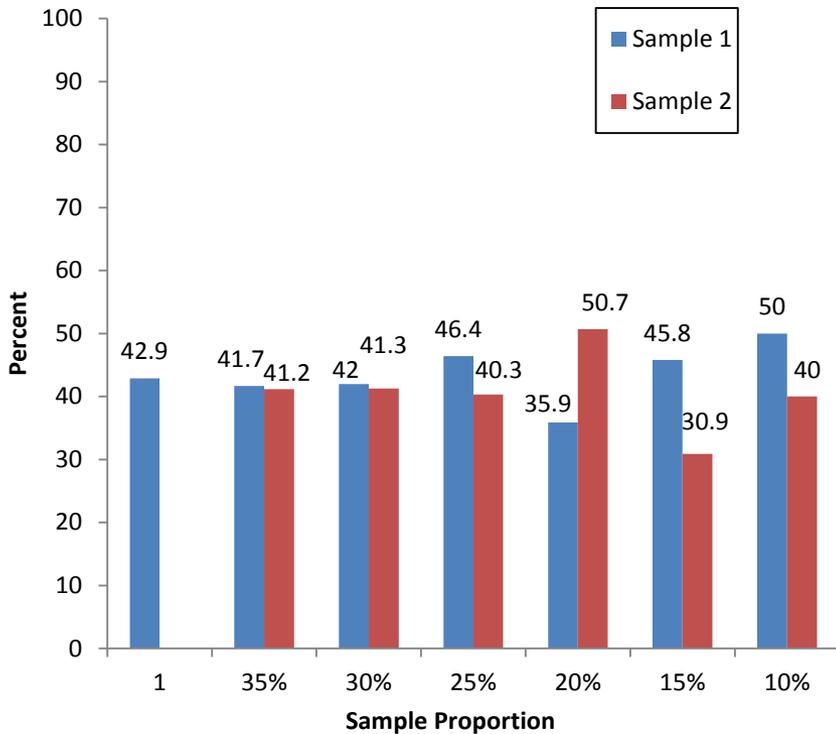
# Methodology

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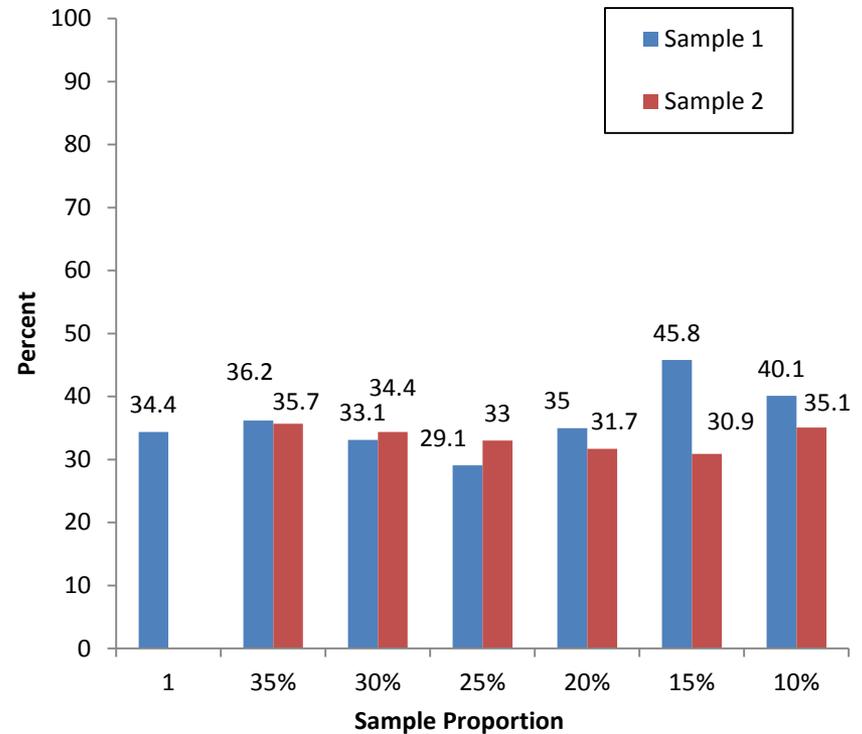
- Creation of 2 random samples per LEA from 2015-2016 KRA Cohort
  - Sample sizes from 10 to 35 percent
- Comparison of random samples to examine KRA results against census results
- Identification of sub-groups represented at sufficient sample sizes

# Methodology: Examples

Percent of Students Demonstrating Readiness- Talbot County



Percent of Students Demonstrating Readiness – Washington County



# Sample Size Impact on Sub-group Representation

	% Sufficient for Subgroup Representation	% Sufficient for Valid and Reliable Results	Recommended Sufficient Sample
<b>Allegany County</b>			
<b>Anne Arundel Co.</b>	20%	20%	20%
<b>Baltimore City</b>			
<b>Baltimore County</b>	10%	20%	20%
<b>Calvert County</b>	25%	25%	25%
<b>Caroline County</b>			
<b>Carroll County</b>	30%	30%	30%
<b>Cecil County</b>	30%	30%	30%
<b>Charles County</b>	25%	25%	25%
<b>Dorchester County</b>			
<b>Frederick County</b>	30%	30%	30%
<b>Garrett County</b>			
<b>Harford County</b>	25%	30%	30%
<b>Howard County</b>			
<b>Kent County</b>			
<b>Montgomery Co.</b>	10%	10%	10%
<b>Prince George's Co.</b>	10%	10%	10%
<b>Queen Anne's Co.</b>	30%	30%	30%
<b>St. Mary's Co.</b>	25%	30%	30%
<b>Somerset County</b>			
<b>Talbot County</b>	30%	30%	30%
<b>Washington Co.</b>	30%	30%	30%
<b>Wicomico County</b>			
<b>Worcester County</b>	25%	25%	25%