

# HOUSE BILL 452

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CF SB 497

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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

Introduced and read first time: February 9, 2015

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 19, 2015

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## 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 on or before a  
11 certain date; requiring the State Board and certain county boards to review and  
12 consider the Commission's findings and make certain comments or recommendations  
13 on or before a certain date; requiring the State Department of Education to survey,  
14 review, and assess certain data relating to local, State, and federally mandated  
15 assessments; requiring the Department to report certain findings and  
16 recommendations to the State Board of Education, each county board of education,  
17 and certain legislative committees on or before a certain date; requiring each county  
18 board to review and consider certain findings and recommendations and make  
19 certain comments on or before a certain date; requiring the State Board to review  
20 and consider certain findings and recommendations, make certain comments, and

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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.



1 submit a certain compilation; providing for the termination of this Act; and generally  
2 relating to the Commission to Review Maryland's Use of Assessments and Testing  
3 in Public Schools.

4 Preamble

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (iv) one county school board member;

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

11 (vi) one principal of a public school;

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

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

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

16 2. have a background in education policy; and

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

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

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

21 (f) A member of the Commission:

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

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

25 (g) The Commission shall:

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

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

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

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

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

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

17 (7) make recommendations on:

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

21 (ii) if the Commission finds that the allotted time for administering  
22 assessments is resulting in reduced instruction time, the most efficient and effective  
23 methods to ensure that adequate time is allotted to both administering assessments and  
24 instruction; and

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

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

28 (h) (1) On or before ~~April~~ September 1, 2016, the Commission shall report its  
29 findings and recommendations to the State Board of Education and each county board of  
30 education.

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

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

1 (ii) make comments and recommendations related to whether they  
2 accept or reject the Commission's findings and recommendations to the ~~General Assembly~~  
3 Governor and, in accordance with § 2-1246 of the State Government Article, the Senate  
4 Education, Health, and Environmental Affairs Committee and the House Committee on  
5 Ways and Means.

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

7 (a) The State Department of Education shall:

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

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

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; and

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

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

22 (i) the title of the assessment;

23 (ii) the purpose of the assessment;

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

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

26 (v) the subject area of the assessment;

27 (vi) the testing window of the assessment;

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

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

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

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

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

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

9                   (iv) if the assessment is a high-stakes assessment;

10                  (v) the date the assessments are turned in to receive results;

11                  (vi) the date the results of the assessment are or were released;

12                  (vii) to whom the results of the assessment are or were released;

13                  (viii) how much time passes between administration of the assessment  
14 and the receipt of the results of the assessment;

15                  (ix) if the assessment requires proctors or other personnel to  
16 administer the assessment;

17                  (x) if the assessment requires technological support to administer  
18 the assessment;

19                  (xi) if the assessment allows for accommodations for students with  
20 disabilities; and

21                  (xii) if the assessment is available in other languages for English  
22 language learners.

23           (c)   (1)   (i) On or before August 31, 2015, the Department shall report its  
24 findings and recommendations to:

25                           1. the State Board of Education;

26                           2. each county board of education;

27                           3. the Governor and, in accordance with § 2-1246 of the State  
28 Government Article, the Senate Education, Health, and Environmental Affairs Committee  
29 and the House Committee on Ways and Means; and

1                                   4.     Maryland Association of Boards of Education, Maryland  
2 State Education Association, Maryland PTA, Public School Superintendents Association of  
3 Maryland, and any other education organization in the State that the Governor chooses.

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

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

9   1.     review and consider the Department's findings and  
10 recommendations;

11    2.     make comments and recommendations related to whether  
12 they accept or reject the Department's findings and recommendations to the State Board;  
13 and

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

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

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

19    (i)    review and consider the Department's findings and  
20 recommendations;

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

23    (iii) submit a compilation to the Senate Education, Health, and  
24 Environmental Affairs Committee and the House Committee on Ways and Means, in  
25 accordance with § 2-1246 of the State Government Article, of the comments and  
26 recommendations of the State Board, each county board of education, and each organization  
27 listed in paragraph (1)(i)4 of this subsection.

28                                   SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 June 1, 2015. It shall remain effective for a period of 3 years and, at the end of May 31,  
30 2018, with no further action required by the General Assembly, this Act shall be abrogated  
31 and of no further force and effect.