

# SENATE BILL 497

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(5lr1076)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Ways and Means* —

Introduced by **Senators Pinsky, Astle, Benson, Brochin, Conway, Currie, Eckardt, Edwards, Feldman, Guzzone, Jennings, Kagan, King, Klausmeier, Lee, Madaleno, Manno, Mathias, McFadden, Middleton, Montgomery, Nathan-Pulliam, Peters, Pugh, Ramirez, Raskin, Reilly, Rosapepe, Waugh, ~~and Young~~ Young, Bates, Salling, and Simonaire**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### 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, and the  
11 General Assembly, on or before a certain date; requiring the State Board and certain

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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.

*Italics indicate opposite chamber/conference committee amendments.*



1 county boards to review and consider the Commission’s findings and make certain  
2 comments or recommendations on or before a certain date; requiring the State  
3 Department of Education to survey and assess certain data relating to local, State,  
4 and federally mandated assessments; requiring the Department to report certain  
5 results to the State Board of Education, each county board of education, certain  
6 educational organizations and certain legislative committees on or before a certain  
7 date; requiring each county board and certain educational organizations to review  
8 and consider certain results and make certain comments on or before a certain date;  
9 requiring the State Board to review and consider certain results, make certain  
10 comments, and submit a certain compilation; requiring certain county boards to  
11 make certain comments and recommendations available to the public on request;  
12 requiring the State Board to submit a certain compilation to the General Assembly  
13 on or before a certain date; providing for the termination of this Act; and generally  
14 relating to the Commission to Review Maryland’s Use of Assessments and Testing  
15 in Public Schools.

16 Preamble

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (iv) one county school board member;

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

19 (vi) one principal of a public school;

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

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

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

24 2. have a background in education policy; and

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

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

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

2 (f) A member of the Commission:

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

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

6 (g) The Commission shall:

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

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

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;

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

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

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

25 (7) make recommendations on:

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

29 (ii) if the Commission finds that the allotted time for administering  
30 assessments is resulting in reduced instruction time, the most efficient and effective  
31 methods to ensure that adequate time is allotted to both administering assessments and  
32 instruction; ~~and~~

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

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

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

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

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

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

15 (ii) make comments and recommendations related to whether they  
 16 accept or reject the Commission's findings and recommendations to the ~~General Assembly~~  
 17 ~~in accordance with § 2-1246 of the State Government Article~~ State Board; and

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

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

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

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

25 (iii) submit a compilation to the ~~General Assembly~~ Governor and, in  
 26 accordance with § 2-1246 of the State Government Article, the Senate Education, Health,  
 27 and Environmental Affairs Committee and the House Committee on Ways and Means of  
 28 their comments and recommendations and the comments and recommendations of each  
 29 county board of education under paragraph (2) of this subsection.

30 ***SECTION 2. AND BE IT FURTHER ENACTED, That:***

31 (a) The State Department of Education shall:

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

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

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

6                   (i) the title of the assessment;

7                   (ii) the purpose of the assessment;

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

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

10                  (v) the subject area of the assessment;

11                  (vi) the testing window of the assessment;

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

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

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

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

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

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

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

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

24                   (vi) the date the results of the assessment is or was released;

25                   (vii) to whom the results of the assessment is or was released;

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

1 (ix) if the assessment requires proctors or other personnel to  
2 administer the assessment;

3 (x) if the assessment requires technological support to administer the  
4 assessment;

5 (xi) if the assessment allows for accommodations for students with  
6 disabilities; and

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

9 (c) (1) On or before August 31, 2015, and October 15, 2015, the Department  
10 shall submit the documents referred to in subsection (b)(1) and (2) of this section,  
11 respectively, to:

12 (i) the State Board of Education;

13 (ii) each county board of education;

14 (iii) the Governor and, in accordance with § 2-1246 of the State  
15 Government Article, the Senate Education, Health, and Environmental Affairs Committee  
16 and the House Committee on Ways and Means; and

17 (iv) the Maryland Association of Boards of Education, Maryland  
18 State Education Association, Maryland PTA, Public School Superintendents Association of  
19 Maryland, and any other educational organization in the State that the Governor chooses.

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

22 1. review and consider the results of the Department's  
23 surveys;

24 2. make comments and recommendations related to the  
25 results of the Department's surveys to the State Board; and

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

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

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

31 (i) review and consider the results of the Department's surveys;

1                                   (ii) make comments and recommendations related to the results of the  
2 Department’s surveys; and

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

8           SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 June 1, 2015. It shall remain effective for a period of ~~3~~ 2 years and, at the end of May 31,  
10 ~~2018~~ 2017, with no further action required by the General Assembly, this Act shall be  
11 abrogated and of no further force and effect.

Approved:

\_\_\_\_\_  
Governor.

\_\_\_\_\_  
President of the Senate.

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Speaker of the House of Delegates.