

Chapter 731

(Senate Bill 452)

AN ACT concerning

Education – Accountability Program – Assessments
~~(Less Testing, More Learning (More Learning, Less Testing Act of 2017))~~

FOR the purpose of requiring the State Board of Education to develop, in collaboration with certain entities and individuals, a middle school level social studies assessment that meets certain requirements and for implementation in a certain school year; requiring certain county boards of education to develop a certain social studies assessment beginning in a certain school year; repealing certain requirements relating to a certain social studies assessments assessment; requiring a county board to certify annually to the State Board of Education that the county board's social studies assessment aligns with certain standards and matches a certain tool; requiring the State Board to adopt certain regulations limiting the amount of time that may be spent on certain assessments requiring the State Board of Education, in collaboration with certain stakeholders, to redesign a certain assessment to meet certain criteria when a certain contract expires; requiring certain county boards of education and certain employee representatives to meet and confer regarding certain items and to mutually agree to a certain amount of time that must be devoted to certain assessments, subject to certain conditions, on or before certain dates; requiring certain county boards to establish on or before certain dates a certain committee on assessments; requiring the committee to submit recommendations to certain county boards and certain employee representatives on or before certain dates; prohibiting a student who participates in certain programs from being subject to certain testing time limits; prohibiting certain types of assessments and activities from being counted toward certain testing time limits; ~~requiring certain county boards to establish on or before a certain date a certain committee on assessments; providing for the membership of the committee; requiring the committee on or before a certain date to develop a certain rubric to evaluate certain local assessments; requiring the committee to report annually to the local county board beginning on or before a certain date; providing for the content of the report; authorizing a county board, after reviewing the committee's report, to adopt or reject the committee's recommendations; requiring a county board that adopts a recommendation to implement the change to the assessment for the following school year; requiring the county board to report annually to the State Board certain information beginning on a certain date; requiring the committee to publish annually on its Web site certain information beginning on a certain date; requiring the State Department of Education to survey annually certain public schools to measure time spent administering assessments~~ requiring the State Board to define a certain rubric, on or before a certain date, to be used for a certain purpose; defining a certain term; providing for the construction of this Act; repealing certain obsolete provisions of law; and generally relating to assessments in public schools.

BY repealing and reenacting, with amendments,
 Article – Education
 Section 7–203
 Annotated Code of Maryland
 (2014 Replacement Volume and 2016 Supplement)

Preamble

WHEREAS, Maryland’s education accountability program must recognize the need for a well-educated populace to perpetuate and maintain democracy and the growth of the State economy; and

WHEREAS, It is necessary that the program include high-quality student assessments that provide timely, actionable feedback for students, parents, and educators that can be used to guide and inform instruction, aid leaders’ decisions to target resources, and provide supports for students; and

WHEREAS, In addition to providing an accurate measure of student achievement and growth, and measuring student knowledge and skills against college- and career-ready standards, the high-quality student assessments should inform and guide additional teaching, supports, or interventions that help students master challenging material; and

WHEREAS, Consultation with educators at all levels, businesses, government officials, community representatives, bargaining representatives, and parents is essential in the development of an education accountability program; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 That the Laws of Maryland read as follows:

Article – Education

7–203.

(a) The State Board, the State Superintendent, each county board, and each public school shall implement a program of education accountability for the operation and management of the public schools.

(b) (1) In this subsection, “grade band assessment” means one assessment of a middle school student’s knowledge in a core academic subject area during grades 6 through 8.

(2) The education accountability program shall include the following:

(i) The State Board and the State Superintendent shall assist each county board to establish educational goals and objectives that conform with statewide

educational objectives for subject areas including reading, writing, mathematics, science, and social studies;

(ii) With the assistance of its county board, each public school shall survey current student achievement in reading, language, mathematics, science, social studies, and other areas to assess its needs;

(iii) 1. The State Board and the State Superintendent shall implement assessment programs in reading, language, mathematics, ~~AND science~~, and social studies that include written responses;

2. The assessment program required in this subsection shall:

A. Provide information needed to improve public schools by enhancing the learning gains of students and academic mastery of the skills and knowledge set forth in the State’s adopted curricula or common core curricula;

B. Inform the public annually of the educational progress made at the school, local school system, and State levels; and

C. Provide timely feedback to schools and teachers for the purposes of adapting the instructional program and making placement decisions for students; ~~and~~

3. [Beginning in the 2014–2015 school year, the] **THE** following assessments shall be implemented and administered annually:

A. At the middle school level, a statewide, comprehensive, grade band assessment program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the common core curricula or the State’s adopted curricula for the core content areas of reading, language, mathematics, ~~AND science~~, and social studies; and

B. At the high school level, a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student’s skills and knowledge of the State’s adopted curricula for the core content areas of reading, language, mathematics, ~~AND science~~, and social studies;

~~4. BEGINNING IN THE 2017-2018 SCHOOL YEAR, EACH COUNTY BOARD SHALL DEVELOP A SOCIAL STUDIES ASSESSMENT THAT IS A LOCALLY DESIGNED AND IMPLEMENTED PERFORMANCE-BASED ASSESSMENT FULLY EMBEDDED IN THE LOCAL CURRICULUM; AND~~

~~5. EACH COUNTY BOARD SHALL CERTIFY EACH YEAR TO THE STATE BOARD THAT:~~

~~**A. THE COUNTY BOARD'S SOCIAL STUDIES ASSESSMENT ALIGNS WITH SOCIAL STUDIES CONTENT STANDARDS, SKILLS, AND PROCESSES; AND**~~

~~**B. THE ASSESSMENT MATCHES APPROPRIATE LOCALLY DESIGNED ASSESSMENT TOOLS;**~~

(iv) Each public school shall establish as the basis for its assessment of its needs, project goals and objectives that are in keeping with the goals and objectives established by its county board and the State Board;

(v) With the assistance of its county board, the State Board, and the State Superintendent, each public school shall develop programs to meet its needs on the basis of the priorities it sets;

(vi) Evaluation programs shall be developed at the same time to determine if the goals and objectives are being met; and

(vii) A reevaluation of programs, goals, and objectives shall be undertaken regularly.

~~¶(3)~~ (i) ~~After the 2014–2015 school year, the~~ **THE** State Board shall determine whether the assessments ~~at the middle school and high school levels~~ required under paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth in the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies.

(ii) If the State Board makes a determination under subparagraph (i) of this paragraph that an assessment does not adequately measure the skills and knowledge set forth in the State's adopted curricula for a core content area, the ~~Department~~ **STATE BOARD** shall develop a State-specific assessment in that core content area to be implemented in the 2018–2019 school year. ~~¶~~

(4) AT THE MIDDLE SCHOOL LEVEL, THE STATE BOARD SHALL DEVELOP, IN COLLABORATION WITH COUNTY BOARDS, COUNTY CURRICULUM SPECIALISTS IN SOCIAL STUDIES, MIDDLE SCHOOL SOCIAL STUDIES TEACHERS, AND ACADEMICS WITH EXPERTISE IN SOCIAL STUDIES EDUCATION, A SOCIAL STUDIES ASSESSMENT THAT:

(1) CONSISTS, TO THE GREATEST EXTENT POSSIBLE, OF CRITERION-REFERENCED, PERFORMANCE-BASED TASKS THAT REQUIRE STUDENTS TO UTILIZE CRITICAL AND HISTORICAL THINKING SKILLS AND ANALYZE PRIMARY SOURCES;

(II) SHALL BE ADMINISTERED, TO THE GREATEST EXTENT POSSIBLE, WITHIN EXISTING CLASS PERIODS; AND

(III) SHALL BE IMPLEMENTED IN THE 2019–2020 SCHOOL YEAR.

(4) (5) AT THE HIGH SCHOOL LEVEL, WHEN THE DEPARTMENT’S CONTRACT FOR THE CURRENT HIGH SCHOOL SOCIAL STUDIES ASSESSMENT EXPIRES, THE STATE BOARD SHALL, IN COLLABORATION WITH COUNTY BOARDS, COUNTY CURRICULUM SPECIALISTS IN SOCIAL STUDIES, HIGH SCHOOL SOCIAL STUDIES TEACHERS, AND ACADEMICS WITH EXPERTISE IN SOCIAL STUDIES EDUCATION, REDESIGN THE HIGH SCHOOL LEVEL SOCIAL STUDIES ASSESSMENT TO:

(I) CONSIST, TO THE GREATEST EXTENT POSSIBLE, OF CRITERION–REFERENCED, PERFORMANCE–BASED TASKS THAT REQUIRE STUDENTS TO UTILIZE CRITICAL AND HISTORICAL THINKING SKILLS AND ANALYZE PRIMARY SOURCES;

(II) BE ADMINISTERED, TO THE GREATEST EXTENT POSSIBLE, WITHIN EXISTING CLASS PERIODS; AND

(III) BE IMPLEMENTED IN THE 2018–2019 SCHOOL YEAR, AND EACH YEAR THEREAFTER.

(c) National standardized testing may not be the only measure for evaluating educational accountability.

(d) The Department shall assist each county board to establish an education accountability program by providing:

(1) Guidelines for development and implementation of the program by the county boards; and

(2) Assistance and coordination where it is needed and requested by the county boards.

(e) (1) The Department shall survey a statewide, representative sample of public schools and public school teachers annually to measure:

(i) The amount of instructional time spent on social studies and science instruction in elementary schools;

(ii) The availability and use of appropriate instructional resources and teaching technology in social studies and science classrooms;

(iii) The availability and use of appropriate professional development for social studies and science teachers; and

(iv) The number of secondary school social studies and science classes that are taught by teachers who are:

1. Certified in the subject being taught; and
2. Not certified in the subject being taught.

(2) The Department shall:

(i) Compile the results of the survey conducted under paragraph (1) of this subsection; and

(ii) Publish the results on the Department's Web site.

(f) The State Superintendent shall send the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly a report each January that includes:

(1) Documentation of the progress of the Department, the county boards, and each public school in this State towards their respective goals and objectives; and

(2) Recommendations for legislation that the State Board and the State Superintendent consider necessary to improve the quality of education in this State.

(g) On the recommendation of the State Superintendent, the State Board shall include in its annual budget request the funds it considers necessary to carry out the provisions of this section.

(H) (1) (I) IN THIS SUBSECTION, "ASSESSMENT" MEANS A FEDERAL, STATE, OR LOCALLY MANDATED TEST THAT IS INTENDED TO MEASURE A STUDENT'S ACADEMIC READINESS, LEARNING PROGRESS, AND SKILL ACQUISITION.

**(II) "ASSESSMENT" DOES NOT INCLUDE ~~A~~
~~TEACHER-DEVELOPED QUIZ OR TEST:~~**

1. A TEACHER-DEVELOPED QUIZ OR TEST; OR

2. A SAMPLING TEST THAT IS NOT ADMINISTERED TO ALL STUDENTS.

~~(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT LIMIT THE AMOUNT OF TIME IN THE AGGREGATE THAT MAY BE DEVOTED TO FEDERAL, STATE, AND LOCALLY MANDATED ASSESSMENTS FOR EACH GRADE TO 2% OF THE MINIMUM~~

~~REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS TITLE.~~

(2) (I) ON OR BEFORE AUGUST 1, 2017, AND EACH AUGUST 1 THEREAFTER IN AN ODD-NUMBERED YEAR, A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FOR TEACHERS FOR THAT LOCAL SCHOOL SYSTEM SHALL MEET AND CONFER REGARDING:

- 1. A RUBRIC FOR EVALUATING LOCAL ASSESSMENTS;
- 2. THE TIME REQUIRED TO ADMINISTER EACH LOCAL ASSESSMENT; AND
- 3. THE PURPOSE OF EACH LOCAL ASSESSMENT.

(II) ~~A~~ 1. BEGINNING ON OR AFTER JANUARY 1, 2018, AND EACH JANUARY 1 THEREAFTER IN AN EVEN-NUMBERED YEAR, A COUNTY BOARD MAY SHALL ESTABLISH A DISTRICT COMMITTEE ON ASSESSMENTS TO ASSIST AND FACILITATE THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH THAT INCLUDES ADMINISTRATORS, TEACHERS, AND PARENTS PARENTS, AND TEACHERS SELECTED BY THE EXCLUSIVE BARGAINING UNIT TO ADVISE AND MAKE RECOMMENDATIONS IN THE FOLLOWING AREAS:

- A. THE TIME REQUIRED TO ADMINISTER EACH ASSESSMENT;
- B. THE DUPLICATIVENESS OF ASSESSMENTS;
- C. THE PURPOSE OF ASSESSMENTS;
- D. THE VALUE OF FEEDBACK PROVIDED TO EDUCATORS;
- E. THE TIMELINESS OF RESULTS.

2. ON OR BEFORE JUNE 1, 2019, AND EACH JUNE 1 THEREAFTER IN AN ODD-NUMBERED YEAR, THE DISTRICT COMMITTEE ON ASSESSMENTS SHALL SUBMIT THE COMMITTEE'S RECOMMENDATIONS TO THE COUNTY BOARD AND EXCLUSIVE EMPLOYEE REPRESENTATIVE FOR TEACHERS FOR THAT LOCAL SCHOOL SYSTEM.

(III) SUBJECT TO SUBPARAGRAPH (IV) OF THIS PARAGRAPH, ON OR BEFORE DECEMBER 1, 2017, AND EACH DECEMBER 1 THEREAFTER IN AN ODD-NUMBERED YEAR, A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE

REPRESENTATIVE FOR THAT LOCAL SCHOOL SYSTEM SHALL MUTUALLY AGREE TO THE AMOUNT OF TIME IN THE AGGREGATE THAT SHALL BE DEVOTED TO FEDERAL, STATE, OR LOCALLY MANDATED ASSESSMENTS, ON A GRADE-BY-GRADE BASIS, FOR THE FOLLOWING YEAR.

(IV) SUBJECT TO SUBPARAGRAPH (V) OF THIS PARAGRAPH, IF A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AMOUNT OF TIME IN THE AGGREGATE THAT SHALL BE DEVOTED TO FEDERAL, STATE, OR LOCALLY MANDATED ASSESSMENTS SHALL BE NO MORE THAN 2.2% OF THE MINIMUM REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS TITLE.

(V) IF A COUNTY BOARD AND THE EXCLUSIVE EMPLOYEE REPRESENTATIVE FAIL TO MUTUALLY AGREE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE AMOUNT OF TIME IN THE AGGREGATE THAT SHALL BE DEVOTED TO FEDERAL, STATE, OR LOCALLY MANDATED ASSESSMENTS IN THE EIGHTH GRADE SHALL BE NO MORE THAN 2.3% OF THE MINIMUM REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS TITLE.

~~(3) A STUDENT WHO PARTICIPATES IN AN ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE PROGRAM MAY NOT BE SUBJECT TO THE AGGREGATE TESTING LIMIT PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION.~~

(3) A STUDENT MAY NOT BE SUBJECT TO THE REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION IF THE STUDENT PARTICIPATES IN:

(I) AN ADVANCED PLACEMENT OR INTERNATIONAL BACCALAUREATE PROGRAM; OR

(II) THE SCHOLASTIC APTITUDE TEST (SAT), IF ADMINISTERED DURING THE REGULAR SCHOOL DAY.

(4) TIME DEVOTED TO TEACHER-SELECTED CLASSROOM QUIZZES, AND EXAMS, PORTFOLIO REVIEWS, OR PERFORMANCE ASSESSMENTS MAY NOT BE COUNTED TOWARD THE ~~TESTING LIMIT ESTABLISHED IN~~ REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO ~~SUPERSEDE~~ INCLUDE THE REQUIREMENTS OF:

(I) A STUDENT'S 504 PLAN;

(II) THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT, 20 U.S.C. 1400, ET SEQ.; OR

(III) FEDERAL LAW RELATING TO ENGLISH LANGUAGE LEARNERS; ~~OR.~~

(6) THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE REQUIREMENTS OF

~~(IV) THE THE~~ FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT, 20 U.S.C. 6301, ET SEQ.

~~(6) (I) ON OR BEFORE DECEMBER 1, 2017, EACH COUNTY BOARD SHALL ESTABLISH A DISTRICT COMMITTEE ON ASSESSMENTS TO MONITOR AND EVALUATE THE COUNTY'S ASSESSMENT PROGRAM.~~

~~(II) THE DISTRICT COMMITTEE FORMED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONSIST OF AT LEAST THE FOLLOWING MEMBERS, SELECTED BY THE COUNTY SUPERINTENDENT:~~

~~1. A REPRESENTATIVE OF AN EXCLUSIVE BARGAINING UNIT IN THE COUNTY;~~

~~2. A REPRESENTATIVE OF AN ELEMENTARY SCHOOL IN THE COUNTY;~~

~~3. A REPRESENTATIVE OF A MIDDLE SCHOOL IN THE COUNTY;~~

~~4. A REPRESENTATIVE OF A HIGH SCHOOL IN THE COUNTY;~~

~~5. A REPRESENTATIVE OF STUDENTS WITH DISABILITIES WHO RECEIVE SERVICES IN THE COUNTY; AND~~

~~6. A REPRESENTATIVE OF TEACHERS WHO TEACH ENGLISH LANGUAGE LEARNERS.~~

~~(III) 1. ON OR BEFORE JULY 1, 2018, THE DISTRICT COMMITTEE SHALL DEVELOP A RUBRIC FOR EVALUATING LOCAL ASSESSMENTS, INCLUDING DISTRICT MANDATED ASSESSMENTS AND SCHOOL BASED ASSESSMENTS.~~

~~2. THE RUBRIC SHALL EVALUATE THE FOLLOWING FACTORS:~~

~~A. THE TIME REQUIRED TO ADMINISTER EACH ASSESSMENT;~~

~~B. THE DUPLICATIVENESS OF ASSESSMENTS;~~

~~C. THE PURPOSE OF ASSESSMENTS;~~

~~D. THE VALUE OF FEEDBACK PROVIDED TO EDUCATORS; AND~~

~~E. THE TIMELINESS OF RESULTS.~~

~~(iv) 1. ON OR BEFORE DECEMBER 1, 2018, AND EACH DECEMBER 1 THEREAFTER, THE DISTRICT COMMITTEE SHALL SUBMIT A REPORT TO THE COUNTY BOARD.~~

~~2. THE REPORT SHALL:~~

~~A. IDENTIFY LOCAL ASSESSMENTS THAT ARE DUPLICATIVE;~~

~~B. RECOMMEND ADJUSTMENTS TO LOCAL ASSESSMENTS CURRENTLY IN PLACE; AND~~

~~C. PROPOSE A TIMELINE FOR THE IMPLEMENTATION OF THE RECOMMENDED ADJUSTMENTS.~~

~~3. AFTER REVIEWING THE REPORT FROM THE DISTRICT COMMITTEE, THE COUNTY BOARD MAY ADOPT OR REJECT THE DISTRICT COMMITTEE'S RECOMMENDATION TO ADJUST THE ASSESSMENTS.~~

~~A. IF THE COUNTY BOARD REJECTS A RECOMMENDATION, THE COUNTY BOARD SHALL RETURN THE RECOMMENDATION TO THE DISTRICT COMMITTEE WITH THE COUNTY BOARD'S COMMENTS.~~

~~B. IF THE COUNTY BOARD ADOPTS A RECOMMENDATION, THE COUNTY BOARD SHALL IMPLEMENT THE RECOMMENDATION AND MAKE THE CHANGE TO THE ASSESSMENT THAT WILL BE USED IN THE FOLLOWING SCHOOL YEAR.~~

~~4. ON JULY 1, 2019, AND EACH JULY 1 THEREAFTER, THE COUNTY BOARD SHALL REPORT TO THE STATE BOARD:~~

~~A. THE DISTRICT COMMITTEE'S RECOMMENDED ADJUSTMENTS TO THE ASSESSMENTS; AND~~

~~B. THE STATUS OF THE COUNTY BOARD'S IMPLEMENTATION OF THE DISTRICT COMMITTEE'S RECOMMENDATIONS.~~

~~(v) ON OR BEFORE JULY 1, 2018, AND EACH JULY 1 THEREAFTER, THE DISTRICT COMMITTEE SHALL PUBLISH ON ITS WEB SITE:~~

~~1. A CALENDAR OF ASSESSMENTS; AND~~

~~2. THE DATE THE DISTRICT COMMITTEE WILL REPORT TO THE COUNTY BOARD.~~

~~(7) THE DEPARTMENT SHALL SURVEY A STATEWIDE, REPRESENTATIVE SAMPLE OF PUBLIC SCHOOLS ANNUALLY TO MEASURE HOW MUCH TIME IS SPENT IN EACH GRADE AND IN EACH LOCAL SCHOOL SYSTEM ON ADMINISTERING FEDERAL, STATE, AND LOCALLY MANDATED ASSESSMENTS.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before July 15, 2017, the State Board of Education shall define a rubric by which a county board of education or a District Committee on Assessments shall evaluate local assessments under § 7-203(h)(2) of the Education Article as enacted by Section 1 of this Act.~~

SECTION ~~2~~ ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect ~~July~~ June 1, 2017.

Approved by the Governor, May 25, 2017.