

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
 Enrolled - Revised

House Bill 461
 Ways and Means

(Delegate Luedtke, *et al.*)

Education, Health, and Environmental Affairs

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

This bill requires local boards of education and exclusive employee representatives to meet and confer regarding school assessments as specified in the bill and, by December 1, 2017, and every two years thereafter, mutually agree to a limited amount of time that may be devoted to federal, State, and locally mandated assessments for each grade. If the parties fail to mutually agree, the time that may be devoted to specified assessments must be limited to 2.2% of the minimum required annual instructional hours for every grade except for eighth grade, which must be limited to 2.3%.

The bill also extends the date by which the State Board of Education must implement a middle school social studies assessment by one year, from the 2018-2019 school year to the 2019-2020 school year. A *redesigned* high school social studies assessment (*i.e.*, the Government HSA) must be implemented by the 2018-2019 school year.

The bill takes effect June 1, 2017.

Fiscal Summary

State Effect: Extending the deadline to implement the middle school social studies assessment shifts \$2.0 million in development costs from FY 2018 to 2019; however, no funds were provided in the FY 2018 State budget to develop the assessment. Likewise, MSDE expenditures to administer the assessment begin in FY 2020 rather than in FY 2019; this results in savings of \$2.0 million in FY 2019. Redesigning the Government HSA is not anticipated to affect expenditures, as explained below. Revenues are not affected.

(in dollars)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(2,000,000)	0	0	0	0
Net Effect	\$2,000,000	\$0	\$0	\$0	\$0

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local boards of education and exclusive employee representatives already meet and confer on a number of topics; thus, requiring them to meet regarding testing is not anticipated to materially affect local board expenditures. Local boards of education, local curriculum specialists in social studies, and middle and high school social studies teachers can collaborate with the State Board of Education to develop the middle and high school social studies assessments using existing resources. Local school system expenditures may increase minimally to monitor and evaluate their assessment programs.

Small Business Effect: None.

Analysis

Bill Summary:

Limiting Assessment Time

“Assessment” is defined as a federal, State, or locally mandated test that is intended to measure a student’s academic readiness, learning progress, and skills acquisition. It does not include a teacher-developed quiz or test, or a sampling test that is not administered to all students.

A student who participates in (1) an advanced placement or international baccalaureate program is not subject to the aggregate testing limit or (2) the Scholastic Aptitude Test (SAT), if administered during the regular school day. Time devoted to teacher-selected classroom quizzes, exams, portfolio reviews, or performance assessments may not be counted toward the testing limit agreed to by specified parties or established by this bill.

The testing limit requirements of the bill may not be construed to include the requirements of (1) a student’s 504 plan; (2) the federal Individuals with Disabilities Education Act; or (3) federal law relating to English language learners. The bill may not be construed to supersede the requirements of the federal Elementary and Secondary Education Act (ESEA).

By August 1, 2017, and each August 1 thereafter in an odd-numbered year, a local board of education and the exclusive employee representative for teachers for that local school system must 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.

By January 1, 2018, and each January 1 thereafter in an even-numbered year, each local board of education must establish a District Committee on Assessments that includes

administrators, parents, and teachers selected by the exclusive bargaining unit to advise and make recommendations in the following areas: (1) the time required to administer each assessment; (2) the duplicativeness of assessments; (3) the purpose of assessments; (4) the value of feedback provided to educators; and (5) the timeliness of results. By June 1, 2019, and each June 1 thereafter in an odd-numbered year, the District Committee on Assessments must submit the committee's recommendations to the local board of education and exclusive employee representative for teachers for that local school system.

Social Studies Assessment

Under the bill, the State Board of Education, rather than the Maryland State Department of Education (MSDE), must develop a State-specific assessment by the 2018-2019 school year in any core content area that the State board has determined that the existing assessments do not adequately measure the skills and knowledge set forth in the State's adopted curricula. The bill requires the State Board of Education to develop, in collaboration with specified entities and individuals, a middle school social studies assessment and a *redesigned* high school social studies assessment that meet specified criteria.

At the middle school level, the State Board of Education must develop, in collaboration with the local boards of education, local 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; (2) must be administered, to the greatest extent possible, within existing class periods; and (3) must be implemented in the 2019-2020 school year.

At the high school level, when MSDE's contract for the current high school social studies assessment expires, the State Board of Education must, in collaboration with local boards of education, local 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 (1) 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; (2) be administered, to the greatest extent possible, within existing class periods; and (3) be implemented beginning in the 2018-2019 school year.

Current Law: The most recent reauthorization of ESEA, the Every Student Succeeds Act of 2015, requires annual assessments of all students in grades 3 through 8 and at least once in high school in reading/language arts and mathematics. Since 2008, ESEA also requires

students to be tested in science at least once in grades 3 through 5, 6 through 8, and 9 through 12. ESEA does not require a government or social studies test.

Development of Specified Assessments

Among other things, Chapters 476 and 477 of 2012 required the State Board of Education and the State Superintendent of Schools to implement assessment programs in reading, language, mathematics, science, and social studies that include written responses. Beginning with the 2014-2015 school year, the assessments were required to be administered annually. After the 2014-2015 school year, the State Board of Education was required to determine whether the assessments at the middle school and high school levels 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. If the State Board of Education determined that an assessment does not adequately measure the skills and knowledge set forth in the State's adopted curricula for a core content area, MSDE is required to develop a State-specific assessment in that core content area to be implemented in the 2016-2017 school year.

On February 29, 2016, the State Board of Education sent a letter to the Presiding Officers of the Maryland General Assembly informing them that MSDE would not be able to, among other things, develop a State-specific assessment in social studies by the 2016-2017 school year. Chapter 264 of 2016 extended the time by which MSDE is required to develop a State-specific assessment in social studies by two years, from the 2016-2017 school year to the 2018-2019 school year.

At the middle school level, the assessment program is required to be a statewide, comprehensive, grade band program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the State's adopted curricula or the common core curricula. At the high school level, the assessment program is required to be 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.

Chapters 476 and 477 also required each local school system's comprehensive master plan and master plan update to include, among other existing requirements, a description of how the local board of education intends to ensure and measure the academic proficiency of students in the core academic subject areas of reading, language, mathematics, science, and social studies at various points in the education continuum of the students. The State Board of Education and the State Superintendent must also assist each local board of education to establish educational goals and objectives that conform to the statewide educational objectives for science and social studies.

Assessments Administered in a Local School System

Chapter 264 of 2016 required a local board of education to provide the following information for each assessment administered in a local school system: (1) the title of the assessment; (2) the purpose of the assessment; (3) whether the assessment is mandated by a local, State, or federal entity; (4) the grade level or subject area, as appropriate, to which the test is administered; (5) the testing window of the assessment; and (6) whether accommodations are available for students with special needs and what the accommodations are. By October 15 of each year, this information must be updated, posted on the website of the local board, and included in the annual update of the local board's master plan.

Background: In order to make the determination of whether the Partnership for the Assessment of Readiness for College and Career (PARCC) assessments “adequately measure the skills and knowledge” set forth in the social studies curriculum, MSDE social studies program staff reviewed the 45 PARCC released items available to the public. Of those released items, MSDE determined that 5% have a social studies topic as the focal point of the reading stimulus. Upon their analysis of those items, MSDE found that none of the items explicitly measure social studies “skills and knowledge.”

When reviewing PARCC items, MSDE staff clearly distinguished between content and disciplinary literacy. Content refers to the specific topics within the subject of social studies; content includes everything from geography to civics and economics. Disciplinary refers to a student's thinking process, *i.e.*, *how* they are thinking about the content, not the content itself. In sum, social studies content literacy is focused on the unique content needs of the discipline, whereas disciplinary literacy is focused on various aspects of the thinking process.

As stated above, according to the analysis done by MSDE staff, the PARCC assessments do not adequately measure a student's social studies skill and knowledge; thus, the State Board of Education expressed at its February 2016 meeting its intent to take the next step regarding the development of a State-specific assessment in social studies as required by statute.

MSDE advises that local school systems have determined that no federal or State mandated assessments currently in place would have to be eliminated in order to meet the assessment cap requirement at each grade level proposed in this bill. MSDE has published the time spent on testing by local school system during the 2015-2016 school year on its [website](#).

State Expenditures: As explained below, general fund expenditures for the Government HSA are not materially affected. Expenditures for the development and administration of

the middle school social studies assessment are both shifted by one year due to the timeline extension for the new test.

The Government HSA is in the last year of its contract at an annual cost of \$4.5 million to develop, administer, and score the test. Based on the current costs, it is assumed that the *redesigned* Government HSA will also cost \$4.5 million annually. MSDE advises that the procurement for the new Government HSA includes the addition of two criterion-referenced, performance-based tasks, at the request of the State Board of Education. The State Board of Education also requested that the new assessment be designed to be administered during class periods, which was included in the procurement contract. MSDE further advises that the new Government HSA will be piloted in the 2018-2019 school year and administered to all students who take the course in the 2019-2020 school year. Thus, the Department of Legislative Services assumes that there are no additional costs as a result of the requirements in the bill. To the extent that more performance-based tasks are required to be included in the redesigned Government HSA as a result of the bill, or that piloting the new HSA in the 2018-2019 school year does not satisfy the bill's requirement, expenditures increase. Any additional increase cannot be reliably estimated but may be significant.

A new middle school assessment is required to be administered under current law in the 2018-2019 school year. However, the fiscal 2018 State operating budget does not include an estimated \$2.0 million required to develop the middle school assessment to be administered in the 2018-2019 school year. Thus, under current law, MSDE expenditures for fiscal 2018 will need to increase or funds will need to be shifted from other priorities to develop the assessment.

Extending the time to develop the middle school assessment to the 2019-2020 school year shifts MSDE expenditures to develop the assessment from fiscal 2018 to 2019 (although the funds are not budgeted in fiscal 2018 as discussed above). It is assumed that some performance-based tasks can be included in the assessment at no additional cost. To the extent that more performance-based tasks are required as a result of the bill, expenditures increase. As explained above, the amount cannot be estimated but may be significant. Ongoing scoring and development costs for the middle school social studies assessment are estimated to be approximately \$2.0 million annually. Under the bill, expenditures for scoring will begin in fiscal 2020 rather than in fiscal 2019, resulting in savings of \$2.0 million in fiscal 2019. However, due to the \$2.0 million in development costs offsetting the savings, there is no net effect in fiscal 2019.

Additional Information

Prior Introductions: None.

Cross File: SB 452 (Senator Manno, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education; Maryland Association of Counties; U.S. Department of Education; Dorchester and Garrett counties; Department of Legislative Services

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