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FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 412
Ways and Means

(Delegate Kaiser, *et al.*)

Education, Health, and Environmental Affairs

Education - Assessments - Administration and Provision of Information

This bill requires 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. The bill also extends the time by which the Maryland State Department of Education (MSDE) has to develop a State-specific assessments in specified core content areas (*i.e.*, social studies) by two years, from the 2016-2017 school year to the 2018-2019 school year.

The bill takes effect July 1, 2016.

Fiscal Summary

State Effect: Extending the time by which MSDE has to develop a social studies assessment shifts expenditures for developing the social studies assessment from FY 2017 to FY 2018 and 2019; thus, MSDE expenditures for the development of the assessment are not materially affected, as explained below. In addition, MSDE expenditures for administering the assessment do not begin until FY 2019 rather than beginning in FY 2017; however, this savings cannot be reliably estimated. No funds were provided in the FY 2017 State budget to develop or administer a social studies assessment.

Local Effect: Local school systems can post the required information regarding assessments to their websites and include the information in their annual master plan updates using existing resources. Local school system expenditures to administer the social

studies assessment may decrease minimally in FY 2017 and 2018 due to the delay in administering the assessment.

Small Business Effect: None.

Analysis

Bill Summary: Under the bill, “assessment” does not include a teacher-developed quiz or test. The bill does not apply to an assessment or test given to a student relating to a student’s 504 plan, the federal Individuals with Disabilities Education Act, or federal law relating to English language learners.

Current Law: Each local board of education must develop and implement a comprehensive master plan that describes the goals, objectives, and strategies that will be used to improve student achievement and meet State and local performance standards in each segment of the student population. Local boards of education were required to submit annual updates to their master plans through 2014. By October 15, 2015, each local board was required to submit a new five-year comprehensive master plan to MSDE. Beginning in 2016, each local board must submit an annual update that covers a rolling five-year period. As part of this update, each local board must submit a detailed summary of how the board’s current year approved budget and increases in expenditures over the prior year are consistent with the master plan and a summary of how the board’s actual prior year budget and additional expenditures in the prior year’s budget aligned with the master plan.

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.

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 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.

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.

Background: For more information regarding federal, State, and local assessments and testing in public schools, please see the **Appendix – Assessments and Testing in Public Schools**.

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 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. Under current law, the assessment must be implemented by 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 meet the requirements of Chapters 476 and 477.

State Fiscal Effect: Since the State Board of Education determined that the PARCC assessments do not adequately measure a student's social studies skills and knowledge under current State law, MSDE must develop a State-specific social studies assessment to measure this skills and knowledge to be implemented in the 2016-2017 school year (fiscal 2017). However, no funds have been included in the fiscal 2017 State budget to develop this assessment nor have any plans been set in motion to develop this assessment. Thus, under current law, MSDE expenditures for fiscal 2017 will need to increase or funds will need to be shifted from other priorities to develop the assessment by the 2016-2017 school year. In addition, it is unlikely that MSDE could produce a social studies assessment that meets their quality expectations in time to be administered during the 2016-2017 school year.

Since funds are not budgeted for the assessment, as discussed above, extending the time by which MSDE has to develop a State-specific assessment for social studies simply allows MSDE to shift expenditures to develop the assessment from fiscal 2017 to fiscal 2018 and 2019; thus, MSDE expenditures are not materially affected. However, shifting the expenditures will allow MSDE to develop a plan to develop the assessment and will grant them enough time to develop a quality assessment.

It is unknown exactly how much it will cost to develop a State-specific social studies assessment; however, based on past estimates for State-developed assessments it is assumed that it will cost approximately \$3.4 million. The exact cost will depend on the assessment design and the number of questions among other things. There are other costs associated with administering an assessment, such as grading. Under the bill, expenditures for grading will begin in fiscal 2019 rather than in fiscal 2017; however, the savings cannot be reliably estimated as it is unknown what type of assessment will be developed (and as discussed above, no funds were included in the fiscal 2017 budget to administer the assessment).

Additional Information

Prior Introductions: None.

Cross File: SB 533 (Senator Pinsky) - Education, Health, and Environmental Affairs.

Information Source(s): Maryland State Department of Education, Partnership for Assessment of Readiness for College and Careers, U.S. Department of Education, Council of Great City Schools, Department of Legislative Services

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Appendix – Assessments and Testing in Public Schools

Commission to Review Maryland’s Use of Assessments and Testing in Public Schools

Chapter 421 of 2015 established the Commission to Review Maryland’s Use of Assessments and Testing in Public Schools. In addition to other items, Chapter 421 required the Maryland State Department of Education (MSDE) to:

- survey and assess how much time is spent in each grade and in each local school system on administering local, State, and federally mandated assessments; and
- compile the results of the survey into documents that are consistent across local school systems and grade levels.

The full [Report on Local, State and Federally Mandated Assessments in Maryland](#) from August 2015 can be found on MSDE’s website and the Department of Legislative Services library. The survey found that there are seven nationally mandated assessments; six State mandated assessments; and six types of locally mandated assessments. It should be noted that none of these assessments are mandated for all grades or student populations. For example, ACCESS for English Language Learners is only required for English language learners and the Kindergarten Readiness Assessment is only required for kindergarten students. The report also notes that many local school systems are currently transitioning their assessment efforts. According to the report, “They are transitioning to more technology-based assessments; they are transitioning in how they use the information produced through the assessments; and they are analyzing which assessments provide the most valuable information about teaching and learning. As a result, many school systems have recently made or are considering changes to their local assessment programs.”

Federal Assessment Law

The most recent reauthorization of the Elementary and Secondary Education Act (ESEA), the [Every Student Succeeds Act of 2015](#), maintained the annual assessment requirements. The law requires annual assessments of all students in grades 3 through 8 and at least once in high school in reading/language arts and mathematics; the law also requires students to be tested in science at least once in grades 3 through 5, 6 through 8, and 9 through 12. Furthermore, ESEA sections 1111(b)(3)(C)(i) and (ix)(I) require State assessments to “be the same academic assessments used to measure the achievement of all children” and “provide for the participation in such assessments of all students.” States are required to have 95% of students participate in the assessment; although states may allow parents to have their students opt out of taking the assessment.

States may allow local school systems to use a “nationally recognized” high school exam in place of a state test. This test must be aligned to standards and equivalent to the state test in content, difficulty, and quality.

In a December 2, 2015 “Dear Colleague” letter, the U.S. Department of Education (ED) reiterated the importance of reaching the 95% participation rate and announced that, “[i]f a State with participation rates below 95% in the 2014-2015 school year fails to assess at least 95% of its students on the statewide assessment in the 2015-2016 school year, ED will take one or more of the following actions: (1) withhold Title I, Part A State administrative funds; (2) place the State’s Title I, Part A grant on high-risk status and direct the State to use a portion of its Title I State administrative funds to address low participation rates; or (3) withhold or redirect Title VI State assessment funds.”

Federal Recommendations

In October 2015, the Obama Administration released a [Testing Action Plan](#) directed at reducing over testing in public schools, which was partly in response to a [report](#) by the Council of the Great City Schools that found that students typically spend about 20 to 25 hours per year (or about 2.3% of the school time) on roughly eight mandatory assessments. The plan advises that assessments be worth taking; high quality; time limited; fair – and supportive of fairness – in equity in educational opportunity; fully transparent to students and parents; just one of multiple measures; and tied to improved learning.

In regards to limiting the time spent on assessments, the plan recommends that states place a cap on the percentage of instructional time students spend taking required statewide standardized assessments to ensure that no child spends more than 2% of his or her classroom time on these assessments. Further, the plan recommends that parents receive formal notification if their child’s school exceeds this cap and an action plan should be posted to describe the steps the state will take to review and eliminate unnecessary assessments. Moreover, the plan recommends that low-quality test preparation strategies such as “drill-and-kill” be eliminated.

College- and Career-ready Curriculum

Beginning with the 2013-2014 school year, a new college- and career-ready curriculum, aligned with the Common Core State Standards, known as the Maryland College- and Career-Ready Standards (MCCRS) was fully implemented in Maryland schools. As a result of the new curriculum, Maryland also required a new assessment system. The Partnership for Assessment of Readiness for College and Careers (PARCC) assessments in English language arts and mathematics, which are aligned with MCCRS, were administered statewide for the first time in the 2014-2015 school year to students in grades 3 through 8 and high school. The State Board of Education has also adopted new

science standards known as the Next Generation Science Standards. Maryland is part of a consortium that is developing new science assessments aligned to the standards.

Chapter 533 of 2013, the College and Career Readiness and College Completion Act of 2013, requires students to be assessed no later than at the end of grade 11 to determine whether they are ready for college-level, credit-bearing coursework in English/language arts/literacy and mathematics. In addition, it sets a goal for the State that all students achieve math competency in Algebra II, although there is no requirement that students take such a course in the law.

MSDE has indicated that additional tests are necessary to properly evaluate college and career readiness and could be helpful in familiarizing students with the rigor of the new MCCRS curriculum and what is required for the PARCC assessments prior to being tested in the subjects needed to meet graduation requirements.

MSDE suggests that, because students must be assessed for college readiness by the end of grade 11, and in order to accurately determine whether students are meeting the State goal of being competent in Algebra II, standardized statewide assessments are needed in English 11 and Algebra II. These assessments will be optional and paid for by the State. The possible addition of English 9 and Geometry PARCCs would assist in monitoring the progress made by students in anticipation of taking the tests necessary to meet graduation requirements. MSDE, local school systems, and community colleges have also agreed upon other existing methods for evaluating competency in determining college and career readiness, (e.g., Scholastic Aptitude Tests or advanced placement scores). The current PARCC contract does reflect the assumed phase-in of the additional four tests. In the current 2015-2016 school year (fiscal 2016), PARCC assessments include testing in reading and math for grades 3 through 8, English 10, Algebra I, and Algebra II for all students taking those respective courses. English 11 will also be offered in fiscal 2016 as an optional test.

Partnership for Assessment of Readiness for College and Careers

The 2014-2015 PARCC testing was done in two parts – the performance-based testing in early spring and the end-of-year testing in late spring, closer to end of the school year. In May 2015, the PARCC governing board voted to:

- reduce the testing time for students by about 90 minutes overall and create more uniformity of test unit times;
- consolidate the two testing windows in mathematics and English language arts/literacy (which includes reading and writing) into one to simplify administration; and
- reduce the number of test units for all students.

PARCC reports that states and schools will have up to 30 school days in which to test during the 2015-2016 school year, but most will complete all testing in one to two weeks, depending on the school’s scheduling and availability of computers. The spring 2016 testing times for the PARCC assessments are shown in **Exhibit 1**.

Exhibit 1
Spring 2016 PARCC Testing Times

Grades	ELA	Math
Grade 3	Unit 1 – 90 minutes Unit 2 – 75 minutes Unit 3 – 90 minutes	Unit 1 – 60 minutes Unit 2 – 60 minutes Unit 3 – 60 minutes Unit 4 – 60 minutes
Grades 4-5	Unit 1 – 90 minutes Unit 2 – 90 minutes Unit 3 – 90 minutes	Unit 1 – 60 minutes Unit 2 – 60 minutes Unit 3 – 60 minutes Unit 4 – 60 minutes
Grades 6-8	Unit 1 – 110 minutes Unit 2 – 110 minutes Unit 3 – 90 minutes	Unit 1 – 80 minutes Unit 2 – 80 minutes Unit 3 – 80 minutes
Grades 9-12	Unit 1 – 110 minutes Unit 2 – 110 minutes Unit 3 – 90 minutes	Unit 1 – 90 minutes Unit 2 – 90 minutes Unit 3 – 90 minutes

PARCC: Partnership for Assessment of Readiness for College and Careers
ELA: English Language Arts

Note: Math for grades 9-12 includes Algebra I, Geometry, Algebra II, and Integrated Mathematics I, II, III.

Source: Partnership for Assessment of Readiness for College and Careers

Limited Testing

In response to the concern of increased testing and in response to the Commission to Review Maryland’s Use of Assessments and Testing in Public Schools, in addition to the PARCC adjustments discussed above, MSDE has reported that it has reduced the number of items on the Kindergarten Readiness Assessment and has asked local school systems to compile a list of all required assessments. In addition, MSDE has created a schedule that

shows the optimal way to administer the required assessments. MSDE reports that some local school systems have chosen to follow their schedule, while others have not.

In response to requests from the commission, in December 2015, MSDE provided an estimate of the amount of time that students spend taking mandated federal and State assessments by grade level. Overall, students in grades 3 through 8 spend between 7 and 10 hours each school year taking federally mandated tests, or 0.6% to 1.0% of instructional time based on 1,080 instructional hours in elementary and middle school and 1,170 hours in high school, in a school year. In addition, MSDE reported that students in kindergarten spend less than 1 hour per year taking the State-required Kindergarten Readiness Assessment. Finally, students spend 14.2 hours to take the four required high school assessments, three of which are also federally mandated. MSDE also surveyed local school systems on the amount of time that students spend taking mandated local assessments by grade. Overall, students spend on average 0.4% to 1.0% of their instructional time on local assessments in elementary school, increasing to about 1.5% in middle and high school. The amounts vary by grade and school system.

Some students are granted additional time to take assessments due to (1) the student's 504 plan; (2) the federal Individuals with Disabilities Education Act; or (3) federal law relating to English language learners.