

**Department of Legislative Services**  
Maryland General Assembly  
2016 Session

**FISCAL AND POLICY NOTE**  
**First Reader**

Senate Bill 786 (Senator Madaleno)  
Education, Health, and Environmental Affairs

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**Education - Assessments - Best Practices in the Administration of Assessments**

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This bill requires the Maryland State Department of Education (MSDE) to develop a set of best practices that MSDE and local school systems must consider when deciding whether to administer an assessment or a test to students. The best practices developed must include specified elements and follow specified principles. In order to ensure conformity with the best practices developed under the bill, MSDE must conduct an audit of all State-mandated assessments that are administered in the State, and each local school system must conduct an audit of all locally mandated assessments that are administered in the local school system.

This bill takes effect July 1, 2016.

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**Fiscal Summary**

**State Effect:** MSDE can develop the required assessment best practices and conduct an audit of all State-mandated assessments using existing resources as explained below. However, if the anticipated federal support is not available, MSDE expenditures may increase minimally.

**Local Effect:** Local school systems can consider the assessments best practices when deciding whether to administer an assessment or test to students and conduct an audit of all locally mandated assessments using existing resources as explained below. However, if the anticipated federal support is not available, local school system expenditures may increase minimally.

**Small Business Effect:** None.

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## Analysis

**Bill Summary:** The best practices developed under the bill must:

- be aligned with State curriculum and content;
- be developed in collaboration with teachers;
- be of high quality;
- be designed to inform instruction and have a clear purpose;
- allow for individualization of student instruction;
- provide timely and understandable feedback to the local school systems, teachers, and parents;
- effectively measure critical thinking skills, complex skills, and subject mastery;
- provide an accurate measure of student achievement and student growth;
- promote a level playing field for English language learners and students who receive special education accommodations;
- limit the impact on instructional time and required time out of other classes;
- not be used only for accountability purposes for teacher-principal evaluations or student learning objectives; and
- address any other principles recommended by MSDE.

The bill also encourages MSDE and local school systems to apply for federal funds to offset the cost of the audits.

**Current Law/Background:** Section 1202 of the Every Student Succeeds Act of 2015 (ESSA), the most recent reauthorization of the Elementary and Secondary Education Act, authorizes grants of \$1.5 million for each state to conduct audits of state assessment systems and to ensure that local school systems audit local assessments.

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

**State Fiscal Effect:** MSDE can develop the required assessment best practices and conduct the audit using existing resources. This estimate assumes that MSDE staff conduct the required audit, which MSDE believes is feasible. Hiring an outside firm to conduct an audit will cost significantly more.

Although ESSA *authorizes* new grants for assessment system audits, it is unknown if federal funds will be appropriated for the grants. However, on October 24, 2015, in its [Testing Action Plan Fact Sheet](#), the U.S. Department of Education (ED) announced it would provide clear guidance to all states and districts regarding what existing federal

funds may be used for assessment audits and to support high-quality teaching and learning, and best practices for using testing as a learning tool, by January 2016. As of February 2016, this was not publically posted on its website. Additionally, in its fact sheet, ED reported that its regional and content centers and labs, including the Center for Standards and Assessment Implementation, will provide targeted assessment audit support to states and school districts that are looking to reduce redundant and unnecessary assessments. Furthermore, ED reported it will work with its centers and labs to provide webinars and materials on the research concerning best practices in assessment practices and the use of information on student performance. Thus, due to the anticipated federal support, it is reasonable that MSDE staff will be able to develop best practices and conduct the required audit of State-mandated assessments using existing resources. However, if the anticipated federal support is not available, MSDE expenditures may increase minimally.

**Local Fiscal Effect:** As explained above, due to the anticipated federal support, it is reasonable that local school systems will be able to follow the best practices and conduct the required audit of locally mandated assessments using existing resources. However, if the anticipated federal support is not available, local school system expenditures may increase minimally to conduct the required audits of the locally mandated assessments.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 397 (Delegates M. Washington and Ebersole) - Ways and Means.

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

**Fiscal Note History:** First Reader - March 1, 2016  
min/rhh

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Analysis by: Caroline L. Boice

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510

## Appendix – Assessments and Testing in Public Schools

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### *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**.

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**Exhibit 1**  
**Spring 2016 PARCC Testing Times**

<b>Grades</b>	<b>ELA</b>	<b>Math</b>
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

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*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 the student's 504 plan; (2) the federal Individuals with Disabilities Education Act; or (3) federal law relating to English language learners.