

HOUSE BILL 461

F1

7lr1651
CF SB 452

By: Delegates Luedtke, Atterbeary, Barkley, D. Barnes, Beidle, Carey, Cullison, Ebersole, Gaines, Gutierrez, Hettleman, Hixson, Knotts, Korman, Lam, Morales, Patterson, Queen, Reznik, Robinson, Waldstreicher, ~~and M. Washington~~ M. Washington, and Tarlau

Introduced and read first time: January 26, 2017

Assigned to: Ways and Means

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 24, 2017

CHAPTER _____

1 AN ACT concerning

2 **Education – Accountability Program – Assessments**
3 **(Less Testing, More Learning Act of 2017)**

4 FOR the purpose of requiring ~~certain county boards of education to develop a certain social~~
5 ~~studies assessment beginning in a certain school year; repealing certain~~
6 ~~requirements relating to certain social studies assessments; requiring a county board~~
7 ~~to certify annually to the State Board of Education that the county board's social~~
8 ~~studies assessment aligns with certain standards and matches a certain tool~~ the
9 State Board of Education to develop, in collaboration with certain entities and
10 individuals, a middle school level social studies assessment that meets certain
11 requirements and for implementation in a certain school year; requiring the State
12 Board, in collaboration with certain entities and individuals, to redesign the high
13 school level social studies assessment to meet certain requirements and for
14 implementation in a certain school year; requiring the State Board to adopt certain
15 regulations limiting the amount of time that may be spent on certain assessments;
16 prohibiting a student who participates in certain programs from being subject to
17 certain testing time limits; prohibiting certain types of assessments and activities
18 from being counted toward certain testing time limits; requiring certain county
19 boards to establish on or before a certain date a certain committee on assessments;
20 providing for the membership of the committee; requiring the committee on or before
21 a certain date to develop a certain rubric to evaluate certain local assessments;
22 requiring the committee to report annually to the local county board beginning on or

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.



1 before a certain date; providing for the content of the report; authorizing a county
2 board, after reviewing the committee's report, to adopt or reject the committee's
3 recommendations; requiring a county board that adopts a recommendation to
4 implement the change to the assessment for the following school year; requiring the
5 county board to report annually to the State Board certain information beginning on
6 a certain date; requiring the committee to publish annually on its Web site certain
7 information beginning on a certain date; requiring the State Department of
8 Education to survey annually certain public schools to measure time spent
9 administering assessments; defining a certain term; providing for the construction
10 of this Act; repealing certain obsolete provisions of law; and generally relating to
11 assessments in public schools.

12 BY repealing and reenacting, with amendments,
13 Article – Education
14 Section 7–203
15 Annotated Code of Maryland
16 (2014 Replacement Volume and 2016 Supplement)

17 Preamble

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

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

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

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

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

35 **Article – Education**

36 7–203.

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

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

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

8 (i) The State Board and the State Superintendent shall assist each
9 county board to establish educational goals and objectives that conform with statewide
10 educational objectives for subject areas including reading, writing, mathematics, science,
11 and social studies;

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

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

18 2. The assessment program required in this subsection shall:

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

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

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

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

29 A. At the middle school level, a statewide, comprehensive,
30 grade band assessment program that measures the learning gains of each public school
31 student towards achieving mastery of the standards set forth in the common core curricula
32 or the State’s adopted curricula for the core content areas of reading, language,
33 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 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.

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

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

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

12 **(III) SHALL BE IMPLEMENTED IN THE 2018-2019 SCHOOL YEAR.**

13 **(5) AT THE HIGH SCHOOL LEVEL, WHEN THE DEPARTMENT'S**
14 **CONTRACT FOR THE CURRENT HIGH SCHOOL SOCIAL STUDIES ASSESSMENT**
15 **EXPIRES, THE STATE BOARD SHALL, IN COLLABORATION WITH COUNTY BOARDS,**
16 **COUNTY CURRICULUM SPECIALISTS IN SOCIAL STUDIES, HIGH SCHOOL SOCIAL**
17 **STUDIES TEACHERS, AND ACADEMICS WITH EXPERTISE IN SOCIAL STUDIES**
18 **EDUCATION, REDESIGN THE HIGH SCHOOL LEVEL SOCIAL STUDIES ASSESSMENT:**

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

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

25 **(III) TO BE IMPLEMENTED IN THE 2018-2019 SCHOOL YEAR.**

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

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

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

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

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

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

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

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

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

11 1. Certified in the subject being taught; and

12 2. Not certified in the subject being taught.

13 (2) The Department shall:

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

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

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

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

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

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

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

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

1 **1. A TEACHER-DEVELOPED QUIZ OR TEST; OR**

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

4 **(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT LIMIT THE**
5 **AMOUNT OF TIME IN THE AGGREGATE THAT MAY BE DEVOTED TO FEDERAL, STATE,**
6 **AND LOCALLY MANDATED ASSESSMENTS FOR EACH GRADE TO 2% OF THE MINIMUM**
7 **REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS**
8 **TITLE.**

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

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

16 **(5) THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE**
17 **REQUIREMENTS OF:**

18 **(I) A STUDENT'S 504 PLAN;**

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

21 **(III) FEDERAL LAW RELATING TO ENGLISH LANGUAGE**
22 **LEARNERS; OR**

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

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

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

31 **1. A REPRESENTATIVE OF AN EXCLUSIVE BARGAINING**
32 **UNIT IN THE COUNTY;**

1 A. IDENTIFY LOCAL ASSESSMENTS THAT ARE
2 DUPLICATIVE;

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

5 C. PROPOSE A TIMELINE FOR THE IMPLEMENTATION OF
6 THE RECOMMENDED ADJUSTMENTS.

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

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

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

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

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

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

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

25 1. A CALENDAR OF ASSESSMENTS; AND

26 2. THE DATE THE DISTRICT COMMITTEE WILL REPORT
27 TO THE COUNTY BOARD.

28 (VI) BEGINNING JULY 1, 2019, AND ON OR BEFORE EACH JULY
29 1 THEREAFTER, THE DISTRICT COMMITTEE SHALL PUBLISH ON ITS WEB SITE A
30 COPY OF THE DISTRICT COMMITTEE'S REPORT TO THE COUNTY BOARD.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
 6 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.