

Department of Legislative Services
 Maryland General Assembly
 2017 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 461 (Delegate Luedtke, *et al.*)
 Ways and Means

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

This bill requires the State Board of Education to adopt regulations that limit the amount of time that may be devoted to federal, State, and locally mandated assessments for each grade to 2% of the minimum required annual instructional hours, subject to specified exceptions and limitations. The bill also repeals the requirement for statewide social studies assessments in middle and high school (the high school assessment is known as the Government HSA). Instead, the bill requires, beginning in the 2017-2018 school year, each local board of education to develop a locally designed and implemented performance-based social studies assessment fully embedded in the local curriculum. Each local board of education must establish a District Committee on Assessments to monitor and evaluate the county’s assessment program and complete specified tasks. The Maryland State Department of Education (MSDE) must conduct a specified survey regarding time spent on assessments.

The bill takes effect July 1, 2017.

Fiscal Summary

State Effect: General fund expenditures decrease by \$6.5 million annually beginning in FY 2018 due to elimination of the requirements for the Government HSA and a statewide middle school social studies assessment. However, the Governor’s proposed FY 2018 budget does not include an estimated \$2.0 million required to develop a middle school assessment for the 2018-2019 school year. MSDE can conduct the survey regarding time spent on assessments using existing resources. Revenues are not affected.

(\$ in millions)	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	(6.5)	(6.5)	(6.5)	(6.5)	(6.5)
Net Effect	\$6.5	\$6.5	\$6.5	\$6.5	\$6.5

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

Local Effect: Local school system expenditures increase, potentially significantly, for a locally designed and implemented performance-based social studies assessment. Local school system expenditures may increase minimally to monitor and evaluate their assessment programs. **This bill imposes a mandate on a unit of local government.**

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.

A student who participates in an advanced placement or international baccalaureate program is not subject to the aggregate testing limit. Time devoted to teacher-selected classroom quizzes and exams, portfolio reviews, or performance assessments may not be counted toward the testing limit.

The testing limit requirements of the bill may not be construed to supersede the requirements of (1) a student’s 504 plan; (2) the federal Individuals with Disabilities Education Act; (3) federal law relating to English language learners; and (4) the federal Elementary and Secondary Education Act (ESEA).

Social Studies Assessment

Each local board of education must certify each year to the State Board of Education that the local board of education’s social studies assessment aligns with social studies content standards, skills, and processes, and that the assessment matches appropriate locally designed assessment tools.

Monitoring and Adjusting Assessments

Each District Committee on Assessments must consist of at least the members specified, selected by the local superintendent. By July 1, 2018, the committee must develop a rubric for evaluating local assessments, including district-mandated assessments and school-based assessments. The rubric must include specified factors.

By July 1, 2018, and each July 1 thereafter, the committee must publish on its website a calendar of assessments and the date the committee will report to the local board.

By December 1, 2018, and each December 1 thereafter, the committee must submit a report to its local board of education including specified recommendations. After reviewing the report, the local board of education may adopt or reject the committee's recommendation to adjust the assessments. If the local board rejects a recommendation, the local board of education must return the recommendation to the district committee with the local board's comments. If the local board adopts a recommendation, the local board must implement the recommendation and make the change to the assessment that will be used in the following school year.

By July 1, 2019, and each July 1 thereafter, the local board must report to the State Board (1) the committee's recommended adjustments to the assessments and (2) the status of the local board's implementation of the district committee's recommendations.

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 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 2% 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: General fund expenditures decrease by an estimated \$6.5 million beginning in fiscal 2018 due to the elimination of the requirements for the Government HSA and a statewide middle school social studies assessment. This estimate is based on the following information and assumptions.

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 Government HSA will continue to cost \$4.5 million annually.

Eliminating the requirement of a statewide middle school social studies assessment eliminates the need for general fund expenditures of an estimated \$2.0 million in fiscal 2018 to develop the middle school assessment and ongoing expenditures of an estimated \$2.0 million annually. However, the Governor's proposed fiscal 2018 budget does not include any funds to develop a middle school assessment by the 2018-2019 academic year. Ongoing scoring and development costs for the middle school social studies assessment are estimated to be approximately \$2.0 million annually.

MSDE can conduct the survey regarding time spent on assessments using existing resources.

Local Expenditures: Local school system expenditures increase, potentially significantly, to develop and administer a locally designed and implemented performance-based social studies assessment. Under the bill, local school systems may choose how to develop their locally designed social studies assessment; thus, costs to develop local assessments may

vary considerably due to local priorities and local finances. The assessment must be implemented beginning in the 2017-2018 school year. The compressed timing schedule may increase costs of developing assessments.

Garrett County estimated a local cost of \$11,250 for 18 teachers to develop and score the assessment over five days. However, the Department of Legislative Services advises that total local costs to develop and score a locally based social studies assessment may approach \$2 million, the estimated State cost to develop and score the statewide social studies assessment. Actual local costs will depend on local choices regarding the development and scoring of the locally developed social studies assessment.

Local school system expenditures may increase minimally to monitor and evaluate their assessment programs.

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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