

HOUSE BILL 461

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7lr1651
CF 7lr1855

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**

Introduced and read first time: January 26, 2017

Assigned to: Ways and Means

A BILL ENTITLED

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;
9 requiring the State Board to adopt certain regulations limiting the amount of time
10 that may be spent on certain assessments; prohibiting a student who participates in
11 certain programs from being subject to certain testing time limits; prohibiting
12 certain types of assessments and activities from being counted toward certain testing
13 time limits; requiring certain county boards to establish on or before a certain date
14 a certain committee on assessments; providing for the membership of the committee;
15 requiring the committee on or before a certain date to develop a certain rubric to
16 evaluate certain local assessments; requiring the committee to report annually to
17 the local county board beginning on or before a certain date; providing for the content
18 of the report; authorizing a county board, after reviewing the committee's report, to
19 adopt or reject the committee's recommendations; requiring a county board that
20 adopts a recommendation to implement the change to the assessment for the
21 following school year; requiring the county board to report annually to the State
22 Board certain information beginning on a certain date; requiring the committee to
23 publish annually on its Web site certain information beginning on a certain date;
24 requiring the State Department of Education to survey annually certain public
25 schools to measure time spent administering assessments; defining a certain term;
26 providing for the construction of this Act; repealing certain obsolete provisions of
27 law; and generally relating to assessments in public schools.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, with amendments,
2 Article – Education
3 Section 7–203
4 Annotated Code of Maryland
5 (2014 Replacement Volume and 2016 Supplement)

6 Preamble

7 WHEREAS, Maryland’s education accountability program must recognize the need
8 for a well-educated populace to perpetuate and maintain democracy and the growth of the
9 State economy; and

10 WHEREAS, It is necessary that the program include high-quality student
11 assessments that provide timely, actionable feedback for students, parents, and educators
12 that can be used to guide and inform instruction, aid leaders’ decisions to target resources,
13 and provide supports for students; and

14 WHEREAS, In addition to providing an accurate measure of student achievement
15 and growth, and measuring student knowledge and skills against college– and
16 career-ready standards, the high-quality student assessments should inform and guide
17 additional teaching, supports, or interventions that help students master challenging
18 material; and

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

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

24 **Article – Education**

25 7–203.

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

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

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

33 (i) The State Board and the State Superintendent shall assist each
34 county board to establish educational goals and objectives that conform with statewide

1 educational objectives for subject areas including reading, writing, mathematics, science,
2 and social studies;

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

6 (iii) 1. The State Board and the State Superintendent shall
7 implement assessment programs in reading, language, mathematics, AND science[, and
8 social studies] that include written responses;

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

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

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

15 C. Provide timely feedback to schools and teachers for the
16 purposes of adapting the instructional program and making placement decisions for
17 students; [and]

18 3. [Beginning in the 2014–2015 school year, the] **THE**
19 following assessments shall be implemented and administered annually:

20 A. At the middle school level, a statewide, comprehensive,
21 grade band assessment program that measures the learning gains of each public school
22 student towards achieving mastery of the standards set forth in the common core curricula
23 or the State's adopted curricula for the core content areas of reading, language,
24 mathematics, AND science[, and social studies]; and

25 B. At the high school level, a statewide, standardized,
26 end-of-course assessment that is aligned with and that measures each public school
27 student's skills and knowledge of the State's adopted curricula for the core content areas of
28 reading, language, mathematics, AND science[, and social studies];

29 **4. BEGINNING IN THE 2017–2018 SCHOOL YEAR, EACH**
30 **COUNTY BOARD SHALL DEVELOP A SOCIAL STUDIES ASSESSMENT THAT IS A**
31 **LOCALLY DESIGNED AND IMPLEMENTED PERFORMANCE–BASED ASSESSMENT**
32 **FULLY EMBEDDED IN THE LOCAL CURRICULUM; AND**

33 **5. EACH COUNTY BOARD SHALL CERTIFY EACH YEAR TO**
34 **THE STATE BOARD THAT:**

1 **A. THE COUNTY BOARD'S SOCIAL STUDIES ASSESSMENT**
2 **ALIGNS WITH SOCIAL STUDIES CONTENT STANDARDS, SKILLS, AND PROCESSES; AND**

3 **B. THE ASSESSMENT MATCHES APPROPRIATE LOCALLY**
4 **DESIGNED ASSESSMENT TOOLS;**

5 (iv) Each public school shall establish as the basis for its assessment
6 of its needs, project goals and objectives that are in keeping with the goals and objectives
7 established by its county board and the State Board;

8 (v) With the assistance of its county board, the State Board, and the
9 State Superintendent, each public school shall develop programs to meet its needs on the
10 basis of the priorities it sets;

11 (vi) Evaluation programs shall be developed at the same time to
12 determine if the goals and objectives are being met; and

13 (vii) A reevaluation of programs, goals, and objectives shall be
14 undertaken regularly.

15 [(3) (i) After the 2014–2015 school year, the State Board shall determine
16 whether the assessments at the middle school and high school levels required under
17 paragraph (2)(iii)3 of this subsection adequately measure the skills and knowledge set forth
18 in the State's adopted curricula for the core content areas of reading, language,
19 mathematics, science, and social studies.

20 (ii) If the State Board makes a determination under subparagraph
21 (i) of this paragraph that an assessment does not adequately measure the skills and
22 knowledge set forth in the State's adopted curricula for a core content area, the Department
23 shall develop a State-specific assessment in that core content area to be implemented in
24 the 2018–2019 school year.]

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

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

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

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

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

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

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

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

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

9 1. Certified in the subject being taught; and

10 2. Not certified in the subject being taught.

11 (2) The Department shall:

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

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

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

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

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

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

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

27 **(II) "ASSESSMENT" DOES NOT INCLUDE A**
28 **TEACHER-DEVELOPED QUIZ OR TEST.**

29 **(2) THE STATE BOARD SHALL ADOPT REGULATIONS THAT LIMIT THE**
30 **AMOUNT OF TIME IN THE AGGREGATE THAT MAY BE DEVOTED TO FEDERAL, STATE,**

1 AND LOCALLY MANDATED ASSESSMENTS FOR EACH GRADE TO 2% OF THE MINIMUM
2 REQUIRED ANNUAL INSTRUCTIONAL HOURS IN ACCORDANCE WITH § 7-103 OF THIS
3 TITLE.

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

7 (4) TIME DEVOTED TO TEACHER-SELECTED CLASSROOM QUIZZES
8 AND EXAMS, PORTFOLIO REVIEWS, OR PERFORMANCE ASSESSMENTS MAY NOT BE
9 COUNTED TOWARD THE TESTING LIMIT ESTABLISHED IN PARAGRAPH (2) OF THIS
10 SUBSECTION.

11 (5) THIS SUBSECTION MAY NOT BE CONSTRUED TO SUPERSEDE THE
12 REQUIREMENTS OF:

13 (I) A STUDENT'S 504 PLAN;

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

16 (III) FEDERAL LAW RELATING TO ENGLISH LANGUAGE
17 LEARNERS; OR

18 (IV) THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION
19 ACT, 20 U.S.C. 6301, ET SEQ.

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

23 (II) THE DISTRICT COMMITTEE FORMED UNDER
24 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL CONSIST OF AT LEAST THE
25 FOLLOWING MEMBERS, SELECTED BY THE COUNTY SUPERINTENDENT:

26 1. A REPRESENTATIVE OF AN EXCLUSIVE BARGAINING
27 UNIT IN THE COUNTY;

28 2. A REPRESENTATIVE OF AN ELEMENTARY SCHOOL IN
29 THE COUNTY;

30 3. A REPRESENTATIVE OF A MIDDLE SCHOOL IN THE
31 COUNTY;

1 4. A REPRESENTATIVE OF A HIGH SCHOOL IN THE
2 COUNTY;

3 5. A REPRESENTATIVE OF STUDENTS WITH
4 DISABILITIES WHO RECEIVE SERVICES IN THE COUNTY; AND

5 6. A REPRESENTATIVE OF TEACHERS WHO TEACH
6 ENGLISH LANGUAGE LEARNERS.

7 (III) 1. ON OR BEFORE JULY 1, 2018, THE DISTRICT
8 COMMITTEE SHALL DEVELOP A RUBRIC FOR EVALUATING LOCAL ASSESSMENTS,
9 INCLUDING DISTRICT-MANDATED ASSESSMENTS AND SCHOOL-BASED
10 ASSESSMENTS.

11 2. THE RUBRIC SHALL EVALUATE THE FOLLOWING
12 FACTORS:

13 A. THE TIME REQUIRED TO ADMINISTER EACH
14 ASSESSMENT;

15 B. THE DUPLICATIVENESS OF ASSESSMENTS;

16 C. THE PURPOSE OF ASSESSMENTS;

17 D. THE VALUE OF FEEDBACK PROVIDED TO EDUCATORS;
18 AND

19 E. THE TIMELINESS OF RESULTS.

20 (IV) 1. ON OR BEFORE DECEMBER 1, 2018, AND EACH
21 DECEMBER 1 THEREAFTER, THE DISTRICT COMMITTEE SHALL SUBMIT A REPORT
22 TO THE COUNTY BOARD.

23 2. THE REPORT SHALL:

24 A. IDENTIFY LOCAL ASSESSMENTS THAT ARE
25 DUPLICATIVE;

26 B. RECOMMEND ADJUSTMENTS TO LOCAL
27 ASSESSMENTS CURRENTLY IN PLACE; AND

28 C. PROPOSE A TIMELINE FOR THE IMPLEMENTATION OF
29 THE RECOMMENDED ADJUSTMENTS.

1 **3. AFTER REVIEWING THE REPORT FROM THE DISTRICT**
2 **COMMITTEE, THE COUNTY BOARD MAY ADOPT OR REJECT THE DISTRICT**
3 **COMMITTEE'S RECOMMENDATION TO ADJUST THE ASSESSMENTS.**

4 **A. IF THE COUNTY BOARD REJECTS A**
5 **RECOMMENDATION, THE COUNTY BOARD SHALL RETURN THE RECOMMENDATION**
6 **TO THE DISTRICT COMMITTEE WITH THE COUNTY BOARD'S COMMENTS.**

7 **B. IF THE COUNTY BOARD ADOPTS A RECOMMENDATION,**
8 **THE COUNTY BOARD SHALL IMPLEMENT THE RECOMMENDATION AND MAKE THE**
9 **CHANGE TO THE ASSESSMENT THAT WILL BE USED IN THE FOLLOWING SCHOOL**
10 **YEAR.**

11 **4. ON JULY 1, 2019, AND EACH JULY 1 THEREAFTER,**
12 **THE COUNTY BOARD SHALL REPORT TO THE STATE BOARD:**

13 **A. THE DISTRICT COMMITTEE'S RECOMMENDED**
14 **ADJUSTMENTS TO THE ASSESSMENTS; AND**

15 **B. THE STATUS OF THE COUNTY BOARD'S**
16 **IMPLEMENTATION OF THE DISTRICT COMMITTEE'S RECOMMENDATIONS.**

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

19 **1. A CALENDAR OF ASSESSMENTS; AND**

20 **2. THE DATE THE DISTRICT COMMITTEE WILL REPORT**
21 **TO THE COUNTY BOARD.**

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2017.