

# HOUSE BILL 397

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6lr1645  
CF SB 786

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By: **Delegates M. Washington and Ebersole**  
Introduced and read first time: January 28, 2016  
Assigned to: Ways and Means

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Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 14, 2016

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Assessments – Best Practices in the Administration of Assessments**

3 FOR the purpose of requiring the State Department of Education to develop a certain set  
4 of best practices that the Department and certain local school systems must consider  
5 under certain circumstances; ~~requiring the Department to ensure that certain best~~  
6 ~~practices include certain principles; requiring the Department and each local school~~  
7 ~~system to conduct a certain audit of certain assessments; encouraging the~~  
8 ~~Department and certain local school systems to apply for certain federal funds to~~  
9 ~~conduct certain audits;~~ and generally relating to best practices for the administration  
10 of assessments in public schools.

11 BY adding to  
12 Article – Education  
13 Section 7–208  
14 Annotated Code of Maryland  
15 (2014 Replacement Volume and 2015 Supplement)

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

18 **Article – Education**

19 **7–208.**

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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 (A) THE DEPARTMENT SHALL DEVELOP A SET OF BEST PRACTICES THAT  
 2 THE DEPARTMENT AND LOCAL SCHOOL SYSTEMS MUST CONSIDER WHEN DECIDING  
 3 WHETHER TO ADMINISTER AN ASSESSMENT OR A TEST TO STUDENTS.

4 (B) (1) THE BEST PRACTICES DEVELOPED UNDER SUBSECTION (A) OF  
 5 THIS SECTION, TO THE EXTENT PRACTICABLE, SHALL CONSIDER WHETHER AN  
 6 ASSESSMENT OR A TEST:

7 ~~(1)~~ (I) ~~BE IS~~ ALIGNED WITH STATE CURRICULUM AND CONTENT;

8 ~~(2)~~ (II) ~~BE IS~~ DEVELOPED IN COLLABORATION WITH TEACHERS  
 9 AND BE OF HIGH QUALITY;

10 ~~(3)~~ ~~BE DESIGNED TO INFORM INSTRUCTION AND HAVE A CLEAR~~  
 11 ~~PURPOSE;~~

12 ~~(4)~~ ~~ALLOW FOR INDIVIDUALIZATION OF STUDENT INSTRUCTION;~~

13 ~~(5)~~ (III) ~~PROVIDE~~ PROVIDES TIMELY AND UNDERSTANDABLE  
 14 FEEDBACK TO THE LOCAL SCHOOL SYSTEMS, TEACHERS, AND PARENTS;

15 ~~(6)~~ (IV) ~~EFFECTIVELY MEASURE~~ MEASURES CRITICAL THINKING  
 16 SKILLS, COMPLEX SKILLS, AND SUBJECT MASTERY;

17 ~~(7)~~ (V) ~~PROVIDE~~ PROVIDES AN ACCURATE MEASURE OF STUDENT  
 18 ACHIEVEMENT AND STUDENT GROWTH;

19 ~~(8)~~ (VI) ~~PROMOTE~~ PROMOTES A LEVEL PLAYING FIELD FOR  
 20 ENGLISH LANGUAGE LEARNERS AND STUDENTS WHO RECEIVE SPECIAL EDUCATION  
 21 ACCOMMODATIONS;

22 ~~(9)~~ (VII) ~~LIMIT~~ LIMITS THE IMPACT ON INSTRUCTIONAL TIME AND  
 23 REQUIRED TIME OUT OF OTHER CLASSES; AND

24 ~~(10)~~ ~~NOT BE USED ONLY FOR ACCOUNTABILITY PURPOSES FOR~~  
 25 ~~TEACHER-PRINCIPAL EVALUATIONS OR STUDENT LEARNING OBJECTIVES; AND~~

26 ~~(11)~~ (VIII) ~~ADDRESS~~ ADDRESSES ANY OTHER PRINCIPLES  
 27 RECOMMENDED BY THE DEPARTMENT.

28 (2) IN ADDITION TO THE CONSIDERATIONS ADDRESSED IN  
 29 PARAGRAPH (1) OF THIS SUBSECTION, IF AN ASSESSMENT OR TEST IS A FORMATIVE  
 30 ASSESSMENT OR TEST, THE BEST PRACTICES SHALL CONSIDER WHETHER THE  
 31 ASSESSMENT OR TEST:

1 (I) IS DESIGNED TO INFORM INSTRUCTION OR HAVE A CLEAR  
2 PURPOSE; AND

3 (II) ALLOWS FOR INDIVIDUALIZATION OF STUDENT  
4 INSTRUCTION.

5 (3) IN ADDITION TO CONSIDERATIONS ADDRESSED IN PARAGRAPH (1)  
6 OF THIS SUBSECTION, IF AN ASSESSMENT OR TEST IS A SUMMATIVE ASSESSMENT OR  
7 TEST, THE BEST PRACTICES SHALL CONSIDER IF THE ASSESSMENT OR TEST WILL BE  
8 USED ONLY FOR ACCOUNTABILITY PURPOSES FOR TEACHER AND PRINCIPAL  
9 EVALUATIONS OR STUDENT LEARNING OBJECTIVES.

10 ~~(C) (1) THE DEPARTMENT SHALL CONDUCT AN AUDIT OF ALL~~  
11 ~~STATE MANDATED ASSESSMENTS THAT ARE ADMINISTERED IN THE STATE TO~~  
12 ~~ENSURE CONFORMITY WITH THE BEST PRACTICES DEVELOPED UNDER SUBSECTION~~  
13 ~~(A) OF THIS SECTION.~~

14 ~~(2) EACH LOCAL SCHOOL SYSTEM SHALL CONDUCT AN AUDIT OF ALL~~  
15 ~~LOCALLY MANDATED ASSESSMENTS THAT ARE ADMINISTERED IN THE LOCAL~~  
16 ~~SCHOOL SYSTEM TO ENSURE CONFORMITY WITH THE BEST PRACTICES DEVELOPED~~  
17 ~~UNDER SUBSECTION (A) OF THIS SECTION.~~

18 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of~~  
19 ~~Education and local school systems are encouraged to apply for federal funds to audit State~~  
20 ~~and local assessment systems.~~

21 SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2016.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.