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TO: Members of the State Board of Education

FROM: Karen B. Salmon, Ph.D.

DATE: January 30, 2018

SUBJECT: COMAR 13A.03.04
Test Administration and Data-Reporting Policies and Procedures
PERMISSION TO PUBLISH

PURPOSE:

Request that the State Board grant permission to publish three COMAR amendments pertaining to section 13A.03.04 *Test Administration and Data-Reporting Policies and Procedures*.

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new or amended regulation whenever the circumstances arise to do so. After the State Board votes to propose such a regulation, the proposed regulation is sent to the Administrative, Executive and Legislative Review (AELR) Committee for a 15-day review period. If the AELR Committee does not hold up the proposed regulation for further review, it is published in the Maryland Register for a 30-day public comment period. At the end of the comment period, MSDE staff reviews and summarizes the public comments. Thereafter, MSDE staff will present a recommendation to the State Board of Education to either: (1) adopt the regulation in the form it was proposed; or (2) revise the regulation and adopt it as final because the suggested revision is not a substantive change; or (3) revise the regulation and re-propose it because the suggested revision is a substantive change. At any time during this process, the AELR Committee may stop the promulgation process and hold a hearing. Thereafter, it may recommend to the Governor that the regulation not be adopted as a final regulation or the AELR Committee may release the regulation for final adoption.

BACKGROUND/HISTORICAL PERSPECTIVE:

The first proposed amendment updates COMAR 13A.03.04.02 to clarify that “local school system” includes special schools and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.

The second proposed amendment updates COMAR 13A.03.04.03 to prohibit the use of electronic devices (unless used for testing or administrative purposes) in testing rooms during testing and clarifies the information needed for an archival document of testing groups. It also specifies that the data reporting policy must include procedures for the delivery and the timely reporting of assessment results to parents and guardians. It allows for electronic signature of forms and agreements.

The third proposed amendment updates COMAR 13A.03.04.04 to clarify that local school systems must designate a Local Accountability Coordinator and a School Test Coordinator and outlines general duties of each.

SUMMARY:

This regulation with proposed amendments has been shared with Local Superintendents of Schools, Local Accountability Coordinators from each school system, and School Test Coordinators for the non-public schools. Comments were received and reviewed and changes were made accordingly to address suggestions and questions.

ACTION:

Request permission to publish the amendments to COMAR 13A.03.04 *Test Administration and Data-Reporting Policies and Procedures* in the Maryland Register.

Title 13A STATE BOARD OF EDUCATION

Subtitle 03 GENERAL INSTRUCTIONAL PROGRAMS

Chapter 04 Test Administration and Data-Reporting Policies and Procedures

Authority: Education Article, §§2-205 and 7-203, Annotated Code of Maryland

.01 Scope.

This chapter applies to:

A. Tests administered by or through the State Board of Education including but not limited to:

- (1) The norm-referenced test or tests in use by the State;
- (2) The Maryland Functional Testing Program;
- (3) The Maryland School Assessment;
- (4) The Alternate Maryland School Assessment;
- (5) The High School Equivalency Program Test (GED);
- (6) Teacher Certification Tests;
- (7) High School Assessment Tests; and
- (8) Other test instruments required by the State Board of Education.

B. Data reporting required by the State Board of Education including the data-based areas described in COMAR 13A.01.04 and other measures used to determine availability of services and funding; and

C. Local school system-owned materials that are the same as those used in any State-operated assessment program.

.02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Department" means the State Department of Education.

(2) "Individual" means a student, teacher, administrator, or other school system employee.

(3) Local School System.

(a) "Local school system" means a public school system.

[(b) "Local school system" includes special schools and institutions that use tests administered on behalf of the State Board of Education.]

(b) "Local school system" includes special schools and institutions and nonpublic schools approved under COMAR 13A.09.10 that use tests administered on behalf of the State Board of Education.

(4) "Maryland School Performance Program (MSPP)" means a performance-based education accountability program that focuses on accountability through school improvement in the public schools.

(5) "Test administration" means the range of activities from procurement of secure assessment materials through the return of secure assessment materials to the Department or its agents.

.03 Local School System Test Administration and Data-Reporting Policies.

A. A local school system shall develop and adopt test administration and data-reporting policies.

B. The test administration policy shall provide for:

(1) The security of the materials during testing and the storage under lock and key of all secure tests and test materials in all versions, including, but not limited to, answer keys, audio tapes, videotapes, compact disks (CDs), and examinee answer documents, before, during, and after testing;

(2) The proper administration of tests and the monitoring of test administrations;

(3) Annual training of appropriate personnel on the local test administration policy and procedures; and

[(4) The retention for 6 years after the date of test administration of the following information for each testing group for each testing day:

(a) Name and student identification number for each student;

(b) School and system names and identifiers; and

(c) Names of the test administrators, examiners, and proctors.]

(4) The prohibition of electronic devices, including personal devices, (unless required for testing or administrative purposes) in testing rooms during testing; and

(5) The retention of an archival document for a minimum of 6 years after the date of test administration, containing the following information for each testing group each testing day:

(a) Name and student identification number for each student;

(b) School and system names and identifiers;

- (c) Names of the test administrators, examiners, accommodators, and proctors; and*
- (d) Unique test document identification number for each student for paper testing only.*

[C. The data reporting policy shall contain:]

C. The data reporting policy shall contain procedures for the:

[(1) Procedures for the accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter; and

(2) Training of appropriate personnel on data procedures.]

(1) Accurate and timely collection, storage, and retrieval of data required by the State Board as described in Regulation .01 of this chapter;

(2) Reporting assessment results to parents/guardians of students within 30 days of receipt by the local school system, but no later than the 15th of September for spring assessment results.

(3) Delivery of assessment results to parents/guardians by one or more of these methods:

(a) first class mail;

(b) backpack or student folder only if parents/guardians are notified by phone or electronically to expect the assessment results to be delivered on a date certain by that method;

(c) personally at Parent/Teacher conferences;

(d) electronically through the communication system used by the LEA to keep parents/guardians informed.

(4) Training appropriate personnel on data reporting procedures.

D. Test Administration and Certification of Training Forms.

(1) The Department and each local school system shall use a Department provided or approved test administration and certification of training form and a Department provided or approved nondisclosure agreement, as appropriate, for its employees.

(2) Before initially handling any test materials, and annually after that, each individual directly or indirectly involved shall sign a test administration and certification of training form or a nondisclosure agreement, whichever is applicable.

(3) All signed forms and agreements shall be retained by the Department or local school system for the duration of the individual's employment or relationship with the Department or local school system.

(4) Forms and agreements may be signed electronically using any means approved by the Department.

E. Electronic Archival of Documents. Each local school system may develop and adopt policies and procedures for the secure electronic archival of paper documents.

.04 [Local School System Test Procurement Designate.] *Local School System Testing Designates.*

[A. A local superintendent of schools shall designate annually one individual in each school system who shall be the sole individual in the school system authorized to procure test instruments that are used in testing programs administered by or through the State Board of Education.]

A. Local Accountability Coordinators.

(1) A local superintendent of schools shall designate annually one individual per school system to serve as the Local Accountability Coordinator (LAC).

(2) The LAC shall have oversight of the:

(a) Procurement of test instruments that are used in testing programs administered by or through the State Board of Education.

(b) Organization, implementation, orientation, and verification of the Maryland educational assessment programs in the school system.

(c) Administration and security of state-mandated assessments.

(3) The name of the LAC shall be provided in writing to the Department within 10 days of the designation.

[B. The name of the individual designated in §A of this regulation shall be provided in writing to the Department.]

B. School Test Coordinators.

(1) Each school system shall designate one individual per school to serve as the Primary School Test Coordinator (STC). A Principal may not serve as the STC unless permission has been granted by the Department.

(2) The Primary STC shall:

(a) Have responsibility for training and supervising school personnel in test administration policy and procedures; and

(b) Be the primary point of contact with the LAC and the Department during the administration of all state assessments.

(3) The school system may further designate, one or both, an:

(a) Alternate STC per school.

(b) Assistant STC per state-mandated assessment.

[C. Changes in responsibility shall be communicated in writing to the Department within 10 days of the official change.]

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State Superintendent of Schools