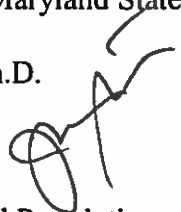




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**TO:** Members of the Maryland State Board of Education  
**FROM:** Jack R. Smith, Ph.D.   
**DATE:** May 24, 2016  
**SUBJECT:** Code of Maryland Regulations (COMAR) 13A.08.01.02-3 Kindergarten Readiness Assessment (EMERGENCY/PERMISSION TO PUBLISH)

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**PURPOSE:**

The purpose of this memorandum is to receive permission from the State Board of Education to publish as emergency regulations the amended Early Childhood Assessment regulations (13A.08.01.02-3) under the new title Kindergarten Readiness Assessment.

**REGULATION PROMULGATION PROCESS:**

These regulations are being proposed as “emergency” regulations because HB 657 – Education – Pre-Kindergarten and Kindergarten Assessments – Administration (Chapter 273 of the Laws of Maryland 2016 and effective July 1, 2016) requires the State Board to adopt regulations to implement the new provisions of law concerning the Kindergarten Readiness Assessment before the 2016/2017 school year. The adoption of standard regulations, which require notice and comment period, could not be adopted in the timeframe required by HB 657. Thus, emergency regulations are being proposed to implement the provisions of HB 657.

Emergency regulations, which bypass the normal public notice and comment period, remain in effect for a limited period of time - not to exceed 180 days - to meet exigent circumstances. Although emergency regulations are not published in the Maryland Register before adoption, notice of the Administrative, Executive, and Legislative Review (AELR) Committee's receipt of the regulation is posted on the Maryland General Assembly's website. In addition to notice on the General Assembly website, the Department must post the text of the proposed emergency regulations on the agency website within three business days of submission to the AELR Committee.

If a member of the AELR Committee requests a public hearing on the emergency adoption of a regulation, the committee must hold the hearing. If no public hearing is requested, staff to the committee may poll the Committee members on the emergency regulation as soon as 10 business days after receipt of the regulation. Approval by the AELR Committee is required for an emergency regulation to take effect.

### **HISTORICAL BACKGROUND:**

In 2001, the Maryland State Board of Education (MSDE) promulgated the Early Childhood Assessment regulations (13A.08.01.02-3) to implement the Maryland Model for School Readiness (MMSR) Kindergarten Assessment (from here on “MMSR”). The MMSR was used as the assessment tool for the result area, Children Entering School Ready to Learn, and as MSDE’s performance measure of school readiness.

In school year 2013-14, the MMSR was administered for the last time and replaced with the Kindergarten Readiness Assessment (KRA.) The KRA is one of two assessment components of Ready for Kindergarten (R4K): Maryland’s Comprehensive Early Childhood Assessment System, which was developed in collaboration with the Ohio Department of Education and funded with the Race to the Top – Early Learning Challenge (RTT-ELC) grants. The development was supported by WestEd’s Division of Standards, Assessment, and Accountability Systems (SAAS) as the assessment developer and Johns Hopkins University – Center for Technology in Education (JHU-CTE) for technology, help desk, and training support. Over two years, the development of the KRA followed standard test development procedures to meet the psychometric properties of a valid, reliable, and developmentally appropriate assessment for entering kindergarteners.

The KRA was first administered to all kindergarten students in school year 2014-15. The report on State and county results were released in May 2015 to the State Board. Before the administration in 2015-16, the KRA was shortened and its efficiency improved in response to teacher concerns that the test administration took up too much time. The KRA used this school year also included on-time reporting features that allowed teachers to use the assessment for instructional purposes. The report on the results was released by the State Board in April 2016.

During the 2016 legislative session, SB 794 and HB 657 were introduced requiring the KRA to be limited to a representative sample of kindergarten students from within each local school system and may include an evaluation of :

- Language and literacy skills;
- Academic knowledge in mathematics, science, and social studies;
- Physical development; and
- Social development.

The bills also included a provision to allow that a principal and a teacher, who are in mutual agreement, or a county board of education to administer the KRA to a full census of kindergarteners for instructional purposes, if the assessment is completed by October 1 and the aggregate results are returned within 45 days after administration of the assessment. The bill passed and was signed by the Governor on April 26, 2016. The administration of the KRA for the 2016-17 school year will begin after the first day of school.

**PROPOSED AMENDMENTS:**

The proposed amendments of the emergency regulation address is the content of the law and retitles it as Kindergarten Readiness Assessment. The emergency regulations include:

- newly defined terms of the Kindergarten Readiness Assessment and representative sample;
- requirements for the representative sample assessment process that each local school system shall complete on four domains of learning;
- full-census assessment process which is allowed if a local board of education or a principal, in mutual agreement with teachers, decide to assess all kindergarten students; and
- deadline for the publication which requires the Department to report out the aggregate results no later than 45 days after completion of the administration.

If approved by the State Board and the AELR Committee, the emergency regulations will be in effect prior to the KRA administration this fall.

**SUMMARY:**

The proposed amended Regulations for COMAR 13A.08.01.02-3 will establish:

- newly defined terms regarding the KRA;
- policies for administering a representative sample assessment;
- policies for administering census administration; and
- a deadline for publication of the assessment results.

**ACTION:**

Permission to publish the emergency regulations which are necessary to meet the time requirements set for in the new law.

JRS/rg

### **13A.08.01.02-3 [Early Childhood Assessment] Kindergarten Readiness Assessment.**

*A. For the purpose of this regulation, the following terms have the meanings indicated.*

*B. Terms Defined.*

*(1) "Department-approved kindergarten assessment" means the Kindergarten Readiness Assessment developed and approved by the Department for the purpose of measuring school readiness.*

*(2) "Representative sample" means no less than 25 percent of the total kindergarten student population in the school system as of the first day of school as identified by the Department.*

*C. Representative Sample Assessment Process.*

*(1) The Department shall provide each school system with the representative sample identified for the school system by the Department for assessment.*

*(2) [Each local school system shall provide to the Department by December 1 of each year information about school readiness of students entering kindergarten as measured by a Department-approved kindergarten assessment system] Each school year, each local school system shall complete the administration of the Department-approved kindergarten assessment to the representative sample in the following areas:*

*[A.] (a) [Personal and social development] Social development;*

*[B.] (b) Language and literacy skills;*

*[C.] (c) [Mathematical thinking] Academic knowledge in Mathematics, Science, and Social Studies; and*

*[D. Scientific thinking;*

*[E. Social studies;*

*[F. Arts; and]*

*G.] (d) Physical development.*

*(3) The Department shall report the results of the representative sample assessment to local school systems in a format developed by the Department.*

*D. Full-Census Assessment Process.*

*(1) A local county board of education or a principal and a teacher, who are in mutual agreement, may decide to assess all students entering kindergarten in a school year using the Department-approved kindergarten assessment.*

*(2) The superintendent of a local school system shall notify the Department that:*

*(a) The local county board of education has decided to conduct a full census assessment of all students in all kindergarten classes; or*

*(b) A principal and teacher in a school in the school system have agreed to conduct a full census assessment of all students in that teacher's kindergarten class.*

*(3) A teacher who is administering a full census assessment shall complete the assessment on or before October 1 of the school year.*

*(4) The Department shall return to the school system the aggregate results of the full census assessment within 45 days after the administration of the assessment.*

*E. Publication of Results of the Assessments. The Department shall publish and disseminate to local school systems the aggregated assessment information no later than November 15 of each year.*