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TO: Members of the State Board of Education
FROM: Karen B. Salmon, Ph.D. *KBS/clw*
DATE: October 25, 2016
SUBJECT: COMAR 13A.08.01.02-3 *Kindergarten Readiness Assessment*
PERMISSION TO ADOPT

PURPOSE:

The purpose of this action is to request that the State Board grant permission to adopt COMAR 13A.08.01.02-3 Kindergarten Readiness Assessment (KRA) procedures. (Attachment 1)

REGULATION PROMULGATION PROCESS:

Under Maryland law, a state agency, such as the State Board, may propose a new 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 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 suggested revision is not a substantive change; or (3) review 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:

On May 24, 2016, the Board was asked to give permission to publish as emergency regulations the amended Early Childhood Assessment regulation (13A.08.01.02-3). At that meeting, the Board requested additional information pertaining to the definition of “representative sample meaning no less than 25 percent of the total kindergarten student population.” At issue was the reporting of reliable aggregate subgroup results with a group size of at least 30 students. In smaller local school systems, a representative sample at 25 percent will not provide enough student counts in major subgroups to produce KRA results, while larger school systems may not require a representative sample of 25 percent to produce valid and reliable subgroup information.

The Board asked MSDE to examine the approach whereby a sufficient sample size, as applied to each local school system, may produce valid and reliable results on subgroups of students to define “representative sample” as a sample “of sufficient size to produce valid and reliable assessment information on all or major subgroups of students in the school systems as of the first day of school and as identified by the Department.” Thus, the definition of “representative sample” was updated to reflect this concept.

At the June 2016 Maryland State Board of Education Meeting, the Board made a final revision to the definition of the representative sample to be “of sufficient size to produce valid and reliable assessment information on all *and* major subgroups of students in the school systems as of the first day of school and as identified by the Department.” Permission was then granted to publish COMAR 13A.08.01.02-3 Kindergarten Readiness Assessment. Opportunities for public comment were provided through publication of the proposed amended regulation in the Maryland Register, Volume 43, Issue 18, Friday, September 2, 2016. No comments were received.

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
- deadline for publication of the assessment results.

ACTION:

Request permission to adopt COMAR 13A.08.01.02-3 – Kindergarten Readiness Assessment.

Title 13A
STATE BOARD OF EDUCATION

Subtitle 08 STUDENTS

13A.08.01 General Regulations

Authority: Education Article, §§2-205, 7-101, 7-101.1, 7-301, 7-303—7-305, 7-307, 7-308, and 8-404, Annotated Code of Maryland; *Ch. 273, Acts of 2016*

Notice of Proposed Action

[16-222-P]

The Maryland State Board of Education proposes to amend Regulation **.02-3** under **COMAR 13A.08.01 General Regulations**. This action was considered at the June 28, 2016 meeting of the State Board of Education.

Statement of Purpose

The purpose of this action is to adopt regulations to implement the new provisions of law concerning Kindergarten Readiness Assessment pursuant to H.B. 657, Ch. 273, Acts of 2016, effective July 1, 2016, Education — Pre-Kindergarten and Kindergarten Assessments — Administration, before the 2016/2017 school year. Thus, an emergency action is being proposed and published simultaneously.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

I. Summary of Economic Impact. MSDE's Division of Early Childhood Development has earmarked \$850,000 to administer the Kindergarten Readiness Assessment (KRA) in all 24 local school systems and Maryland School for the Deaf. The regulation reduces the number of students to be assessed, but this has no impact on costs to the State.

	Revenue (R+/R-) Expenditure	
II. Types of Economic Impact.	(E+/E-)	Magnitude
A. On issuing agency:	(E+)	850,000
B. On other State agencies:	NONE	
C. On local governments:	NONE	

	Benefit (+) Cost (-)	Magnitude
D. On regulated industries or trade groups:	NONE	
E. On other industries or trade groups:	NONE	
F. Direct and indirect effects on public:	NONE	

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

A. Maryland State Department of Education has earmarked for FY 2017 a total of \$850,000 to cover the costs for the administration of the Kindergarten Readiness Assessment in school year 2016—2017.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Judith Walker, Early Learning Branch Chief, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, Maryland 21201, or call 410-767-6549 (TTY 410-333-6442), or email to judith.walker@maryland.gov, or fax to 410-333-6226. Comments will be accepted through October 3, 2016. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the State Board of Education during a public meeting to be held on October 25, 2016, 9 a.m., at 200 West Baltimore Street, Baltimore, Maryland 21201.

.02-3 [Early Childhood Assessment] *Kindergarten Readiness Assessment*.

A. Definitions.

(1) *For the purpose of this regulation, the following terms have the meanings indicated.*

(2) *Terms Defined.*

(a) "Department-approved kindergarten readiness assessment" means the kindergarten readiness assessment developed and approved by the Department for the purpose of measuring school readiness.

(b) "Representative sample" means a sample of sufficient size to produce valid and reliable assessment information on all and major subgroups of students in the local school systems as of the first day of school and as identified by the Department.

B. Representative Sample Assessment Process.

(1) [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 readiness 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.*

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

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

C. 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 readiness 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 local 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 local school system the aggregate results of the full census assessment within 45 days after the administration of the assessment.

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

KAREN B. SALMON, Ph.D.
State Superintendent of Schools