

**BILL:** House Bill 781  
**TITLE:** Education - Assessments - Reporting of Aggregate Results  
**POSITION:** OPPOSE  
**DATE:** March 10, 2016  
**COMMITTEE:** Ways and Means Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's twenty-four local boards of education, opposes House Bill 781.

MABE opposes this bill's proposal to prohibit the Maryland State Department of Education (MSDE) from including the scores of students with disabilities or English language learners when calculating or reporting any aggregate results of the state's college and career readiness assessments.

Congress recently reauthorized the Elementary and Secondary Education Act (ESEA) as the Every Student Succeeds Act (ESSA). While ESSA is generally recognized as providing states and local school systems with greater flexibility and autonomy than the previous No Child Left Behind Act, ESSA maintains student reporting requirements with which this bill would conflict. As the fiscal note indicates, this conflict with federal law could result in Maryland losing millions of dollars in federal education aid.

ESSA requires Maryland and other states to develop an accountability system for all local school systems and schools that includes the results of annual standards-based state assessments. Specifically, ESSA requires that student assessment results be disaggregated by student subgroups, including by race or ethnicity, economic disadvantage, disability status, and English language learner status.

In addition, students with disabilities must be included in state assessment programs with appropriate accommodations, as required by the recent amendments to the Individuals with Disabilities Education Act (IDEA), as well as the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act of 1973. Recent amendments to IDEA require school systems to disaggregate as well as aggregate test scores of students with disabilities. Therefore, consistent with IDEA, states must report the aggregated scores of students with and without disabilities together; and provide the disaggregated test scores of students with disabilities separately.

For these reasons, MABE requests an unfavorable report on House Bill 781.