

Department of Legislative Services  
Maryland General Assembly  
2018 Session

FISCAL AND POLICY NOTE  
First Reader

House Bill 1373  
Ways and Means

(Delegate Miele)

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Education - Assessments - Administration

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This bill prohibits the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment from being administered in the State. Beginning in the 2018-2019 school year, the California Achievement Test (CAT) must be administered as an assessment that satisfies the requirements of the federal Every Student Succeeds Act (ESSA). **The bill takes effect June 1, 2018.**

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Fiscal Summary

**State Effect:** As discussed below, CAT does not satisfy ESSA requirements. Therefore, the State will be unable to assess students in compliance with ESSA beginning in FY 2019 and risks losing at least \$243.0 million in federal Title I revenues annually. Alternatively, general fund expenditures increase significantly, by at least \$18.0 million annually, to replace PARCC with assessments that comply with ESSA.

**Local Effect:** Approximately \$243.0 million of federal Title I revenues, most of which are distributed to the local school systems, may be lost beginning in FY 2019. Local school systems will need to administer the CAT assessments rather than the PARCC assessments, and potentially an additional assessment that complies with ESSA, as explained below.

**Small Business Effect:** None.

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Analysis

**Current Law/Background:** ESSA is the most recent reauthorization of the Elementary and Secondary Education Act. It requires annual assessments of all students in grades 3 through 8 and at least once in high school in reading/language arts and mathematics; the law also requires students to be tested in science at least once in grades 3 through 5, 6 through 8, and 9 through 12. In Maryland, PARCC is used for these requirements in reading and math.

States are required to use assessments that measure the depth and breadth of its state standards. The Maryland State Department of Education (MSDE) advises that the PARCC assessment program is currently the only state assessment program aligned to the Common Core Standards, to meet all 29 Critical Elements defined as part of the federal requirements. Over the past four years, the PARCC consortium has reduced testing time significantly in both content areas and continues to seek ways for reducing testing time further.

The spring 2018 testing times for the PARCC assessments are shown in **Exhibit 1**. PARCC requires local school systems to choose a 30-day testing window to administer the PARCC assessments. In 2018, Maryland’s testing window is April 9 through May 18 for paper assessments and April 9 through June 8 for assessments taken by computer.

*Change to the Assessment Program*

MSDE advises that any significant change to the assessment program may require the State to have to resubmit the program for federal peer review compliance purposes. MSDE further advises that any alterations in testing time will directly impact the continuity and meaning behind student performance and test scores.

**Exhibit 1**  
**Spring 2018 PARCC Testing Times**

<b>Grades</b>	<b>ELA</b>	<b>Math</b>
Grade 3	Unit 1 - 75 minutes Unit 2 - 75 minutes Unit 3 - 75 minutes	Unit 1 - 60 minutes Unit 2 - 60 minutes Unit 3 - 60 minutes Unit 4 - 60 minutes
Grades 4-5	Unit 1 - 90 minutes Unit 2 - 90 minutes Unit 3 - 90 minutes	Unit 1 - 60 minutes Unit 2 - 60 minutes Unit 3 - 60 minutes
Grades 6-8	Unit 1 - 90 minutes Unit 2 - 90 minutes Unit 3 - 90 minutes	Unit 1 - 80 minutes Unit 2 - 80 minutes Unit 3 - 80 minutes
Grades 9-12	Unit 1 - 90 minutes Unit 2 - 90 minutes Unit 3 - 90 minutes	Unit 1 - 90 minutes Unit 2 - 90 minutes Unit 3 - 90 minutes

ELA: English/Language Arts

Note: Math for grades 9-12 includes Algebra I, Geometry, Algebra II, Integrated Mathematics I, II, III

Source: Partnership for Assessment of Readiness for College and Careers

### *PARCC Consortium*

PARCC is a multi-state consortium. The requirements and testing period for each segment of the assessments are set by PARCC. Maryland is one of only four states remaining in the consortium (the Department of Defense and District of Columbia also participate) using the full PARCC assessments. PARCC now also offers a licensing agreement for states to access the assessment content. Under a licensing agreement, states may use the test design (including time-limits) and administration vendor of their choice. However, altering the test design requires a state to do its own analysis of the test design, which can be expensive. Testing analysis includes an assessment of cultural bias, the determination of cut scores, and an analysis of item order.

### *California Achievement Test*

The newest form of CAT, known as CAT 6, is also known as TerraNova 2. CAT is not currently being utilized by any state as part their statewide assessment program nor is it designed to serve as a statewide measure of student performance or attainment of state standards. It is an assessment that was designed to meet requirements for homeschool and private school students, not large-scale state assessment programs.

MSDE advises that CAT does not meet federal ESSA guidelines for a number of reasons. Among those reasons, it is not aligned with college and career ready standards or high school graduation requirements. There is also not a writing component on the assessment to determine student proficiency on grade level writing standards. It also does not offer any assessments for third grade.

Unlike the PARCC assessment, CAT does not provide accommodations and accessibility features that comply with federal Individuals with Disabilities Education Act regulations for students with disabilities. ESSA regulations also stipulate that an assessment must provide a test form and directions in a student's native language in mathematics. The CAT assessment does not offer this accommodation nor other accessibility features for English learner students. Thus, CAT could not be approved to meet federal ESSA requirements.

Maryland's ESSA accountability system was approved by the U.S. Department of Education on January 16, 2018, and is to be implemented in the 2018-2019 school year using baseline data from the PARCC assessments. MSDE advises that changing assessments would require a minimum of two years before the State could put in place an accountability system, which would place the State in violation of ESSA and in jeopardy of losing federal funding.

**State Revenues:** Although the bill states that the CAT must be administered as an assessment that satisfies the requirements of the federal ESSA, MSDE advises that CAT

assessments do not comply with federal ESSA requirements as explained above. Due to the bill's June 1, 2018 effective date, which is after the spring 2018 PARCC assessment testing window, the bill first applies to the spring 2019 assessment administration. Thus, the State will likely be out of compliance with federal ESSA requirements beginning in spring 2019 (fiscal 2019).

If the State is unable to meet the ESSA assessment requirements, the federal government could potentially withhold approximately \$243.0 million in federal Title I beginning in fiscal 2019. The estimated loss in federal revenues is based on fiscal 2019 funds authorized but not yet appropriated by the federal government. As long as the State is out of compliance with federal law, federal revenues, which are anticipated to increase in future years, will continue to be in jeopardy.

**State Expenditures:** To avoid risking \$243.0 million in federal revenues, as discussed above, MSDE may decide to administer an assessment that meets ESSA requirements in addition to CAT. It is assumed that Maryland decides to use assessments from the Smarter Balanced consortium to meet the ESSA assessment requirements because it is the least expensive option available. MSDE reports that Smarter Balanced costs approximately \$38 per student; based on approximately 471,000 students, administering Smarter Balanced assessments costs a total of approximately \$18.0 million annually. This cost is *in addition* to the cost of administering the CAT assessments.

MSDE advises that the CAT assessment (\$29 per student) costs \$5 more per student to administer than the PARCC assessment. For the purposes of this estimate, it is assumed that the CAT is administered to all students in grades 4 through 8 and in one grade of high school (approximately 402,000 students). It is assumed that the CAT is not given to grade 3 students (approximately 70,000 students) because it is not available for that grade. Using these assumptions, general fund expenditures increase by an estimated \$335,624 annually to administer the CAT assessments instead of the PARCC assessments.

**Local Fiscal Effect:** The State may lose approximately \$243.0 million in federal Title I revenues beginning in fiscal 2019, most of which is distributed to the local school systems.

However, if MSDE chooses to administer an alternative assessment that meets federal ESSA requirements, local school systems would need to administer two assessments to students: CAT and an alternative that meets federal ESSA requirements such as those from Smarter Balanced. School systems can likely administer both assessments with existing resources, but school day schedules will be altered during the testing windows due to the time required to administer CAT and Smarter Balanced.

The CAT is timed and takes a total of approximately 2 to 2½ hours to administer depending upon the grade level. There are five to six sections within each test booklet and each section usually has a time limit of 20 minutes. No more than two or three CAT sections should be given in one day. The tests should be spread out over two or three days.

Smarter Balanced is an untimed assessment, but it typically takes students between 1½ to 2 hours to administer each of the two sections, for a total typical test time of between 3 to 4 hours.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Maryland State Department of Education; Partnership for Assessment of Readiness for College and Careers; Senton Testing; Department of Legislative Services

**Fiscal Note History:** First Reader - March 8, 2018  
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