

**Department of Legislative Services**

Maryland General Assembly

2002 Session

**FISCAL NOTE**

Senate Bill 634

(Senator Mooney)

Education, Health, and Environmental Affairs

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**Maryland School Performance Assessment Program - Federal Student Testing Standards**

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This bill requires the Maryland State Department of Education (MSDE) to adopt regulations to modify the Maryland School Performance Assessment Program (MSPAP) to conform with the federal No Child Left Behind Act of 2001 by the dates specified under federal law.

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**Fiscal Summary**

**State Effect:** General fund expenditures could increase significantly if the bill requires MSDE to design tests that comply with federal law and are similar to the existing MSPAP tests. If the bill only requires MSDE to develop tests that comply with federal law, there would be no additional cost.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** The State Board of Education must implement a program of educational accountability for public schools. As codified in COMAR, student performance in Maryland public schools is measured by Maryland Functional Test scores, student attendance rates, student dropout rates, and performance on MSPAP tests. If students at a school are not achieving at a satisfactory level and are not making progress towards

achieving State standards, the State board may place the school under local or State reconstitution.

**Background:** The 2001 reauthorization of the federal Elementary and Secondary Education Act (ESEA) requires students to be tested annually in reading and math in third through eighth grades beginning in the 2005-2006 school year. High school reading and math tests and science tests are also required, although not annually, by the 2007-2008 school year. The federal legislation requires states to maintain individual test scores for students.

With a nationally recognized system of accountability, Maryland is better prepared than most states to meet the federal testing requirements. Students take MSPAP tests in grades three, five, and eight and take the Comprehensive Test of Basic Skills (CTBS) in grades two, four, and six. However, MSPAP is a school assessment tool, not a student assessment tool, and MSPAP scores are not presently reported on a student level. Changes would have to be made to MSPAP to allow valid individual scores to be calculated. In addition, a test to measure reading and math performance in seventh grade would have to be developed. The federal fiscal 2002 ESEA appropriation provides approximately \$6.9 million to Maryland for test development.

**State Expenditures:** MSDE advises that its Division of Planning, Research, and Information Management is in the process of developing options for altering the State's testing and accountability system to comply with the new federal legislation. The options will be presented to the State Superintendent of Schools by the end of the calendar year. According to MSDE, costs to develop new tests that comply with the federal law will be significant and will most likely exceed the federal appropriation for test development. However, developing tests similar to MSPAP that could be used to calculate individual scores for grades three through eight would be one of the more expensive alternatives the State Superintendent could choose to pursue. If the bill requires tests similar to the existing MSPAP to be used as the basis for complying with ESEA, costs for the development of tests would be significant. If the bill only reestablishes MSDE's obligation to develop a testing system that complies with federal law, there would be no additional costs.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 804 (Delegate Greenip) – Ways and Means.

**Information Source(s):** Maryland State Department of Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 22, 2002  
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