

Department of Legislative Services

Maryland General Assembly

2014 Session

FISCAL AND POLICY NOTE

House Bill 1154

(Delegate George, *et al.*)

Ways and Means

Public Schools - Parent Consent and Student Privacy

This bill limits the collection of student data without written consent of a student's parent or guardian. The bill also limits the storage and transfer of student data as specified without written consent. In addition, the bill requires an absence to be recorded as excused for a student whose parent or guardian notifies the local superintendent, principal, or other authorized individual in writing on or before the school day that the parent or guardian objects to an assessment or specific lesson plan.

The bill takes effect July 1, 2014.

Fiscal Summary

State Effect: If local school systems are unable to receive written consent from *all* parents or guardians to collect the relevant assessment data, then the State could be out of compliance with the federal Race to the Top (RTTT) grant and jeopardize up to \$39.6 million in remaining unexpended grant funds. Likewise, the State also could be out of compliance with the federal Elementary and Secondary Education Act (ESEA), jeopardizing up to \$280.9 million in federal Title I and other federal funds annually. In addition, \$14.8 million in federal Perkins Act funds, \$189.7 million in federal Individuals with Disabilities Education Act (IDEA) funds, and other federal funds may be jeopardized due to the inability to meet reporting requirements.

Local Effect: Local school system federal RTTT, Title I, Perkins, IDEA, and other revenues may be jeopardized. Local school system expenditures increase to collect and track written consent from all students.

Small Business Effect: None.

Analysis

Bill Summary:

Student Data

“Student data” means information related to an individual student or family member of a student, including a name, a postal address, and electronic mail address, a telephone or cellular phone number, demographic information, a personal identifier (*e.g.*, a Social Security number, student identification number, or biometric record), an indirect identifier (*e.g.*, date and place of birth), and a score on a State or national assessment.

Collection, Storage, and Transfer of Student Data

If a student is younger than age 18, a public school or local board of education must obtain student data only from, or with the written consent of, a parent or guardian of the student. A public school must notify, in writing, each student and the parent or guardian of each student enrolled in the school regarding the collection of any student data. The notice must indicate the type of student data collected and whether the student data will be stored in a database maintained by the school or the local board of education or transferred to the Maryland Longitudinal Data System (MLDS).

Student data that is not required to track grades or attendance may not be stored in an electronic format unless a public school or local board of education obtains written consent from the parent or guardian of a student or from a student who is at least age 18.

A public school or local board of education may not (1) collect student data related to a student after the student graduates from high school or (2) except for a transfer of student data required for MLDS as specified, disclose student data to any person unless all individual identity information has been removed.

Participation in Assessments and Student Absences

The bill also allows a parent or guardian of a student to notify the school principal in writing that the student will not participate in an assessment. If the assessment is a graduation requirement, the student must complete any alternative assessment project that is required in regulations. In addition, if a parent or guardian of a student notifies the local superintendent, principal, or other authorized individual in writing that a student’s absence is due to the parent’s or guardian’s objection to an assessment administered or a specific lesson plan, the local school superintendent, principal, or other authorized individual must designate the absence lawful and excuse the student.

Current Law/Background: Chapter 452 of 2010 established that, after June 1, 2010, a department or an independent unit in the State, to the extent practical, may not publicly post or display an individual's personal information on a website maintained or paid for by the department or independent unit. Additionally, a person whose personal information is contained in a public record or report may request the information be masked in the Internet version of the public record. An official custodian must then mask the public record within 30 days of the request and give the requestor a written notice of the action taken.

Disclosure of personally identifiable information by a public school or a local board of education is not specifically addressed in statute; however, educational agencies and institutions are bound by the federal Family Educational Rights and Privacy Act (FERPA) to protect the privacy of student and family information. In addition, the Maryland State Department of Education follows guidelines specified by the Maryland Department of Information Technology's Information Security Policy.

Assessment Program

Title I of the Elementary and Secondary Education Act of 1965 (ESEA), which was most recently authorized in 2001 as the No Child Left Behind Act, requires that all students be assessed annually and that students receive an individual score in reading and mathematics in grades three through eight and at least once in high school. Since 2008, ESEA also requires a science assessment to be given once each in grades 3-5, 6-8, and 9-12. The Maryland School Assessments (MSAs) meet these testing requirements for students in grades three through eight. The High School Assessments (HSAs) in English, Algebra, and Biology meet the requirements in high school and are required for graduation as well as the Government HSA. Students must achieve a passing score on each HSA or a specified combined composite score, or complete Bridge projects as established by State Board of Education regulations.

The Partnership for Assessment of Readiness for College and Careers (PARCC) assessments are scheduled to be field tested in spring 2014 as the State prepares to replace the MSAs in Reading and Mathematics with PARCC in the 2014-2015 school year and most HSAs soon thereafter. The new PARCC assessments are aligned with the new State curriculum known as the Maryland College and Career Ready Standards (MCCRS), which is aligned with the Common Core State Standards, and is being fully implemented statewide in the 2013-2014 school year.

On October 2, 2013, California's Assembly Bill 484 was signed into law. One provision of the legislation prohibited California from *administering* the annual federally required assessments for spring 2014, which would also affect the state's ability to report individual student scores as required by ESEA. In response to the legislation, the

U.S. Department of Education (USDE) notified California that it risked losing up to \$3.5 billion in federal funds if it does not administer state assessments this year. “California now risks significant enforcement action by the [U.S.] Department [of Education] for its violation of Title I of ESEA, including losing the \$15 million that California is able to reserve in Title I State administrative funds and additional Title I funds in the amount that California spent on assessments last year... as well as a wide range of additional federal programs that require Statewide assessment results... These additional programs include those targeting students most at risk, including but not limited to: the School Improvement Grants (SIG) program; Title III of the ESEA; Part B of the Individuals with Disabilities Education Act (IDEA); and programs for rural schools and migrant education, in addition to programs focused on professional development and other supports for teachers such as Title II of the ESEA.” California recently applied to USDE for an ESEA waiver from double testing and wants to give only the common core field tests to all primary school students in spring 2014.

For more information on Maryland’s implementation of the PARCC assessments and CCSS, see the **Appendix – Implementing the Common Core State Standards and Transitioning to the Partnership for Assessment of Readiness for College and Careers**.

State Report Card – Assessment Reporting

Under ESEA each state education agency and local school system that receives Title I, Part A funds must prepare and disseminate an annual report card. Generally, a state education agency or local school system must include on its report card information about public schools related to student achievement, accountability, and teacher quality as well as any other information that the State education agency or local school system deems relevant. A state report card must contain the most recent information available on *student achievement*, accountability, and teacher quality. In addition, a state that receives an ESEA flexibility waiver must report on college-going and college credit-accumulation rates.

A state must report this information for the “all students” group and must disaggregate the data by race, ethnicity, disability status, English proficiency, and status as economically disadvantaged, unless the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual student.

When presenting data on a report card, a state or local school system must ensure that it protects the privacy of individuals. Accordingly, the number of students in a category of reported data must be sufficient so that it does not reveal personally identifiable information about an individual student.

As part of each state's accountability workbook under Title I or its ESEA Flexibility Accountability Addendum, each state must identify the minimum number of students that it will use for reporting purposes. For example, if a state has identified 10 as its minimum group size ("n-size") for reporting purposes, the state and its local school system would not report data for any group or subgroup for which there are fewer than 10 students. This number must be large enough so that reporting does not reveal personally identifiable information.

More generally, a state or a local school system must adopt practices to ensure the confidentiality and security of personally identifiable information about its students. For example, if the values for any of the data suppressed in accordance with the state's "n-size" rule could be recalculated by subtracting other reported data from the larger group totals, then additional cells may need to be suppressed (known as "complementary suppressions"). Additionally, a state or local school system must have a strategy for dealing with the situation in which all, or nearly all, students in a particular subgroup score at the same achievement level. One solution is to use the notation of ">95%" when all or nearly all students in a subgroup score at the same achievement level.

Additional Federal and State Reporting Requirements

The electronic capture and tracking of data is required to meet numerous federal reporting obligations. For example, the Carl D. Perkins Career and Technical Education Act Amends of 2006 (Perkins Act) requires the reporting of Career and Technology Education (CTE) performance, including academic gains of CTE students, placement of CTE students after graduation from high school, and reporting the number of CTE students who have achieved a technical skill attainment known as an "industry certification."

In addition, there are federal reporting requirements related to the federal IDEA funding. Pursuant to IDEA, Maryland must report annually to the public on the performance of each local school system on the targets in the State Performance Plan (SPP) as soon as practicable, but no later than 120 days after the State's submission of its Annual Performance Report. In addition, the State must (1) review each local school system's performance against targets in the State's SPP; (2) determine if each local education agency "meets requirements" of Part B, or "needs assistance," "needs intervention," or "needs substantial intervention" in implementing Part B of the IDEA; (3) take appropriate enforcement action; and (4) inform each local school system of its determination. This analysis requires the collection of student data.

There are other federal funds with reporting requirements. Without the ability to meet the federal reporting requirements, these funds will be in jeopardy. There are also State

reporting requirements related discipline and special education that require the collection of student data.

Maryland Longitudinal Data System

Chapter 190 of 2010 established MLDS to contain individual-level student data and workforce data from all levels of education and the State's workforce. The legislation also established the MLDS Center within State government to serve as a central repository for the data, to ensure compliance with federal privacy laws, to perform research on the data sets, and to fulfill education reporting requirements and approved public information requests.

Privacy issues, including FERPA compliance, were a major consideration in the creation of MLDS. Prior to beginning system testing, as required by Chapter 190, the center's governing board submitted to the Governor and the General Assembly the inventory of individual student data proposed to be maintained in the system, the privacy policies of the center, and a data security and safeguarding plan for the center. Chapter 190 requires the center to ensure routine and ongoing compliance with FERPA and other relevant privacy laws and policies, including the required use of de-identified data (in which individual-level identity information, including State-assigned student identifiers and Social Security numbers has been removed) in data research and reporting, the required disposition of information that is no longer needed, and the reporting of other potentially identifying data. The center is also required to provide for the performance of regular audits for compliance with data privacy and security standards.

To meet these requirements, an expert was hired to develop the center's data security and safeguarding plan. The plan establishes that the center must employ the concept of least privilege, that is, allowing only authorized accesses for users (and processes acting on behalf of users) that are necessary to accomplish assigned tasks in accordance with the MLDS mission and functions. The plan also outlines policies to limit access to authenticated authorized users, and it requires the center to assign an employee as the privacy officer.

To further reduce privacy concerns and in response to the technical issues experienced by other states that attempted to capture all state data into a single system, the scope of the data in the MLDS data warehouse is limited by the policy questions it is designed to answer. The governing board, working in consultation with the Governor's P-20 Council, has developed 15 priority policy questions that MLDS has been designed to address. These policy questions include whether Maryland students are academically prepared for college and graduate in a timely fashion, whether financial aid programs are effective in supporting access and success, and whether students are successful in the workplace. Some of the questions will require the State agencies, particularly the

Maryland Higher Education Commission, to expand their data collection efforts. The MLDS data inventory documents the specific data elements included in MLDS. The scope of the data incorporated into MLDS is not permanent and could be updated if new policy questions are added.

Currently, the database contains both aggregate data sets and de-identified, encrypted student and workforce data. Data associated with an individual is not available for viewing in the MLDS database, and workforce-related data is only retained for five years after an individual leaves school.

FERPA compliance concerns of institutions of higher education have been addressed through limiting the personally identifiable information entered into MLDS and by assuring the institutions that the redisclosure of personally identifiable information to the center is permitted according to revised federal FERPA regulations. FERPA governs the protection and permissible uses of student administrative data, including the disclosure and transfer of personally identifiable information in education records. The federal FERPA regulations were revised in December 2011 to reconcile them with the federal laws (*e.g.*, Race to the Top) that provided incentives for the development and use of state longitudinal data systems. The revised regulations clarified that FERPA does not prevent the redisclosure of personally identifiable information as part of agreements from FERPA-permitted entities to researchers to conduct studies for, and on behalf of, educational agencies and institutions.

Local school systems, community colleges, public four-year higher education institutions, and State agencies must make every effort to comply with the data requirements and implementation schedule for MLDS as set forth by the governing board and transfer student-level and transcript-level data and workforce data to MLDS in accordance with its data security and safeguarding plan.

Directory/Demographic Data

MSDE reports that each local school system allows parents and guardians to “opt-out” of MSDE’s directory/demographic student level data.

Lawful Absence

A local superintendent, school principal, or an individual authorized by the local superintendent or principal may excuse a student for a lawful absence.

State Revenues: If local school systems are unable to receive written consent from *all* parents and guardians to collect relevant student data, a portion of the State’s \$250 million in federal RTTT grant funds may be jeopardized due to the inability to

report performance data to comply with the grant's requirements. USDE has yet to give guidance on what the penalty will be for breaking the RTTT grant terms. However, potentially approximately \$39.6 million in RTTT funds that will be unexpended at the end of fiscal 2014, after the effective date of the bill, may be in jeopardy. Without further guidance from USDE a more accurate estimate of the fiscal estimate cannot be determined.

If Maryland fails to report on annual student assessments as required by ESEA, the federal government could withhold approximately \$280.9 million each year until the annual assessment requirement is met. This figure was calculated using USDE's response to California's plan to implement Assembly Bill 484 of 2013, which among other things would leave the state without one year of data from student assessments. As shown in **Exhibit 1**, Maryland received more than \$280.9 million from these programs in 2012-2013. Although the letter to California was specifically in response to failure to *administer* annual assessments, it is assumed that USDE will respond similarly if Maryland fails to *report* on the annual assessments. USDE may also designate Maryland as a "high-risk grantee," potentially hampering its ability to receive federal discretionary funds or flexibilities available to other states for which Maryland may apply in the future.

Exhibit 1
Potential Federal Penalty
(*\$ in Millions*)

Federal Funding Programs

Title I Administrative Funds	\$1.8
Maryland Assessments FY 2013	47.1
School Improvement Grants	6.6
Title III of the ESEA	1.7
Part B of the IDEA	189.7
Rural Schools and Migrant Education	0.7
Professional Development such as Title II	<u>33.3</u>
Total	\$280.9

Source: FFIS Grants database 2012-2013 post-sequester

In addition, if written consent to collect the required relevant student data is not received, \$14.8 million in Perkins Act funds and \$189.7 million in federal IDEA funds will be jeopardized due to the inability to meet reporting requirements required to receive those funds, as well as other federal funds with reporting requirements.

Local Revenues: Local school system federal RTTT and federal Title I and other revenues may be jeopardized. The 22 participating local school systems received \$125.0 million in RTTT funds. Of the \$280.9 million in Title I and other potentially impacted federal funds received by the State in 2012-2013, at least \$196.3 million passes through to the local school systems.

Local Expenditures: Local school system expenditures increase to collect and track written consent from all students. The exact costs will depend on local resources and choices as well as parental compliance with returning requested forms.

Additional Comments: If written consent is not collected for all students, MLDS may not be able to perform its full statutory functions.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland State Department of Education, Maryland Higher Education Commission, University System of Maryland, U.S. Department of Education, Department of Legislative Services

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ncs/rhh

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Appendix – Implementing the Common Core State Standards and Transitioning to the Partnership for Assessment of Readiness for College and Careers

In 2009, President Obama established the federal Race to the Top (RTTT) competitive grant program to encourage states to adopt specific educational reforms, including adopting the Common Core State Standards (CCSS), administering new assessments aligned with CCSS, and tying teacher and principal evaluations to performance and specifically student growth on the new assessments. Maryland was 1 of 12 states that applied and was awarded a grant; the State received \$250 million in August 2010. As the states have moved to implement RTTT initiatives, the U.S. Department of Education (USDE) offered states flexibility from the No Child Left Behind (NCLB) requirement that 100% of students achieve proficiency by 2014, which no state is able to meet. NCLB is the most recent reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA), which has not been reauthorized since 2001. Known as ESEA Flexibility Waivers, USDE incorporated many of the RTTT requirements into the ESEA Flexibility Waivers and continues to use the waivers as a tool to encourage states to implement reforms in exchange for federal education funding. Although they are not federal requirements, linking federal funding to implementation of reforms like CCSS and new assessments has raised concerns around the country that local control of education is being lost to the federal government and/or philanthropic foundations and replaced by standardization. In Maryland, implementation of a new State curriculum based on CCSS and new assessments has gone relatively smoothly but has not been without its challenges.

The Common Core State Standards

CCSS were created through a state-level initiative coordinated by the National Governors Association and the Council of Chief State School Officers in collaboration with education stakeholders from across the country. Forty-five states have adopted CCSS, which are a set of academic standards in two subject areas, English/language arts (ELA) and mathematics, that define the knowledge and skills all students should master by the end of each grade level. The standards require students and teachers to focus on fewer topics and concepts while emphasizing depth, detail, and critical thinking skills. Maryland adopted CCSS in June 2010 and has since worked to design a State curriculum, the Maryland College and Career Ready Standards (MCCRS), which aligns with the standards.

MCCRS is being fully implemented statewide in the 2013-2014 school year. To aid the transition to the new curriculum, the Maryland State Department of Education (MSDE) has been holding Educator Effectiveness Academies during each summer since 2010, HB 1154/ Page 10

including 11 regional academies during the summer of 2013. The Educator Effectiveness Academies provide professional development on the new curriculum, assessments, and teacher and principal evaluations to teams of educators from each of the State's 1,500 schools. Each school team consists of four representatives that include the principal and teachers of ELA, mathematics, and STEM (science, technology, engineering, and mathematics). Each team is required to develop a transition plan for the school to move to full implementation of MCCRS, and plans were required to be submitted to MSDE by October 2013. MSDE will deploy teams from the Division of Curriculum, Accountability, and Assessment to local education agencies to develop a needs assessment and provide additional support. Information provided at the Educator Effectiveness Academies has been uploaded to MSDE's Blackboard Learn, the department's online professional content management tool, along with updated model units and lessons from mdk12.org.

In addition, MSDE partnered with the University System of Maryland and other education and higher education stakeholders to convene a Teacher Education Summit in October to review the major issues and components of teacher education in Maryland in order to identify common challenges, themes, and priorities to meet the issues presented by MCCRS and other changing needs of students and society.

Partnership for Assessment of Readiness for College and Careers

MCCRS will require a new assessment system that can measure the content and skills found in the curriculum. RTTT funding was awarded to two state-run consortiums to develop new assessments aligned with CCSS. In spring 2010, Maryland joined the Partnership for Assessment of Readiness for College and Careers (PARCC), a consortium of 14 states working to develop a common set of assessments aligned to CCSS for ELA and mathematics. Then, in November 2013, Maryland was asked to manage the federal grant for the PARCC consortium and serve as its fiscal agent in place of Florida beginning on January 1, 2014.

The PARCC assessments will measure student progress and track status on a trajectory toward college and career readiness. The goal for the assessments is to be entirely computer-based in order to provide more timely feedback to educators to be used to target or improve instruction during the instructional year. The assessments will have two parts – a midyear performance-based assessment and an end-of-year assessment. According to MSDE, field testing of the PARCC assessments, which are intended to replace the reading and math Maryland School Assessment (MSA)¹ and most of the High

¹ The science MSA will continue to be given in grades 5 and 8 until the Next Generation Science assessment currently under development is completed. The Alt-MSA and English Language Learners MSA will be replaced by new tests in addition to the PARCC tests.

School Assessments (HSAs)², will take place in spring 2014 in PARCC states. Maryland is the only state that will field test PARCC in nearly every school. The PARCC field test will include both paper-based and computer-based assessments; however, the field test will only include the midyear performance-based assessment. Full implementation of PARCC is planned for the 2014-2015 school year, although the schedule for phasing out HSAs is still under development.

State Assessment Legislation

Beginning with the 2014-2015 school year, according to State law, the State Board of Education and the State Superintendent of Schools must implement assessment programs in reading, language, mathematics, science, and social studies that include written responses. At the middle school level, the assessment program must be a statewide, comprehensive, grade band program that measures the learning gains of each public school student towards achieving mastery of the standards set forth in the State's adopted curricula or the common core curricula. At the high school level, the assessment program must be a statewide, standardized, end-of-course assessment that is aligned with and that measures each public school student's skills and knowledge of the State's adopted curricula.

After the 2014-2015 school year, the State Board of Education must determine whether the assessments at the middle school and high school levels adequately measure the skills and knowledge set forth in the State's adopted curricula for the core content areas of reading, language, mathematics, science, and social studies. If the State Board of Education determines that an assessment does not adequately measure the skills and knowledge set forth in the State's adopted curricula for a core content area, MSDE must develop a State-specific assessment in that core content area to be implemented in the 2016-2017 school year.

If the State Board of Education has not adopted an assessment to measure the common core curricula before July 30, 2014, the middle school assessments and the evaluation of the middle school assessments may not be implemented until the first day of school in the school year that follows the adoption of an assessment to measure the common core curricula by the State board.

Challenges with Implementing MCCRS and Transitioning to PARCC

The implementation of MCCRS has not been without challenge. A survey of 745 teachers conducted in November 2013 by the Maryland State Education Association

² The Government HSA will continue to be required for graduation and the Biology HSA will be replaced with the Next Generation Science Assessment currently under development.

(MSEA) indicated that 64.9% of the teachers surveyed did not feel adequately prepared to implement MCCRS. In addition, 86.8% of the teachers surveyed responded that there are still significant challenges to understanding and implementing MCCRS.

In order to provide more information to parents and the public about implementation of MCCRS and to address concerns with CCSS, the State Board of Education, in partnership with the Maryland Parent Teacher Association, held public forums around the State during fall 2013, noting specifically that CCSS is a set of learning goals, not a curriculum. Maryland developed its own curriculum based on State-specific standards aligned with CCSS. Legislation was introduced in at least 14 states in 2013 to pull out of CCSS or prohibit funding to implement CCSS. Indiana is the only state that has passed legislation to “pause” CCSS implementation; however, although legislation to stop CCSS implementation in Michigan failed, funding to implement CCSS was removed from its budget. To date in 2014, legislation to pause, stop, or “void” CCSS agreements has been introduced in at least 12 states including Maryland.

The transition to PARCC is also not without challenge. Maryland has requested an amendment to its ESEA Flexibility Waiver to allow the PARCC field test to meet the federal requirement that all students be assessed annually in grades three through eight and high school in specific subjects. Otherwise, students participating in the PARCC field test would also have to take the MSA in spring 2014, which would result in double testing of those students. MSDE anticipates that, with a few exceptions, one classroom in each elementary and middle school will take PARCC in reading or math and the MSA in the other area; one class in each high school will take PARCC in a non-HSA reading or math course. The 2013-2014 school year is the last year that most MSAs are expected to be administered. Some have argued that the MSAs should not be given this school year, since they are not aligned with MCCRS. However, since Title I of ESEA requires the annual assessments and that the results be made publicly available, Maryland could be found out of compliance with the law and risk losing a portion of the approximately \$280.9 million in federal Title I funds and other federal funds targeting at-risk students received in 2012-2013. In response to a California law enacted in October 2013, USDE notified California that it risked losing up to \$3.5 billion in federal funds if it does not administer state assessments this year. California recently applied to USDE for an ESEA waiver from double testing and wants to give only the common core field tests to all primary school students in spring 2014.

Student test scores are expected to drop as PARCC is implemented since the tests are more rigorous and tied to college and career readiness. Stakeholders have expressed concerns that the anticipated drop in test scores may shake confidence in MCCRS and the new assessments. Already student proficiency scores have declined slightly in Maryland, as the MSA scores from spring 2013 in elementary school reading and mathematics and middle school mathematics reflect the transition to MCCRS in many school systems

during the 2012-2013 school year. This misalignment between the curriculum and assessments will continue during this school year and is also expected to affect spring 2014 MSA scores. MSDE has implemented a PARCC Transition Committee to address the concurrent implementation of PARCC and the phasing out of MSA and most HSAs. One of the transition committee's key tasks is preparing a public communication plan to describe the implementation of PARCC, the phase out of most HSAs, the anticipated score results of PARCC assessments and their implications, and the college- and career-ready cut scores to the various stakeholders.

Finally, the full cost to administer PARCC is still unknown. In July 2013, PARCC announced that the summative math and reading tests would cost \$29.50 per student. This is a little less than the \$32 per student Maryland currently spends on assessments, but it does not reflect several other formative tests PARCC is developing that Maryland may select or the technology infrastructure required in every school to handle the capacity and network requirements to administer the computer-based assessments. Many schools do not have sufficient technology infrastructure to meet these requirements. MSDE is in the process of assessing the technology readiness of Maryland's schools. The local school systems identified over \$100 million in needed technology improvements to implement PARCC online. MSDE has contracted with Education Superhighway, a consulting firm, to evaluate the technology gap to implement PARCC online by the 2016-2017 school year. Several states, most recently Georgia and Oklahoma, have recently left the PARCC consortium over cost concerns. There are also long-term budget implications for maintenance and operational costs of assessment administration upon the termination of federal RTTT grant funds to the State and to PARCC.

A related challenge to implementing MCCRS and transitioning to PARCC involves using the student growth component, a large part of which is based on test results, in a teacher's or principal's evaluation. The MSEA survey found that 82.7% of the teachers surveyed responded there are still significant challenges to understanding and implementing the new teacher evaluation systems. Maryland's current ESEA Flexibility Waiver states that personnel decisions will be informed by the evaluation system based on student growth in the 2014-2015 school year; however, MSDE has requested a delay of this requirement until the 2016-2017 school year in order to be respectful and responsive to the complexity and change inherent in new standards, new curricula, and applying test scores that may not yet be perfectly aligned to hiring and firing decisions. Further, MSDE states that allowing for additional time will both elevate teacher and principal confidence in MCCRS and give local school systems and the State more time to validate that component measures are performing as planned and that the combined measurements of performance correctly reflect educator performance and the concomitant professional development of each educator.