

Department of Legislative Services
 Maryland General Assembly
 2019 Session

FISCAL AND POLICY NOTE
 First Reader

Senate Bill 757 (Senator Klausmeier, *et al.*)
 Education, Health, and Environmental Affairs

Primary and Secondary Education - Assessments - Limitation of Administration
 (One Day in May Act)

This bill limits the amount of time that is devoted to the administration of federal, State, and locally mandated assessments to not more than one school day in May. To that end, the bill repeals the requirement that limits be set by collective bargaining and limits to be set if the parties fail to mutually agree. **The bill takes effect July 1, 2019.**

Fiscal Summary

State Effect: *Under one set of assumptions*, general fund expenditures increase by an estimated \$1.8 million annually for paper-based tests, as explained below. Federal revenues are potentially jeopardized as described below.

(\$ in millions)	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	1.8	1.8	1.8	1.8	1.8
Net Effect	(\$1.8)	(\$1.8)	(\$1.8)	(\$1.8)	(\$1.8)

Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: Local school system expenditures increase, potentially significantly, for computers and Internet infrastructure as explained below.

Small Business Effect: None.

Analysis

Current Law:

Assessment Time Limits

By December 1 of every odd-numbered year, local board of educations and exclusive employee representatives must meet and confer regarding school assessments. They must mutually agree to a limited amount of time that may be devoted to federal, State, and locally mandated assessments for each grade. If the parties fail to mutually agree, the time that may be devoted to specified assessments must be limited to 2.2% of the minimum required annual instructional hours for every grade except for eighth grade, which must be limited to 2.3%.

“Assessment” is defined as a federal, State, or locally mandated test that is intended to measure a student’s academic readiness, learning progress, and skills acquisition. It does not include a teacher-developed quiz or test, or a sampling test that is not administered to all students.

A student who participates in (1) an advanced placement or international baccalaureate program is not subject to the aggregate testing limit or (2) the Scholastic Aptitude Test (SAT), if administered during the regular school day. Time devoted to teacher-selected classroom quizzes, exams, portfolio reviews, or performance assessments may not be counted toward the testing limit agreed to by specified parties or established by this bill.

The testing limit requirements of the bill may not be construed to include the requirements of (1) a student’s 504 plan; (2) the federal Individuals with Disabilities Education Act; or (3) federal law relating to English language learners. The subsection may not be construed to supersede the requirements of the Elementary and Secondary Education Act (ESEA).

By August 1 of every odd-numbered year, a local board of education and the exclusive employee representative for teachers for that local school system must meet and confer regarding (1) a rubric for evaluating local assessments; (2) the time required to administer each local assessment; and (3) the purpose of each local assessment.

By January 1, of every even-numbered year, each local board of education must establish a District Committee on Assessments that includes administrators, parents, and teachers selected by the exclusive bargaining unit to advise and make recommendations in the following areas: (1) the time required to administer each assessment; (2) the duplicativeness of assessments; (3) the purpose of assessments; (4) the value of feedback provided to educators; and (5) the timeliness of results. By June 1, 2019, and each June 1 thereafter in an odd-numbered year, the District Committee on Assessments must

submit the committee's recommendations to the local board of education and exclusive employee representative for teachers for that local school system.

Federal Assessment Requirements

The federal Every Student Succeeds Act (ESSA) is the most recent reauthorization of ESEA. 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.

Maryland is in the process of transitioning from the Partnership for Assessment of Readiness for College and Careers assessments to the Maryland Comprehensive Assessment Program (MCAP) to meet the ESSA requirements. The Maryland State Department of Education (MSDE) reports that MCAPs will be fully implemented by 2020. During this transition period, MSDE has already begun to refer to Maryland's assessment program as MCAP. The high school assessments, which are part of MCAPs, are also referred to as the Maryland High School Assessments (MHSAs) and include assessments in English, mathematics, science, and social studies.

General Program of Assessments

Among other things, Chapters 476 and 477 of 2012 required the State Board of Education and the State Superintendent of Schools to implement assessment programs in reading, language, mathematics, science, and social studies that include written responses.

At the high school level, there 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 for the core content areas of reading, language, mathematics, science, and social studies. These assessments are sometimes called MHSAs.

College and Career Readiness Assessments

The College and Career Readiness and College Completion Act of 2013 (Senate Bill 740) required:

- beginning with the 2015-2016 school year, no later than grade 11, all students must be assessed for college readiness in English language arts/literacy and mathematics using acceptable college placement cut scores; and
- beginning with the 2016-2017 school year, MSDE must, in collaboration with local school systems and public community colleges, develop and implement transition courses or other instructional opportunities to be delivered in grade 12 to students who have not yet achieved college and career readiness by the end of grade 11.

The implementation of transition courses or other instructional opportunities must include an assessment or reassessment of the student after completion of the course and may not preclude or replace enrollment in a course otherwise required for graduation from high school.

Kindergarten Readiness Assessment

A statewide kindergarten assessment administered with the purpose of measuring school readiness must be limited to a *representative sample*, as determined by MSDE, of kindergarten students from within each local school system in the State. However, a principal and a teacher who are in mutual agreement, or a local board, may administer a statewide kindergarten assessment with the purpose of measuring school readiness if the assessment is completed on or before October 10, and the aggregate results are returned within 45 days after administration of the assessment.

Background:

Testing Window

MSDE advises that the aggregate time devoted to the administration of federally and State mandated assessments ranges from 7.75 hours for third graders to more than 15 hours for a high school student taking all assessments required by the State for high school graduation in the same year. MSDE advises that local school systems devote approximately the same time to local assessments as they do the State and federally mandated assessments.

As shown in **Exhibit 1**, there are testing windows for currently required assessments that are not in May. Further, MSDE and local school systems advise that a testing window gives local school systems flexibility in administering some of the assessments. Some local school systems use the flexibility to reduce the number of computers required to administer the online addition of the assessment by testing only some students each day during their testing window. Multiple opportunities within a school year to participate in an assessment also allows students multiple opportunities to achieve a passing score on assessments required for high school graduation. The bill does not remove the requirement, set by the State Board of Education, that a student achieve a passing score on specified assessments to graduate high school.

Exhibit 1
Student Testing Calendar School Year 2018-2019

<u>Assessment</u>	<u>Testing Window</u>
Kindergarten Readiness Assessment	Opens: first day of school Closes: October 10
ELA/Mathematics (PARCC) Assessment – Fall Block	Paper: December 3-January 18 Online: December 3-January 25 A 30-day window must be selected by each local school system. Paper testing must be completed by January 18.
MHSA Government and HS-MISA January Administration	Paper: January 7-25 Online: January 7-February 1 (No testing January 21.)
MISA Science Grades 5 and 8 only	Paper: March 11-22 Online: March 11-29
ELA/Mathematics Assessment (PARCC) – Spring Block	Paper: April 8-May 24 Online: April 8-June 7 A 30-day window must be selected by each local school system. Paper testing must be completed by May 24.
MHSA Government and HS-MISA May Administration	Paper: May 7-31 Online: May 7-June 7 (Testing begins on Tuesday due to Ramadan.) (No testing May 27.)
Grade 8 Social Studies	Field Test May 2020
MHSA Government and HS-MISA Summer Administration Online and Paper	July 22-August 2

ELA: English Language Arts

HS: High School

MHSA: Maryland High School Assessment

MISA: Maryland Integrated Science Assessment

PARCC: Partnership for Assessment of Readiness for College and Careers

Note: Designated assessments for English Language Learners and individuals with disabilities are not included in this exhibit. Multiple testing blocks for the same assessment are reflected in this exhibit. Multiple testing blocks allow students to retake tests required for graduation.

Source: Maryland State Department of Education; Department of Legislative Services

Local Assessments

Baltimore City Public Schools (BCPS) advises that its local assessments are scheduled and designed to measure growth throughout the school year. In most cases, the local assessments are scheduled twice, perhaps three times a year, to provide district level, school level, classroom level, and individual student information. BCPS advises that this is not just used to measure growth, but to identify strengths and weakness and that instruction is adjusted accordingly. BCPS further advises that it also uses local assessments as part of its teacher evaluation process, a pretest is administered in the fall and a posttest is administered in February to students.

State Fiscal Effect: The State fiscal effect depends partly on the decisions made by local school systems. *Under one set of assumptions*, general fund expenditures increase by approximately \$1.8 million annually. The following information and assumptions were used in this estimate.

This estimate assumes that the bill does not restrict the State's abilities to meet federal ESSA requirements. If the State is unable to comply with ESSA under the bill, then the receipt of *hundreds of millions* of federal education funds will be jeopardized. However, given the information below, it is assumed that the State will be able to meet the ESSA assessment requirements.

MSDE advises that new assessments that meet the federal ESSA requirements and fit within the time restrictions will need to be created. Generally new assessments cost millions of dollars; however, since MSDE is in the beginning of a contract to develop new assessments, a change order is estimated to be only approximately \$25,000 in fiscal 2020. Beginning in fiscal 2021, MSDE estimates that there will be a reduction in annual expenditures of approximately \$5,000 annually because the contractors will be required to develop fewer test questions due to the assessments being shorter. However, any savings from requiring fewer test questions will likely be completely offset by local school systems requesting paper copies of the assessments. This estimate assumes that the new assessment will be ready to be taken by students in May 2020.

As explained above, some local school systems use the current assessment calendar flexibility to stagger the administration of assessment to limit the number of computers needed for students; however, if that flexibility is removed, some local school systems may choose to request additional paper-based assessments for their students, rather than purchasing more computers and upgrading their Internet infrastructure to handle the additional simultaneous test takers. ESSA assessments (computer-based or paper-based) are paid for by the State. MSDE advises that paper versions of assessments cost more than the computer based versions. Currently the paper version of the grade 3 through 8 costs

\$9 more and the high school assessments cost \$5.50 more, for an average of \$7.25 per assessment.

MSDE reports that the State administered 498,728 online assessments and 1,105 paper assessments in 2017-2018. MSDE estimates that under the bill local school systems will request paper versions of the assessment for half of the assessments that were previously taken online. Therefore, MSDE will need to pay for an additional 249,364 paper assessments, at an estimated additional cost of \$1.8 million. If the number of paper assessments requested is greater than estimated, then general fund expenditures increase correspondingly. If the number of paper assessments requested is fewer than estimated, then general fund expenditures decrease correspondingly.

In addition, this estimate assumes that MSDE and local school systems will make every effort to meet federal ESSA assessment requirements, including eliminating or reducing State and locally mandated assessments. Any reduction in State mandated assessments may reduce general fund expenditures. However, any such reduction cannot be reliably estimated. However, it should be noted that the bill does not repeal any of the assessment requirements in State law including the general program of assessments (some of which are also assessments required by ESSA), the College and Career Readiness assessments, and the Kindergarten Readiness Assessment (KRA). This estimate assumes that the creation of new ESSA assessments accounted for above will allow for the continued administration of these other required assessments with minimal additional expense other than the KRA. It should also be noted that the KRA is intended to be an assessment at the beginning of the school year, not at the end of kindergarten (the bill would require it to be given in May). To the extent that other State mandated assessments may need to be redesigned to fit into one school day, general fund expenditures increase an additional unknown amount.

Local Expenditures: Local school system expenditures increase, potentially significantly. As explained above, local school systems may choose to meet the requirement by using paper-based assessments. Local school systems could request paper-based assessments for the ESSA required assessments from MSDE. Local school system expenditures may increase to print their locally mandated assessments.

Alternatively, local school systems may choose to purchase additional computers to facilitate all of their students taking all of their local, State, and federal mandated assessments on the same day. This would be an ongoing cost due to the need to replace devices periodically. MSDE advises that the average cost of a Chromebook is \$267. It is unknown how many Chromebooks would be purchased by local school systems under the bill; however, BCPS estimates costs at \$249 million to \$415 million. BCPS' estimate was based on purchasing enough devices for two complete refresh cycles over the course of

five years. The Department of Legislative Services advises that purchasing a Chromebook for each of BCPS' 80,600 students would cost approximately \$21.5 million.

In addition, some local school systems may need to upgrade their Internet connectivity to support computer conductivity for all students on one day of testing. BCPS advises that its infrastructure upgrades would cost an additional \$12.6 million.

As explained above, this estimate assumes the bill does not restrict the State's abilities to meet federal ESSA requirements. However, local school systems may need to reduce or change their locally mandated assessments, which may decrease their utility.

Additional Comments: With fewer opportunities for students to take assessments required by the State Board of Education to graduate, the State board may choose to change the assessments required for high school graduation. Alternatively, fewer students may graduate on time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Counties; Maryland State Department of Education; Baltimore City Public Schools; Montgomery County Public Schools; Prince George's County Public Schools; Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2019
mag/rhh

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