

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1394 - SB 1267**

March 19, 2019

**SUMMARY OF BILL:** Creates a 60-day deadline for the Department of Education (DOE) to provide LEA's access to their students' Tennessee Comprehensive Assessment Program (TCAP) and end-of course assessments. Requires DOE to include all questions posed to students unless it violates copyright infringement laws. Requires local education agencies (LEAs) to provide each teacher with access to the teacher's students' information within 90 days following the administration of assessments. Requires LEAs to include all questions posed to the teacher's students unless it violates copyright infringement laws.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$8,401,400**

**Other Fiscal Impact – Passage of this legislation may jeopardize part of the annual federal K-12 education funding.**

Assumptions:

- Each year, state assessments contain a number of "field test" and "linking" items. Field test items are items that are tested for use on an assessment in a subsequent year. Linking items appear on assessments in multiple years and are used to ensure that scoring is consistent across school years.
- These items are not considered when determining a student's score for the assessment, but the responses are used to validate the items for inclusion on future assessments.
- Tennessee Code Annotated § 49-6-6008 currently prohibits the release of assessment information required by DOE to validate future administrations of the assessments; items that are being field tested for future administrations of the assessments; or passages, content, or related items if the release would be in violation of copyright infringement laws.
- Tennessee Code Annotated § 49-1-610 requires that 30 percent of assessment questions must be new each year and items that are no longer needed may be released.
- DOE's current budget and contract allows for spending associated with the release of 30 percent of assessment items which costs \$4,092,531.
- The requirement to release 100 percent of assessment items and to develop all new items will result in a recurring increase in state expenditures exceeding \$8,401,434.

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- According to DOE, releasing field test and linking items that will be used on future assessments could be viewed by some students or educators; this would threaten the overall quality and validity of the state assessment.
- According to DOE, failure to provide a valid assessment may erode trust in the results and would likely put Tennessee in violation of the federal Every Student Succeeds Act. This could threaten all or part of the \$1,129,269,800 dollars of annual federal K-12 education funding as listed in the Governor's Recommended Budget for FY19-20.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/alh