



February 3, 2020

SUMMARY OF BILL: Requires a student whose individualized education program (IEP) allows for testing accommodations to be allowed to use the same testing accommodations while taking an assessment under the Tennessee comprehensive assessment program (TCAP) or an end-of-course assessment.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – \$35,000/FY20-21 and Subsequent Years

Increase Local Expenditures –

Exceeds \$1,000,000/FY20-21 and Subsequent Years*

Assumptions:

- The proposed legislation would allow the same accommodations included in a student's IEP to be allowed on TCAP testing and end-of-course assessments, which may expand the number and types of accommodations that schools would have to provide.
- Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) prohibit discrimination on the basis of disability.
- Federal and state laws require students with an IEP to be provided with appropriate accommodations necessary to participate in these tests; however, certain accommodations that invalidate test scores may not be allowed.
- The proposed legislation would require updates to existing data platforms and business requirements for scanning, scoring, and validating results.
- DOE will contract with four individual vendors to assist with the increased results validation workload within the short turn around period.
- A current DOE contract for a similar service averages approximately \$15,600 per graduation cohort. The department estimates each contract will be approximately 56 percent of the similar contract resulting in an increase in recurring expenditures of \$34,944 [(\$15,600 x 0.56) x 4 contracts] beginning in FY20-21.
- The proposed legislation may increase documentation, reporting, and data-review at the state level; however, it is assumed that DOE will be able to manage the increased workload with existing DOE resources.

- It is assumed that all special education and 504 students will need to have their IEPs evaluated for each test; it is estimated that one in five student accommodations may invalidate a test and need to be reported to DOE.
- It is estimated that for every 5 students with IEPs, it will require one hour of verification, compilation, and submission of additional accommodation documentation completed by building testing coordinators, district testing coordinators, or special education coordinators.
- Based on data from the 2018-19 school year, there were an estimated 294,796 special education and 504 tests employed, resulting in approximately 58,959 additional hours of work (294,796 / 5).
- Increased accommodations and documentation requirements may require additional administrative staff and/or special education personnel at a local school and district level to comply with the proposed legislation. However, due to multiple unknown factors, including the number of students that will require additional accommodations and the variation in staffing and resources by school and district, the precise impact to local expenditures cannot be determined but is reasonably estimated to exceed \$1,000,000 statewide.

*Article II, Section 24 of the Tennessee Constitution provides that: *no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

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



Krista Lee Carsner, Executive Director

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