California Department of Education

Executive Office

SBE-004 (REV. 11/2017)

addendum-mar21item02

# **ITEM ADDENDUM**

**DATE:** March 12, 2021

**TO:** MEMBERS, State Board of Education

**FROM:** TONY THURMOND, State Superintendent of Public Instruction

**SUBJECT:** The Every Student Succeeds Act: Authorization to Pursue Flexibility on or Waiver of Assessment, Accountability, and Reporting Requirements.

## Summary of Key Issues

**Background**

Under state law and the federal Every Student Succeeds Act, California must administer annual statewide tests for reading/language arts and mathematics to all students in grades three through eight and once in high school as well as statewide tests for science at least once in each of the grade spans three through five, six through nine, and ten through twelve. In addition, state and federal law require that local educational agencies (LEAs) administer an annual summative state test of English language proficiency (ELP) to eligible students in kindergarten through grade twelve (K–12).

California has the largest and most diverse student population in the United States. More than six million students attend California public K–12 schools, nearly half of whom speak a language other than English at home. Providing education to these students are more than 300,000 teachers working in approximately 10,000 schools located in approximately 1,000 districts across the state. Enrollment in these districts ranges from 4 to more 590,000 students.

During the novel coronavirus 2019 (COVID-19) pandemic, California LEAs have been balancing the learning needs of students and the challenges of planning for public safety while considering their local circumstances. LEAs have provided instruction through various models, including in-person instruction, distance learning, and hybrid; however, a vast majority of students are not yet attending class in-person. COVID-19 numbers are dropping, and vaccine administration is rising. These trends, combined with the recent enactment of Assembly Bill 86, which can be found at <https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB86>, have led to LEAs working toward restarting or increasing in-person instruction in March and April. In addition to the challenges created by these transitions, equitable access to broadband/internet connectivity remains an issue for many students and families.

On January 18, 2021, the US Department of Education (ED) provided guidance to states on ELP assessments with its release of the English Learner Fact Sheet Addendum, which is located at <https://oese.edgov/files/2021/01/English-Learner-Fact-Sheet-Addendum-01-18-2021.pdf>. For the 2020–21 school year, all English learners must be administered the state’s annual summative ELP assessment, although the state has discretion as to how and when it conducts its statewide assessment.

The ED sent a letter to states on February 22, 2021, that set forth permissible flexibilities regarding assessment and invited waivers for certain accountability provisions. Of the flexibilities recommended in the ED’s letter, which can be found at <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic>, California has already taken the following steps:

* Administering a shortened version of Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics, which the California State Board of Education (SBE) approved for implementation at its November 2020 meeting.
* Offering remote administration, which is available to California LEAs for all tests of the California Assessment of Student Performance and Progress (CAASPP) and English Language Proficiency Assessments for California (ELPAC). CDE will continue to allow remote administration as an option for those LEAs that are able to do so successfully. This option was provided for the fall ELPAC Summative and ELPAC Initial. A full report of the results of the psychometric analyses is posted on the CDE ELPAC web page under the technical documents section located at <https://www.cde.ca.gov/ta/tg/ep/>.

On February 24, 2021, the SBE met to deliberate and take action that would be consistent with the ED’s letter and to explore additional flexibilities as requested by stakeholder groups. Understanding the necessity of providing additional options to meet the diverse needs of California LEAs, the SBE approved the following motions:

1. Direct CDE to prepare a waiver, consistent with the federal template, regarding the flexibilities offered by ED for accountability and school identification, which includes decoupling accountability from this year’s assessments and waiving the requirement that the Academic Achievement indicator be adjusted to account for a participation rate below 95 percent as applicable.
2. Extend the 2020–21 test administration window for both the CAASPP and ELPAC to July 30, 2021, as applicable.
3. Direct CDE to prepare a general waiver of the California Science Test for the 2020–21 school year.
4. Create a policy means to provide assessment information this school year to parents, educators, and the public.
5. Delegate authority to the State Board of Education Executive Director, in collaboration with CDE staff, to develop a waiver proposal to bring back to the Board that focuses on a plan for assessments that provide data to parents, educators, and the public which monitors the progress of students in ELA/math and that will propose a means for uniform reporting of that data in both aggregated and disaggregated forms.

Regarding motion 1: On March 8, 2021, the ED released the new Accountability Waiver Template, which is available at <https://oese.ed.gov/files/2021/03/20-21-Accountability-Waiver-Template-Final.pdf>. Pursuant to the direction received from the SBE, the CDE will prepare and submit the streamlined waiver to the ED.

Regarding motion 2: The CDE has proposed emergency regulations to extend the statewide testing windows, which is on March 2021 SBE agenda as Item 05. This agenda item is available at <https://www.cde.ca.gov/be/ag/ag/yr21/documents/mar21item05.docx>.

Regarding motion 3: The CDE will prepare a general waiver in accordance with federal guidelines requesting relief for the administration of the California Science Test.

Regarding motion 4: The CDE is incorporating the response to motion 4 as part of the plan outlined in motion 5 below.

Regarding motion 5: The focus of this item and the subsequent recommendation are to meet the request from the SBE as outlined in this motion.

**Stakeholder Feedback**

California policymakers, advocacy groups, and parents/guardians have expressed a strong interest in receiving valid data regarding how their students performed on ELA, mathematics, and their English language proficiency assessments to determine how students have fared and to identify areas of learning loss or gaps. Their concerns, and those of students and LEA staff, are reflected in the remaining sections of this Item Addendum.

There is also a recognition that testing all students equitably this year may not be feasible. Among the challenges that have surfaced are issues with bandwidth and internet access as well as inconsistent remote testing environments for students.

**Feedback from Education Management and Educators**

A coalition consisting of the California County Superintendents Educational Services Association, Association of California School Administrators, Orange County Department of Education, California Association of Suburban School Districts, California Association of School Business Officials, California Federation of Teachers, California School Boards Association, Los Angeles County Office of Education, San Diego Unified School District, Corona-Norco Unified School District, and the California Teachers Association, requested that the SBE and the CDE pursue a waiver for the required administration of the state standardized tests for the 2020–2021 school year. If a waiver is not possible, they recommend providing LEAs with the option to use local and/or interim assessments to evaluate student learning progress.

In addition, over 59,000 California educators signed a petition requesting the SBE to waive the summative assessments. Because there is not a general waiver of assessment requirements being invited by ED, the California Teachers Association recommends the use of local assessments to monitor student progress and report data to parents, educators and the public.

**Feedback from Community and Advocacy Organizations**

On February 22, 2021, the LCFF Equity Coalition submitted a letter to the SBE that outlined concerns from the following entities: Public Advocates, Children Now, Education Trust-West, Parent Institute for Quality Education, Alliance for Children’s Rights, Californians Together, California Association for Bilingual Education, and Parent Organization Network. In the letter, the Equity Coalition groups expressed that they want summative assessments to inform student learning and address learning loss. If the 2020–2021 summative assessments cannot be administered, then LEAs should be required to administer diagnostic assessments, and the results should be provided to parents and guardians as well as made publicly available at the school- and LEA-level.

**LEA Assessment Flexibility Survey**

A total of 969 unique LEAs responded to a recent survey regarding ELA and mathematics assessments, which was administered on March 5, 2021, revealed the following:

* Approximately 77 percent of respondents indicated that they have used the following five local assessments during the 2020–21 school year:
	+ Star Assessments by Renaissance
	+ iReady by Curriculum Associates
	+ Measures of Academic Progress by NWEA
	+ FastBridge by Illuminate
	+ Reading Inventory by Houghton Mifflin Harcourt
* About 19 percent of the respondents indicated that they have used another local assessment. The majority indicated they are using the Smarter Balanced Interim Assessments or locally-developed assessments.

**Recommendation**

The CDE is proposing that for the 2020–21 school year LEAs be allowed to use the most viable option for assessment in their local context, including the Smarter Balanced Summative Assessments and CAAs for ELA and mathematics, or other diagnostic, benchmark, or interim assessments that:

* Are aligned with California Common Core State Standards for ELA and mathematics.
* Are available to assess students in grades three through eight and grade eleven.
* Are uniformly administered across a grade span, school, or district.
* Provide results that can be reported to parents/guardians, educators about individual students, and to the public by school and by district and are disaggregated by student group.

The CAST, the CAA for Science, and the California Spanish Assessment will continue to be available for any LEA to use during the 2020-21 school year.

**Additional Considerations**

While the CDE understands that summative test administration of any kind may be challenging, the following should be considered:

* Providing the Smarter Balanced Summative Assessments for ELA and mathematics to students in grade eleven will support the California State University Early Assessment Program requirements.
* Using the Smarter Balanced Summative Assessments for ELA and mathematics will allow students to access the extensive universal tools, designated supports, and accommodations, which they are familiar with, as needed.
* Per state and federal statutes, LEAs will still be required to publicly report, disaggregated by student group, in the School Accountability Report Card (SARC) and the Local Educational Agency Report Card (LARC) the performance of students by assessment and the number and percentage of students tested and not tested.

## Attachment(s)

None.