

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

imb-adad-mar21item03

# California State Board of Education March 2021 Agenda Item #02

## Subject

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

## Type of Action

Action, Information

## Summary of the Issue(s)

At its meeting on February 24, 2021, the California State Board of Education (SBE) voted to seek a waiver of the federal accountability and reporting requirements consistent with the guidance from the US Department of Education (ED) on February 22, 2021.

The SBE also directed California Department of Education (CDE) staff to develop a waiver proposal that, among other elements, focuses on a plan for assessments that provide data to parents/guardians, educators, and the public to monitor the progress of students in the areas of English language arts/literacy and mathematics. The CDE is considering ways to obtain stakeholder input to inform next steps. The CDE is exploring additional assessment flexibilities which will be attached as an Item Addendum, along with an analysis and recommendations for the SBE’s consideration. The Item Addendum may also include a consideration of the state-level testing requirements that may need to be addressed in order to avail the state of any federal relief offered.

## Recommendation

The CDE requests that the SBE take action as deemed necessary and appropriate.

## Brief History of Key Issues

The majority of local educational agencies (LEAs) continue to provide instruction in mixed settings, including in-person, distance learning, and a hybrid model. Amid the ongoing health and safety concerns, LEAs are currently in a time of tremendous transition, as many LEAs are working toward beginning or increasing in person instruction. California Senate Bill 86 is proposing language that connects extra funding for LEAs to open by April 1, 2021, which may be found at: (<https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB86>). Given the variety of contexts that LEAs across California are working in, there is a need to increase flexibility for LEAs to administer the California Assessment of Student Performance and Progress (CAASPP) and the English Language Proficiency Assessments for California (ELPAC) summative assessments in the 2020–2021 school year, as required by both state and federal law and as set forth in California’s approved state plan for the federal Every Students Succeeds Act (ESSA).

The guidance from the ED on February 22, 2021, outlines flexibilities that are available to states in order to satisfy the federal assessment, and the availability of waivers from certain accountability and reporting requirements for the 2020–2021 academic year as a result of the 2019 novel coronavirus disease (COVID-19) pandemic. The ED has expressly stated that it is not inviting states to apply for blanket waivers that would allow states to opt out of annual testing altogether. The press release announcing the guidance and the letter sent to states are available on the ED website at <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic>. Following the release of its guidance, the ED denied New York’s request for a blanket waiver to opt out of all assessments required under ESSA.

The following are SBE actions from the February 24, 2021, meeting that the CDE was directed to pursue:

* 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.
* Extend the 2020-21 test administration window for both the CAASPP and ELPAC to July 30, 2021 as applicable.
* Prepare a general waiver of the California science tests for the 2020-21 school year.
* Create a policy means to provide assessment information this school year to parents, educators and the public.
* 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.

The SBE and CDE staff are developing a waiver proposal that focuses on a plan for assessment flexibilities and will attach them as an Item Addendum along with an analysis and recommendations for the SBE’s consideration.

## Summary of Previous State Board of Education Discussion and Action

In February 2021, the CDE provided the SBE with updates on the guidance released by the ED on assessing student learning during the pandemic. The SBE directed the CDE to provide next steps on applying for additional flexibility from the ED (<https://www.cde.ca.gov/be/ag/ag/yr21/documents/feb2124item02.docx>).

In January 2021, the CDE provided the SBE with a summary of updates related to the CAASPP and the ELPAC. The SBE engaged in preliminary discussions about testing flexibilities (<https://www.cde.ca.gov/be/ag/ag/yr21/documents/jan21item03.docx>).

In November 2020, the CDE provided the SBE with updates related to the CAASPP, the ELPAC, and the California High School Proficiency Examination, including the approval of the proposed Smarter Balanced Summative Assessments for ELA and mathematics blueprints, and approval of the proposed Alternate ELPAC Student Score Reports (<https://www.cde.ca.gov/be/ag/ag/yr20/documents/nov20item04.docx>).

In July 2020, the CDE provided the SBE with a summary of developments and updates related to the CAASPP and ELPAC, including summary data for the 2019–2020 test administration year, an update to the California Educator Reporting System (CERS), the Tools for Teachers launch, and the development of formative assessments for science (<https://www.cde.ca.gov/be/ag/ag/yr20/documents/jul20item05.docx>).

## Fiscal Analysis (as appropriate)

The 2020–2021 Budget Act includes the funding necessary for 2020–2021 CAASPP and ELPAC administration contract activities. Funding for 2021–2022 and beyond will be contingent on an annual appropriation being made available from the Legislature in future fiscal years. The 2020–2021 Budget Act provides a total of $87,108,000 in multiple CAASPP System contract costs, which includes $76,687,000 in funding for the ETS CAASPP contract activities and $519,000 for the University of California Santa Cruz (UCSC) CERS contract activities. The 2020–2021 budget provides a total of $22,344,000 in funding for ELPAC contract obligations, which includes $21,615,000 for the ETS ELPAC contract activities and $279,000 for the UCSC CERS contract activities. An additional $8,487,000 was reappropriated to support students who were unable to complete Summative ELPAC testing in 2019–2020 for reclassification purposes. Those funds were used to extend an optional administration of the 2019–2020 Summative ELPAC, to occur in fall 2020, and other related activities throughout 2020–2021.

## Attachment(s)

None.