

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

pptb-adad-nov18Item07

# California State Board of Education November 2018 Agenda Item #15

## Subject

California Assessment of Student Performance and Progress: Determination of the Release of Up to 10 Percent Withheld for the 2017–18 Educational Testing Service Contract.

## Type of Action

Action, Information

## Summary of the Issue(s)

The California Assessment of Student Performance and Progress (CAASPP) contract with Educational Testing Service (ETS), approved by the State Board of Education (SBE), specifies that on or before the annual November SBE meeting, the California Department of Education (CDE) shall present to the SBE a recommendation regarding the performance of ETS in complying with the terms and conditions of the contract for the prior-school-year test administration.

Per California *Education Code* (*EC*) Section 60643, the CDE must withhold 10 percent from progress payments invoiced for each component task. The CAASPP contract establishes the process and criteria by which the CDE recommends, and the SBE approves, the annual release of the 10 percent withheld from progress payments.

The completion criteria for the CAASPP contract component tasks are provided in Attachment 1.

## Recommendation

The CDE recommends releasing a total of $6,874,145 from funds withheld during the 2017–18 test administration. The CDE further recommends not releasing $21,587 to the contractor specific to component tasks 3 and 7. The amounts per task are listed in Attachment 2.

## Brief History of Key Issues

The CDE has reviewed the performance of ETS in complying with the contract and determined that ETS has satisfactorily performed contract component tasks 1 and 2, 4 through 6, 8, and 9 for the CAASPP system during the 2017–18 test administration to date, pending completion of all contract requirements through December 2018. Therefore, the CDE is recommending approval of the 10 percent release for those tasks. The contract task descriptions are in Attachment 2.

However, in the CDE’s review of ETS’s compliance with contract component tasks 3 and 7, the CDE determined that ETS did not satisfactorily perform a relatively small portion of that contract component, included in the outline below. The CDE and ETS have met to resolve errors in the 2017–18 test administration, and ETS has put into action corrections intended to ensure success in the future.

### Task 3: Technology Services

The CDE recommends the release of $374,490 of the 10 percent withhold for task 3 related to the Assessment Technology Platform solution for California. The CAASPP

Assessment Delivery System includes all components required to deliver the Smarter

Balanced and non-Smarter Balanced assessments for the CAASPP System.

The CDE also recommends the non-release of $8,350 of the 10 percent withhold for task 3, as related to Assessment Delivery Systems, because ETS did not satisfactorily launch the CDE-approved automated email notification process developed to send emails to local educational agencies (LEAs) two weeks prior to the start of the selected testing window, and two weeks prior to the last day of the window. Details for this component task within task 3 include:

#### **3.2. Assessment Delivery System**

ETS works with the CDE to identify tools and propose recommendations and solutions that improve the delivery of CAASPP and non-CAASPP assessments. A need was identified for the development of a tool that would assist LEAs in monitoring their testing window. As part of the planning process to address this need, the CDE and ETS conducted an impact analysis, including schedule and cost impact, for this new tool and application.

With CDE approval, ETS developed and launched a successful dashboard view for LEAs that have set up a test administration window in the Test Operations Management System (TOMS). The dashboard tool provides LEAs with instant access to start and end dates for their selected test administration window, as well as the number of days until the administration ends.

Another component of this tool to assist LEAs in monitoring their testing window included an automated email notification process that sends emails to the LEA two weeks prior to the start of the selected testing window, and two weeks prior to the last day of the window. ETS built out this system but neglected to launch the automated email notifications.

This failure to substantially perform as specified in the agreement was discovered after LEAs made contact with the CDE, requesting extensions to their test administration window after their window had closed — the identified need intended to be addressed with the implementation of this tool. After LEAs indicated that they had not received reminder emails, ETS discovered the error. It became clear that ETS also failed to monitor the launch of the developed tool as required in its Quality Management Plan. This deployment error was corrected late in the regulatory testing window. Because the deliverable did not meet the specifications of the contract, the error is reflected in the non-release amount.

ETS successfully developed and launched all other requirements in the Scope of Work (SOW) for this task. Task 3 is a critical and complex component of the SOW. It includes maintenance of the Assessment Technology Platform solution for California, which is the CAASPP Assessment Delivery System for all components, required to deliver the Smarter Balanced and non-Smarter Balanced assessments.

### Task 7: Test Administration

The CDE recommends the release of $2,634,306 of the 10 percent withhold for task 7 related to the CAASPP Assessment Delivery System, which includes the TOMS, as specified in the SOW.

The CDE also recommends the non-release of $13,237 of the 10 percent withhold for task 7, which includes a comprehensive computer-based CAASPP Assessment Delivery System that allows LEAs to manage and administer all CAASPP assessments. ETS’s failure to launch the CDE-approved automated email notification process – developed to send emails to LEAs two weeks prior to the start of the selected testing window, and two weeks prior to the last day of the window – had a direct impact on five known LEAs’ ability to manage and administer all CAASPP assessments. Details for this component task within task 7 include:

#### **7. 1. CAASPP Test Administration Requirements**

ETS creates manuals, user guides, and other supportlng materials so that the LEAs have the information they need to effectively and efficiently administer the CAASPP System. Neglecting to launch the automated email notifications, as intended, resulted in five known LEAs requesting extensions to their test administration window after their window had closed. Had LEAs been able to better monitor their testing window throught the receipt of email notifications, testing window, extensions would have been allowed before testing windows closed.

This failure to substantially perform as specified in the agreement had a direct impact on an LEA’s ability to extend their testing window in order to complete the assessment of all students. This deployment error was corrected late in the regulatory testing window. Because of the direct impact on LEAs the deliverable did not meet the specifications of the contract, the error is reflected in the non-release amount.

ETS successfully administered all other requirements in the SOW for this task. Task 7 addresses all activities related to the administration of CAASPP assessments. The activities include the creation of manuals, user guides, directions for administration, technical manuals, and other supportlng materials.

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

In July 2018, the SBE approved a request for Authority to Enter into Negotiations to Amend ETS’s CAASPP Contract to Include the Integration of the English Language Proficiency Assessments for California and Enter into Negotiations with the University of California, Santa Cruz for an Interagency Agreement to Provide an Educator Reporting System (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/jul18item03.docx>).

In January 2018, the SBE approved the proposed contract renewal with ETS for CAASPP (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/jan18item07.docx>).

In July 2017, the SBE gave the CDE the authority to begin the process of approving a renewal of ETS’s administration contract for an additional two years (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/jul17item04.doc>).

In May 2017, the SBE approved the proposed contract amendment with ETS for the CAASPP contract (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/may17item02.doc>).

In March 2017, the SBE gave the CDE the authority to begin negotiations with ETS to amend the existing SOW for the CAASPP contract (<https://www.cde.ca.gov/be/ag/ag/yr17/documents/mar17item06.doc>).

## Fiscal Analysis (as appropriate)

The funds to be released were withheld during 2018–19 from invoices paid with existing CAASPP System contract funding, shown in Attachment 2. The CDE recommends the release of $6,874,145. The CDE recommends not releasing $21,587 specific to tasks 3 and 7. Any portion of the funds withheld during 2017–18 will revert to the state General Fund and cannot be used for any other purpose. The reversion date for fiscal year 2017–18 funding is June 30, 2020. The amounts per task are listed in

Attachment 2.

## Attachment(s)

* Attachment 1: California Assessment of Student Performance and Progress Completion Criteria (4 pages)
* Attachment 2: California Assessment of Student Performance and Progress Contract 2017–18 Test Administration Component Task Budget (1 page)

# Attachment 1

**Educational Testing Service**

**CDE Agreement # CN150012**

**Exhibit E**

**California Assessment of Student Performance and Progress**

**Completion Criteria**

The criteria by which the California Department of Education (CDE) will recommend and the State Board of Education (SBE) will determine the successful completion of each separate and distinct component task for payment of the final 10 percent is set forth in the following table for each test administration covered in Exhibit A, Scope of Work (SOW) of the Agreement.

If it is determined by the CDE that a certified deliverable submitted to the CDE by the contractor does not meet all of the criteria in Exhibit E, the CDE reserves the right to use this information as part of the criteria by which the CDE will recommend, and the SBE will determine, successful completion of each separate and distinct component task for payment of the final 10 percent for each applicable test administration as set forth in the California Assessment of Student Performance and Progress (CAASPP) completion criteria shown in the following table:

**Criteria for Successful Completion of Component Tasks**

| **Component Task** | **Criteria** |
| --- | --- |
| Task 1 Comprehensive Plan and Schedule of Deliverables | * The contractor provided all reports, plans, and schedules required in the task as specified in the SOW. * All materials, documents, and/or deliverables developed in conjunction with this contract were submitted to the CDE for approval. * The contractor provided the local educational agency (LEA) coordinators with all data, forms, and agreements as outlined in the SOW. * The contractor provided and maintained a secure Web-based CAASPP administration management system as specified in the SOW. * The contractor delivered all electronic data files and documentation as specified in the SOW. |
| Task 2 Program Support Services | * The contractor provided all trainings, focus groups, workshops, and Webcasts as specified in the SOW. * The California Technical Assistance Center provided assistance to LEAs as specified, and within the response times specified, in the SOW. * The CDE received electronic files and other reports as specified in the SOW. |
| Task 3 Technology Services | * The Assessment Delivery System meets all system requirements as specified in the SOW. * The contractor provided a single sign-on as detailed in the SOW. * Contractor provided and maintained a Project Management Plan as detailed in the SOW. * The Assessment Delivery System supported up to 500,000 concurrent users as specified in the SOW. * The Assessment Delivery system supported at least 99.982 percent availability as specified in the SOW. |
| Task 4 Test Security | * All test items, test materials, electronic files, and data (including student-identifiable data) were developed, used, transferred, delivered, and maintained in a secure manner as specified in the SOW. * The contractor completed all monitoring (including, but not limited to, on-site visits, social media monitoring, and inventorying of materials) of schools before, during, and after testing as specified in the SOW. * The contractor conducted security breach investigations as specified in the SOW. * The contractor provided the CDE with summary reports of the results of each security breach investigation. |
| Task 5 Accessibility and Accommodations | * The contractor provided all universal tools, designated supports, and accommodations as required in the SOW. * All items developed (as specified in Task 6) include all the embedded accessibility supports and functionality and render within the test delivery system as specified in the SOW. |
| Task 6  Assessment Development | * The contractor developed for all grades and subjects the number and types of items specified in the SOW. * The contractor pilot tested or field‑tested the minimum required number of items as specified in the SOW. * The contractor provided blueprints for new assessments as specified in the SOW. * A review of the scaling and equating processes showed items to meet or exceed industry standard. * The performance level settings generated results for all content areas, and performance levels were reported to LEAs and the CDE. |
| Task 7 Test Administration | * All test materials required in the SOW were produced on time and in sufficient quantities. * All test materials were delivered to and retrieved from LEAs as specified in the SOW. * The contractor hosted the Assessment Delivery System as specified in the SOW. * The hosting systems (Test Operations Management System; Appeals, and Assessment Delivery System) were operational and functioned as specified in the SOW, including the authentication of users. * Smarter Balanced Interim Assessments were hosted and scoring was provided as specified in the SOW. |
| Task 8 Scoring and Analysis | * All tests were correctly processed and scored within timelines specified in the SOW. * All data analyses were completed as specified in the SOW. * The contractor delivered all electronic data files and documentation as specified in the SOW. |
| Task 9 Reporting | * The contractor provided accurate and complete reports of test results to LEAs that met all reporting requirements as specified in the SOW. * The contractor provided accurate and complete reports of test results for the public reporting Web site that met all reporting requirements as specified in the SOW. * The contractor met all reporting requirements to the CDE as specified in the SOW. * The annual technical reports were received by the CDE as specified in the SOW. |

# Attachment 2

**California Assessment of Student Performance and Progress Contract**

**2017–18 Test Administration Component Task Budget**

The California Department of Education recommends releasing a total of $6,865,733 to Educational Testing Service from funds withheld during the 2017–18 California Assessment of Student Performanceand Progress (CAASPP) test administration.

| **Component Task**  **Scope of Work A** | **Total 2017–18**  **Test Administration Budget** | **Amount Paid/**  **To Be Paid from Progress Payments\*** | **10 Percent Withheld**  **(Pending**  **Release)** | **Recommended**  **(Release)** | **Recommended Withhold  (Non-Release)** |
| --- | --- | --- | --- | --- | --- |
| Task 1: Comprehensive Plan and Schedule of Deliverables | $6,390,418 | $4,834,900 | $483,490 | $483,490 | $0 |
| Task 2: Program Support Services | $8,824,433 | $7,670,613 | $767,061 | $767,061 | $0 |
| Task 3: Technology Services | $4,451,553 | $3,828,408 | $382,840 | $374,490 | $8,350 |
| Task 4: Test Security | $102,411 | $237,412 | $23,741 | $23,741 | $0 |
| Task 5: Accessibility and Accommodations | $110,763 | $130,084 | $13,008 | $13,008 | $0 |
| Task 6: Assessment Development | $9,322,501 | $8,350,509 | $835,050 | $835,050 | $0 |
| Task 7: Test Administration | $26,899,155 | $26,475,444 | $2,647,544 | $2,634,306 | $13,237 |
| Task 8: Scoring and Analysis | $17,127,051 | $13,400,291 | $1,340,029 | $1,340,029 | $0 |
| Task 9: Reporting | $2,466,254 | $4,029,672 | $402,967 | $402,967 | $0 |
| Totals: | $75,694,539 | $68,957,333 | $6,895,733 | $6,874,145 | $21,587 |

\*Pending completion of all contract component tasks for the 2017–18 CAASPP test administration through December 2018.