

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

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# California State Board of Education September 2019 Agenda Item #06

## Subject

California Assessment of Student Performance and Progress System and English Language Proficiency Assessments for California: Determination of the Release of Up to 10 Percent Withheld for the 2018–19 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 the full amount of $11,502,540.90 from English Language Proficiency Assessments for California (ELPAC) funds withheld during the 2018–19 ELPAC test administration. The CDE found that the contractor completed all component tasks as stated within the Scope of Work (SOW). The amounts per task are listed for CAASPP (page 1) and ELPAC (page 2) in Attachment 2.

The CDE recommends releasing an amount of $7,719,015.00 from CAASPP funds withheld during the 2018–19 CAASPP test administration and recommends not releasing $176,207.10 to the contractor specific to component tasks 2, 3, and 9 for CAASPP. The amounts per task are listed in Attachment 2.

## Brief History of Key Issues

The SOW encompasses both the CAASPP and the ELPAC. The SOW describes the activities, assumptions, and requirements to manage and administer the California assessment system for the 2018–19 and, 2019–20, 2020–21, and 2021–22 school years.

In relation to the ELPAC, the CDE has reviewed the performance of ETS in complying with the ELPAC contract and determined that ETS has satisfactorily performed contract component tasks 1 through 9 of the SOW during the 2018–19 ELPAC test administration to date, pending completion of all contract requirements through December 2019. Therefore, the CDE is recommending approval of the 10 percent release for those tasks. Descriptions of the contract task are in Attachment 2.

In relation to the CAASPP, the CDE has reviewed the performance of ETS in complying with the CAASPP contract and determined that ETS has satisfactorily performed contract component tasks 1 and 4 through 8 of the SOW during the 2018–19 CAASPP test administration to date, pending completion of all contract requirements through December 2019. Therefore, the CDE is recommending approval of the 10 percent release for those tasks. Descriptions of the contract task are in Attachment 2.

However, in the CDE’s review of ETS’s compliance with CAASPP contract component tasks 2, 3, and 9 for CAASPP activites, the CDE determined that ETS did not satisfactorily perform all portions of those contract components, included in the outline below. The CDE and ETS have met to resolve errors in the 2018–19 CAASPP test administration, and ETS has put into action corrections intended to ensure success in the future.

### Task 2: Program Support Services

The CDE recommends the release of $561,522.90 of the 10 percent withhold for task 2 CAASPP activities related to the Workshops and Webcasts for California. ETS provided satisfactory support services to schools, local educational agencies (LEAs), and the CDE to facilitate the implementation of the CAASPP System. Those services include communication activities to help the CDE broaden California educators’ understanding of the summative testing system and the interim and formative tools.

The CDE also recommends the nonrelease of $2,500 of the 10 percent withhold for task 2, as it relates to workshops and webcasts, because ETS did not satisfactorily deliver the CAASPP Post-Test Webcast as scheduled. The CAASPP Post-Test Webcast is one deliverable of more than 46 workshops, videos, and webcasts provided annually. Details for this component task within task 2 include the following:

#### **2. 7. Workshops and Webcasts**

ETS establishes and implements a training plan for LEA assessment staff on all aspects of the assessment program. The CDE and ETS determine audience, topics, frequency, and mode (in-person, webcast, videos, modules, etc.) of the training, including such elements as format, participants, and logistics.

Annually, the CAASPP Post-Test Webcast is scheduled to be held in May. An important partner component of the Post-Test Webcast is the *Post-Test Guide*. ETS is required to post the *Post-Test Guide* on the CDE website at least 10 business days prior to the Post-Test Webcast. ETS did not produce the *Post-Test Guide* in time to meet the posting requirement. The delay resulted in the postponement of the Post-Test Webcast for two months beyond its scheduled May presentation date. The delay partly resulted from ETS’s not having provided a master schedule of deliverables for 2018–19 in accordance with terms of the SOW.

### Task 3: Technology Services

The CDE recommends the release of $246,533.80 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 nonrelease of $65,534.30 of the 10 percent withheld for task 3, related to the hosted production system performance as required in the service level agreement. ETS did not satisfactorily meet the Service Level Agreement specifically for the Test Operations Management System (TOMS) system uptime. The uptime rate was 99.8 percent, missing the 99.9 percent required in the Service Level Agreement. Details for this component task within task 3 include the following:

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

The SOW requires that the Assessment Delivery System maintain an availability rate of 99.9 percent during summative testing, and an availability rate of 99 percent outside of the summative testing window, exclusive of the California school holidays, planned system release outages, and approved maintenance windows. The availability rate is calculated between the hours of 6 a.m. and 6 p.m. Pacific time, Monday through Friday. ETS reported an uptime rate of 99.8 percent, a variance to the Service Level Agreement of -0.1 percent.

While ETS successfully developed and launched all requirements in the SOW for this task, the failure to meet the mandated uptime rate negatively impacted LEAs’ ability to test during scheduled times. Specifically, ETS performed a network switch on the afternoon of March 27, 2019 which resulted in a 3.6 hour unanticipated downtime; resulting in a variance to the Service Level Agreement of -0.1 percent. 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 9: Reporting

The CDE recommends the release of $481,461.60 of the 10 percent withhold for task 9 related to the full range of reports and reporting formats that the CDE requires for the CAASPP and ELPAC, as specified in the SOW.

The CDE also recommends the nonrelease of $108,172.80 of the 10 percent withhold for task 9, because ETS did not satisfactorily put in place quality controls of the application and the school average for prior years’ data displayed on Student Score Reports for students in grades four through eight. Approximately 2.2 million of the 3.3 million Student Score Reports included an incorrect historical school mean scale score calculation. Details for this component task within task 9 include the following:

#### **9.1. Reporting to Local Educational Agencies**

ETS implements a comprehensive and secure Online Reporting System for interactive reporting to allow users to view summative assessment reports at the LEA, school, and student levels. The individual student report outlines student performance on the Smarter Balanced Summative Assessments in a static version supported by text.

ETS successfully administered most of the requirements of the SOW for this task. The miscalculated school averages had an impact on LEAs that participate in the CAASPP. In addition to this nonrelease, ETS has offered reimbursement of printing and distribution costs to LEAs that printed and distributed their SSRs. ETS also offered to reimburse printing and distribution costs to LEAs that will print and distribute the corrected SSRs or that will print and distribute notification letters to their parents and guardians. Five LEAs have contacted ETS to take advantage of this support. Task 9 addresses all activities related to reporting to LEAs, developing the public reporting website, data files, secure file transfer systems, and technical reports and other analyses or reports.

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

In November 2018, the SBE approved the release of up to 10 percent withheld for the 2017–18 ETS Contract (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/nov18item15.docx>).

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 ELPAC 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 the 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 and ELPAC System contract funding, as shown in Attachment 2. The CDE recommends the release of $7,719,015. The CDE recommends not releasing $176,207.10 specific to tasks 2, 3, and 9. Any portion of the funds withheld during 2018–19 will revert to the state General Fund and cannot be used for any other purpose. The reversion date for fiscal year 2018–19 funding is June 30, 2021. The amounts per task are listed in Attachment 2.

## Attachment(s)

* Attachment 1: Educational Testing Service, CDE Agreement #CN150012, Exhibit E: California Assessment of Student Performance and Progress Completion Criteria (5 Pages)
* Attachment 2: California Assessment of Student Performance and Progress Contract 2018–19 Test Administration Component Task Budget (2 Pages)

**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 ten percent for the each applicable test administration as set forth in the attached California Assessment System Completion Criteria.

## 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 LEA Coordinators with all data, forms, and agreements as outlined in the SOW. * The contractor provided and maintained a secure web-based project management system as specified in the SOW * The contractor delivered all electronic data files and documentation as specified in the SOW. * At the end of the contract, should another vendor be selected as a result of the RFP process instead of ETS, ETS will develop and implement a plan and schedule for transition to another vendor, including the delivery of all California-owned materials, developed specifically for California Assessment System. This will not include any third party or previously developed, proprietary software embedded in the System. |
| 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 (CalTAC) provided assistance to local educational agencies as specified, and within the response times specified, in the SOW. * The CDE and LEAs received electronic files and other reports as specified in the SOW. |
| Task 3: Technology Services | * The Assessment Technology Platform meets all system requirements as specified in the SOW. * The contractor provided an identity management system as detailed in the SOW. * Contractor provided and maintained a Project Management Plan as detailed in the SOW * The Assessment Technology Platform supported up to 2 million concurrent users as specified in the SOW. * The Assessment Technology Platform system supported at least 99.982 percent availability as specified in the SOW. |
| Task 4: Test Security | * All test items, test materials, electronic files, 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, 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, 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 scope work. * The contractor pilot tested or field tested the minimum required number of items as specified in the SOW. * The contractor provided high-level test design and blueprints for new assessments as specified in the scope work. * A review of the scaling and equating processes showed items to meet or exceed industry standard. * The performance and achievement level settings generated results for all content areas and performance levels were reported to local educational agencies 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 local educational agencies as specified in the SOW. * The contractor hosted the Assessment Delivery System as specified in the SOW. * The hosting systems (TOMS, 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 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 Results | * The contractor provided accurate and complete reports of test results to local educational agencies that met all reporting requirements as specified in the SOW. * The contractor provided accurate and complete data to the designated CDE vendor for the California Educator Reporting System that met all requirements as specified in the SOW. * The contractor provided accurate and complete reports of test results for the public reporting Web sites 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. |

# California Assessment of Student Performance and Progress Contract 2018–19 Test Administration Component Task Budget

The California Department of Education (CDE) recommends releasing a total of $7,719,015 to Educational Testing Service (ETS) from funds withheld during the 2018–19 California Assessment of Student Performanceand Progress (CAASPP) test administration.

| **Component Task**  **Scope of Work A** | **Total 2018–19**  **Test Administration Budget** | **Amount Paid/**  **To Be Paid from Progress Payments\*** | **10 Percent Withheld**  **(Pending**  **Release)** | **Recommended**  **(Release)** | **Recommended Withhold  (Nonrelease)** |
| --- | --- | --- | --- | --- | --- |
| Task 1: Comprehensive Plan and Schedule of Deliverables | $4,102,676.00 | $3,692,408.40 | $410,267.60 | $410,267.60 | $0.00 |
| Task 2: Program Support Services | $5,640,229.00 | $5,076,206.10 | $564,022.90 | $561,522.90 | $2,500.00 |
| Task 3: Technology Services | $3,120,681.00 | $2,808,612.90 | $312,068.10 | $246,533.80 | $65,534.30 |
| Task 4: Test Security | $132,177.00 | $118,959.30 | $13,217.70 | $13,217.70 | $0.00 |
| Task 5: Accessibility and Accommodations | $783,389.00 | $705,050.10 | $78,338.90 | $78,338.90 | $0.00 |
| Task 6: Assessment Development | $5,678,172.00 | $5,110,354.80 | $567,817.20 | $567,817.20 | $0.00 |
| Task 7: Test Administration | $32,407,492.00 | $29,166,742.80 | $3,240,749.20 | $3,240,749.20 | $0.00 |
| Task 8: Scoring and Analysis | $21,191,061.00 | $19,071,954.90 | $2,119,106.10 | $2,119,106.10 | $0.00 |
| Task 9: Reporting | $5,896,344.00 | $5,306,709.60 | $589,634.40 | $481,461.60 | $108,172.80 |
| Totals | $78,952,221.00 | $71,056,998.90 | $7,895,222.10 | $7,719,015.00 | $176,207.10 |

\*Pending completion of all contract component tasks for the 2018–19 CAASPP test administration through December 2019.

The CDE recommends releasing a total of $11,502,540.90 to ETS from funds withheld during the 2018–19 English Language Proficiency Assessments for California (ELPAC) test administration.

| **Component Task**  **Scope of Work A** | **Total 2018–19**  **Test Administration Budget** | **Amount Paid/**  **To Be Paid from Progress Payments\*** | **10 Percent Withheld**  **(Pending**  **Release)** | **Recommended**  **(Release)** | **Recommended Withhold  (Nonrelease)** |
| --- | --- | --- | --- | --- | --- |
| Task 1: Comprehensive Plan and Schedule of Deliverables | $3,307,205 | $2,976,484.50 | $330,720.50 | $330,720.50 | $0.00 |
| Task 2: Program Support Services | $4,889,345 | $4,400,410.50 | $488,934.50 | $488,934.50 | $0.00 |
| Task 3: Technology Services | $2,715,885 | $2,444,296.50 | $271,588.50 | $271,588.50 | $0.00 |
| Task 4: Test Security | $208,384 | $187,545.60 | $20,838.40 | $20,838.40 | $0.00 |
| Task 5: Accessibility and Accommodations | $488,452 | $439,606.80 | $48,845.20 | $48,845.20 | $0.00 |
| Task 6: Assessment Development | $3,887,054 | $3,498,348.60 | $388,705.40 | $388,705.40 | $0.00 |
| Task 7: Test Administration | $9,572,575 | $8,615,317.50 | $957,257.50 | $957,257.50 | $0.00 |
| Task 8: Scoring and Analysis | $9,000,905 | $8,100,814.50 | $900,090.50 | $900,090.50 | $0.00 |
| Task 9: Reporting | $2,003,383 | $1,803,044.7 | $200,338.30 | $200,338.30 | $0.00 |
| Totals | $115,025,409 | $103,522,868.10 | $11,502,540.90 | $11,502,540.90 | $0.00 |

\*Pending completion of all contract component tasks for the 2018–19 ELPAC test administration through December 2019.