

Date of Hearing: April 11, 2018

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 1951 (O'Donnell) – As Amended April 3, 2018

SUBJECT: Pupil assessments: Pathways to College Act

SUMMARY: Establishes the Pathways to College Act, which requires the Superintendent of Public Instruction (SPI) to approve one or more nationally recognized high school assessments that a local education agency (LEA) may administer in lieu of the Smarter Balanced assessment (SBAC) in grade 11, commencing with the 2019-20 school year. Specifically, **this bill:**

- 1) Requires the SPI to approve one or more nationally recognized high school assessments that a LEA may administer in lieu of the SBAC in grade 11, commencing with the 2019-20 school year.
- 2) Requires the nationally recognized alternative assessment to meet all of the following requirements:
 - a) Be aligned with the academic content standards approved by the State Board of Education (SBE);
 - b) Be at least as rigorous as the SBAC;
 - c) Meet federal requirements that currently apply to the SBAC, including:
 - i) Be designed to be valid and accessible for use by the widest possible range of students, including students with disabilities and students with limited English proficiency;
 - ii) Be valid and reliable for the purposes of the assessment;
 - iii) Meet nationally recognized professional and technical standards;
 - iv) Involve multiple up-to-date measures of student academic achievement;
 - v) Objectively measure student achievement without evaluating or assessing personal or family beliefs and attitudes;
 - vi) Allow results to be disaggregated by major racial/ethnic groups, English proficiency status, migrant status, students with disabilities, and economically disadvantaged students; and
 - vii) Provide appropriate accommodations for students with special needs.
 - d) Able to produce valid and reliable data on pupil academic achievement with respect to all high school pupils and each subgroup of high school pupils in the local education agency;
 - e) Allow results to be disaggregated by foster care status, in addition to the groups required by federal law; and

- f) Ensure that the use of appropriate accommodations by a pupil with disabilities or an English learner does not deny the opportunity of any pupil to participate in the assessment or deny any pupil of any benefit from participating in the assessment that is afforded to pupils without disabilities or pupils who are not English learners.
- 3) Authorizes the API to require a publisher of a nationally recognized high school assessment that is being considered for his or her approval as an alternative assessment to provide documentation that the assessment meets or exceeds the requirements for approval.
- 4) Provides that, if the SPI determines that a nationally recognized high school assessment being considered for his or her approval does not meet the requirements for approval, then he or she shall inform the publisher of the assessment in writing of the specific deficiencies and changes needed to meet the requirements.
- 5) Provides that a nationally recognized high school assessment that has been approved for use by any state that has adopted the Common Core State Standards and that meets relevant federal requirements shall be deemed to have met the requirements for approval and shall be approved by the SPI as an alternative assessment.
- 6) Authorizes a LEA to administer an alternative assessment instead of the SBAC only if the use of the alternative assessment has been approved by the LEA's governing board or body at a public meeting.
- 7) Requires a LEA that administers an alternative assessment to do all of the following:
 - a) Notify the SPI, and the parents and legal guardians of its pupils entering grade 11, at the beginning of each school year during which the assessment will be administered to those pupils, that it will be administering an assessment that is different from the SBAC;
 - b) Administer the assessment free of charge to all pupils in grade 11, except for those pupils who exercise their existing right to opt out of the assessment;
 - c) Administer the assessment to individuals with exceptional needs with appropriate accommodations, where necessary, and provide an alternate assessment to individuals with exceptional needs who are unable to participate in testing, even with accommodations;
 - d) Administer the assessment to English learner pupils with appropriate accommodations, where necessary. To the extent permissible under federal law, recently arrived English learner pupils shall be exempt from taking the alternative assessment in English language arts; and
 - e) Report scores and pupil participation data to the department in a manner prescribed by the Superintendent.
- 8) Requires the SPI to apportion to a LEA that administers an alternative assessment in lieu of the SBAC the lesser of the following:

- a) The actual cost of administering the alternative assessment, including, but not necessarily limited to, administering and scoring the assessment and reporting results of the assessment to the Superintendent; or
 - b) The amount that would have been apportioned to the local education agency if it had administered the SBAC.
- 9) Provides that a LEA may administer only one alternative to the SBAC; however, this shall not be construed to prohibit a LEA that does not administer an alternative assessment in lieu of the SBAC from administering one or more assessments in addition to the SBAC.
- 10) Requires LEAs that administer an alternative assessment in lieu of the SBAC to comply with each of the following:
- a) Schedule the alternative assessment to be administered to all students, except those exempted, as specified, in the same manner as the SBAC;
 - b) Report individual student results to parents and guardians, students, and teachers, in the same manner as the SBAC;
 - c) Prohibit the comparison of scores from the alternative assessment with the results from assessments aligned to previously adopted content standards, in the same manner as the SBAC; and
 - d) Prohibit the score or relative position of an individually ascertainable student from being reported to the governing board, in the same manner as the SBAC.
- 11) Prohibits the disclosure or display of scores in a manner that would make the score or performance of any individual student or teacher identifiable, except as permitted by parents or legal guardians to determine credit, placement, or readiness for college-level coursework by a postsecondary educational institution.
- 12) Defines "local education agency" to mean a school district, county office of education, or charter school.

EXISTING LAW:

- 1) Establishes the California Assessment of Student Performance and Progress (CAASPP), which consists of the following assessments:
 - a) The SBAC, which assesses English language arts and mathematics;
 - b) The California Alternative Assessment, which may be administered only to special education students as required by their Individualized Education Program.
 - c) The California Science Tests, which will be field tested in the spring on 2018.
- 2) Requires the SBAC to be administered in grades 3 through 8, inclusive, and grade 11.

FISCAL EFFECT: Unknown

COMMENTS:

Background. The SBAC is a computer-assisted assessment in English and language arts and mathematics that is administered in grades 3 through 8, inclusive, and grade 11. SBAC scores are used as part of the state's accountability system, in particular the school dashboard, which uses SBAC scores along with other state and local performance measures to evaluate school and district performance. All LEAs are required to administer the SBAC assessments to all students except those who opt out (as permitted by existing state law) and special education students who qualify for an alternative assessment. The SBAC is an untimed test, which means students can take as long as they need to complete it. The Smarter Balanced consortium estimates that it takes an 11th grader an average of 7.5 hours to complete the exam, although some may take longer. This is longer than a typical school day.

Reason for the bill. The purpose of this bill is to allow LEAs to administer an alternative assessment to the SBAC, as permitted by federal law. Many school districts in California have been administering either the ACT or SAT in addition to the SBAC in 11th grade, because they find they are more meaningful to students and encourage students to think about postsecondary education who otherwise may not have done so. The ACT and SAT are nationally-normed tests that are used for college admission purposes. Both are timed tests: the ACT takes 2 hours and 55 minutes, and the SAT takes 3 hours and 50 minutes. Districts that administer both tests also are seeking to reduce total test-taking time by having the ability to offer an assessment in lieu of the SBAC.

Federal law. Federal law, the Every Student Succeeds Act (ESSA), authorizes states to approve a nationally recognized high school assessment that LEAs may administer in lieu of the existing state-wide assessment (which is the SBAC for California), provided the alternative assessment meets or exceeds strict requirements. Federal regulations define "nationally recognized high school assessment" to mean "an assessment of high school students' knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs." ESSA gives states discretion in offering this flexibility, but requires states to first establish that the approved alternative assessment meets the following requirements:

- Is aligned with the state academic standards
- Addresses the depth and breadth of those standards
- Is equivalent to or more rigorous than the stateside assessment it is replacing in terms of the following:
 - The coverage of academic content;
 - The difficulty of the assessment;
 - The overall quality of the assessment; and
 - And other aspects of the assessment that the state may establish

- Meets all federal requirements that apply to the statewide assessment
- Produces valid and reliable data on student academic achievement with respect to all high school students and each subgroup on high school students in the LEA that:
 - Are comparable to achievement data produced by the statewide assessment (i.e., SBAC);
 - Are expressed in terms consistent with the states academic achievement standards; and
 - Provide unbiased, rational, and consistent differentiation among schools within the state for the purpose of the state accountability system.

In addition, the state must also:

- Ensure that the use of appropriate accommodations by a student with disabilities or an English learner does not deny the opportunity of any student to participate in the assessment or deny any of the benefits from participation in the assessment that are afforded to students without disabilities or who are not English learners; and
- Submit evidence to the U. S. Department of Education that demonstrates that each alternative assessment meets the requirements of the federal peer review guidance.

In addition to imposing requirements on state, federal law also requires LEAs that select to use the alternative assessment to:

- Notify all parents of high school students it serves:
 - That the LEA intends to use an alternative assessment in place of the SBAC in grade 11;
 - How parents and, as appropriate, students may provide meaningful input regarding the LEAs request; and
 - Of any effect of such a request on the LEA's instructional program.
- Provide an opportunity for meaningful consultation to all public charter schools whose students would be included in such assessments.

All of these federal requirements are incorporated into this bill by reference and, in some cases, explicitly.

Accommodations for English learners and students with exceptional needs. Consistent with federal and state law, this bill requires the alternative assessment to provide appropriate accommodations for English learners and special education students, including students eligible under both IDEA and Section 504. Special education students would be allowed to take the California Alternative Assessment if their IEP provides for it. Federal regulations require accommodations to be appropriate, not identical to the accommodations provided for the SBAC. In fact, because the SBAC is a computer-assisted test and the SAT and ACT are paper and pencil

tests, it is not possible to provide identical accommodations. For example, an accommodation provided via a drop-down menu of a computer-assisted does not apply to a paper and pencil test. As with the SBAC, recently arrived English learners (within the last 12 months) are exempt from the test. However, by grade 11, the vast majority of English learners have been reclassified as English proficient and do not qualify for accommodations.

Alignment with California's content standards. Consistent with federal law, this bill requires the alternative assessment to be aligned with California's curriculum content standards, which are based on the Common Core State Standards (CCSS). However, alignment is never perfect, even for the SBAC. California is one of 15 states that administer the SBAC, although according to *Education Week*, only eight states administer the SBAC in grade 11. All of these states have adopted the CCSS, but all of these states have also modified those standards to meet local needs and priorities. However, the SBAC does not differ from state to state. This means there will always be some amount of "misalignment" between the SBAC and each state's content standards, and the areas of misalignment will vary from state to state.

The same will hold true for an alternative test, which federal law requires to be a test that is offered in multiple states. However, the College Board, which publishes the SAT, indicates that studies have shown that the alignment between the SAT and the CCSS is comparable to the alignment between the SBAC and the CCSS.

Compatibility with California's school accountability system. Consistent with federal law, this bill requires an alternative test to produce scores that are comparable to student academic achievement data for all high school students and each subgroup of high school students produced by the statewide assessment at each academic achievement level. In addition, this bill requires LEAs that use the alternative test in lieu of the SBAC to report scores to the CDE in a manner determined by the SPI. This is intended to ensure further that scores from an alternative test can be blended into the state accountability framework.

Other states. According to *Education Week*, eight states use the SBAC and 26 use either the SAT or ACT in grade 11 as the statewide assessment for federal accountability purposes. According to the author's office, five states—Connecticut, Delaware, Illinois, Maine, and Michigan—have received approval from the U. S. Department of Education to allow LEAs to administer the SAT in lieu of the statewide test. This bill attempts to leverage the actions of other states by providing that, if an alternative test has been approved for use in another state that has also adopted the CCSS, then it shall be approved in California. Approval for use in another state is an indication that the assessment has met or exceeds the federal standards required by this bill.

How the SAT compares with the SBAC. The Long Beach Unified School Districts (LBUSD) has been administering the SAT and the SBAC to 11th graders for several years. According to information provided by the author's office, "The LBUSD found that pupil performance on the SAT correlates almost identically with the performance on the CAASPP assessment." Specifically, the same percentage (49%) of 11th graders met or exceeded benchmarks on both English language arts tests, while 28% of 11th graders met or exceeded benchmarks on the SBAC math, compared with 29% on the SAT math test.

A study by Policy Analysis for California Education (PACE) found that the SAT and SBAC are equally predictive of first- and second-year college grade point averages.¹ This study compared the effectiveness of three assessments—high school grade point average (HSGPA), the SAT, and the SBAC—in predicting how well California State University students do in their first and second years of college. HSGPA is a better predictor than either the SAT or the SBAC in predicting first- and second-year college GPAs, and the SAT and SBAC are similar, "if not identical," predictors. This is an indication that the SAT and SBAC measure very similar academic achievement levels and abilities.

Arguments in support. Supporters argue that administering either the SAT or ACT to all 11th graders during the school day removes a barrier to college attendance for students who may not otherwise have access to the test or take it on their own. Similarly, it results in some students aspiring to attend a college or university who otherwise would not have done so. Although LEAs may administer the SAT or ACT in addition to the SBAC, this adds to total testing time, with a corresponding reduction in instructional time.

Since the SBAC is administered at the end of the 11th grade, results are not received until the beginning of the senior year. This is of little or no use to students who need to improve their performance to be college or career ready. By contrast, many, if not most, districts that administer the SAT or ACT also administer preliminary versions of the tests in grades 9 and/or 10. This provides early feedback that students can use to identify areas of needed improvement and take advantage of programs to raise their scores. Grade 9 or 10 versions of the SBAC are not available for this purpose.

In addition, the SAT and ACT are more meaningful for students, because they have implications for college admission. (SBAC results are not used by colleges and universities for admission purposes.) As such, students are likely to take the test more seriously, which makes the results a better indicator of school and district performance than SBAC scores.

Arguments in opposition. Opponents are concerned that an alternative assessment will have insufficient accommodations for English learners and special education students. They argue that tests like the SAT and ACT "are notorious for denying accommodations requests." Alternatively, opponents argue that, if accommodations are provided, it may invalidate the SAT or ACT scores for college admission purposes.

Opponents also argue that the SAT and ACT are designed to measure college readiness, while the SBAC is designed to measure high school achievement, and one test cannot substitute for the other. They are also concerned that an alternative test may not be sufficiently aligned to the state's content standards, so scores from an alternative test could not be used for state accountability purposes.

REGISTERED SUPPORT / OPPOSITION:

Support

California School Boards Association (Sponsor)

¹ Michael Kurlaender, et al. "Predicting College Success: How Do Different High School Assessments Measure Up?" PACE, March 2018.

Association of California School Administrators
AVID Center
Brea Olinda Unified School District
California Association of Latino Superintendents and Administrators
California Association of Suburban School Districts
California Federation of Teachers
Central San Diego Black Chamber of Commerce
Central Valley Education Coalition
Chico Unified School District
City of Long Beach
Corona-Norco Unified School District
Jurupa Unified School District
Las Virgenes Unified School District
Long Beach Unified School District
Los Alamitos Unified School District
Los Gatos-Saratoga Union High School District
McFarland Unified School District
Mountain View Los Altos High School District
Oakland Unified School District
Orcutt Academy High School
Oxnard Union High School District
Palo Alto Unified School District
Paramount Unified School District
Partnership For Los Angeles Schools
San Bernardino County District Advocates for Better Schools
San Diego Unified School District
San Francisco Unified School District
San Jose Unified School District
San Juan Unified School District
Santa Clara County Office of Education
Saratoga High School
Small School Districts' Association
Tustin Unified School District
Val Verde Unified School District

Opposition

California Teachers Association
Superintendent of Public Instruction Tom Torlakson

Analysis Prepared by: Rick Pratt / ED. / (916) 319-2087