

Date of Hearing: March 27, 2019

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
AB 751 (O'Donnell) – As Introduced February 19, 2019

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, at its own discretion, administer in lieu of the grade 11 Smarter Balanced Summative Assessment (SBAC), commencing with the 2021-22 school year. Specifically, **this bill:**

- 1) Requires the SPI to approve one or more nationally recognized high school assessments that an LEA may administer in lieu of the SBAC in grade 11, commencing with the 2021-22 school year.
- 2) Requires the nationally recognized alternative assessment to meet specified state and federal requirements:
 - a) Be aligned with the academic content standards adopted 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 reliable for use by the widest possible range of students, including students with disabilities and students with limited English proficiency
 - ii) Provide appropriate accommodations for English learners, in accordance with Sections 200.2(b), 200.5(a), and 200.6 of Title 34 of the Code of Federal Regulations, and students with special needs, including pupils identified pursuant to Section 602 of the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1401), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), and Title II of the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12131 et seq.).
 - iii) Be valid and reliable for the purposes of the assessment
 - iv) Allow results to be disaggregated by major racial/ethnic groups, English proficiency status, migrant status, students with disabilities, and economically disadvantaged students
 - v) Satisfy peer review requirements

- d) Allow for individual pupil scores that can be linked to scores from the California Assessment of Student Performance and Progress (CAASPP) assessments
 - e) Allow results to be disaggregated by foster care status, in addition to the groups required by federal law
 - 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 SPI 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 an 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 an 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 that the State Board of Education first amend the Every Student Succeeds Act (ESSA) State Plan to account for the authorization for LEAs to use an alternative assessment before an LEA may administer an approved alternative assessment.
 - 8) Requires an 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, exempts recently arrived English learner pupils from taking the alternative assessment in English language arts
 - e) Report scores and pupil participation data to the CDE in a manner prescribed by the SPI.
- 9) Requires the SPI to apportion to an 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, administering and scoring the assessment and reporting results of the assessment to the SPI; or
 - b) The amount that would have been apportioned to the LEA if it had administered the SBAC.
- 10) Provides that an LEA may administer only one alternative to the SBAC; however, this shall not be construed to prohibit an LEA that does not administer an alternative assessment in lieu of the SBAC from administering one or more assessments in addition to the SBAC.
- 11) Defines "local education agency" to mean a school district, county office of education, or charter school.
- 12) Adds a sunset date of five years after the first year in which an LEA is able to administer the alternative assessment and requires the SPI to notify Legislative Counsel of when the condition has been met.
- 13) Requires that the results and test scores of the alternative assessment be included in the annual report provided by the SPI to the SBE containing an analysis of the results and test scores of the summative assessments administered under the CAASPP.
- 14) Requires the CDE to ensure that LEAs comply with specified requirements concerning the alternative assessment that apply in connection with the summative assessments under the CAASPP, including that grade 11 pupils, or parents or legal guardians of those pupils, may request results from the alternative assessments.

EXISTING LAW:

- 1) Establishes the 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 IEP
 - c) The California Science Tests
- 2) Requires the SBAC to be administered in grades 3 through 8, inclusive, and grade 11.

- 3) The Every Student Succeeds Act (ESSA) permits LEAs to administer a locally-selected assessment in lieu of the State designed academic assessment if the LEA selects a nationally-recognized high school assessment that has been approved for use by the State. (ESSA Section 1111 (b)(1)(H))

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 California 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 broken up over several days to complete the exam, although some may take longer. This is longer than a typical school day.

Need 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. There are 45 school districts in California have been administering either the American College Test (ACT) or Scholastic Aptitude Test (SAT) during the regular school day 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 option of offering an assessment in lieu of the SBAC.

According to the author's office, "In an effort to increase college-attendance rates, approximately 45 school districts, including Long Beach Unified School District (USD), Fresno USD, Oakland USD, Paramount USD, San Jose USD, and Sacramento City USD administer college entrance exams to 11th grade pupils free of charge during the school day. This bill will enable the state to take advantage of a federal option to meet accountability requirements using an alternative assessment while removing a barrier to college attendance for students who may not otherwise have access to the exam or take it on their own. This bill is about equity and opportunity."

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 statewide 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:

- 1) Is aligned with the state's academic standards.
- 2) Addresses the depth and breadth of those standards.
- 3) Is equivalent to, or more rigorous than, the statewide assessment it is replacing in terms of the following:
 - a) The coverage of academic content
 - b) The difficulty of the assessment
 - c) The overall quality of the assessment
 - d) Other aspects of the assessment that the state may establish
- 4) Meets all federal requirements that apply to the statewide assessment.
- 5) Produces valid and reliable data on student academic achievement with respect to all high school students and each subgroup of high school students in the LEA that:
 - a) Are comparable to achievement data produced by the statewide assessment (i.e., SBAC)
 - b) Are expressed in terms consistent with the states academic achievement standards
 - c) 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:

- 1) 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
- 2) 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:

- 1) Notify all parents of high school students it serves:
 - a) That the LEA intends to use an alternative assessment in place of the SBAC in grade 11
 - b) How parents and, as appropriate, students may provide meaningful input regarding the LEAs request
 - c) Of any effect of such a request on the LEA's instructional program

- 2) Provide an opportunity for meaningful consultation with 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 the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act of 1973. 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 test 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 11 states that administers the SBAC, although according to *Education Week*, only seven 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.

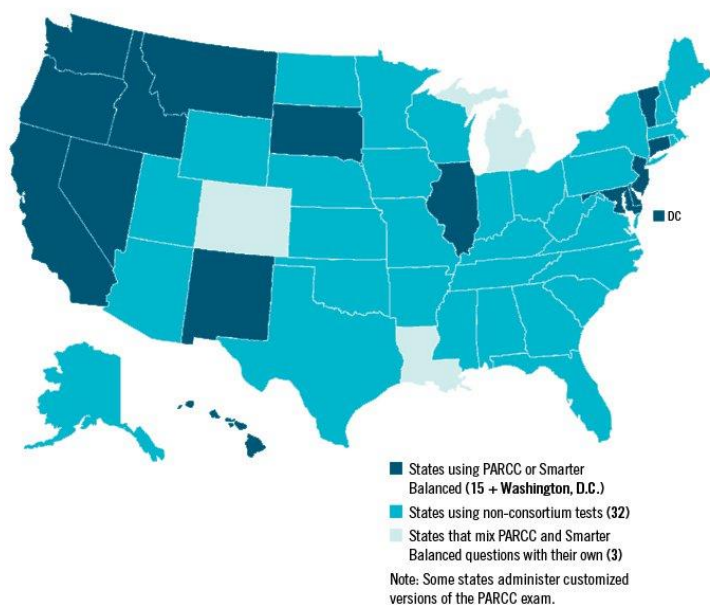
The same will hold true for an alternative test, which federal law requires to be a test that is offered in multiple states. However, the College Board, which publishes the SAT, indicates that studies have shown that the alignment between the SAT and the CCSS is comparable to the alignment between the 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*, seven states use the SBAC and 25 use either the SAT or ACT in grade 11 as the statewide assessment for federal accountability purposes. 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.

Figure 1. States That Use Partnership for Assessment of Readiness for College and Careers (PARCC) or Smarter Balanced Tests.



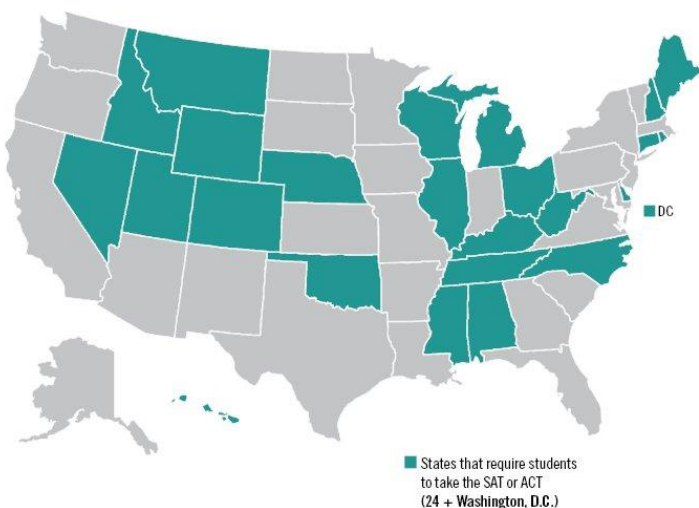
Fifteen states and the District of Columbia will administer PARCC or Smarter Balanced tests in the spring of 2019. That's five fewer than in 2016 and 2017.

Thirty-two states use tests they designed or bought.

Three states give hybrid tests. Two mix their own questions with items from the PARCC/New Meridian item bank, and one adds its own questions onto the full Smarter Balanced test.

Source: "What Tests Does Each State Require?" Education Week. Updated March 5, 2019.

Figure 2. Which States Require Students to Take the SAT or ACT?



Twenty-five states require students to take the SAT or ACT, the same number as in 2016 and 2017. That number had been climbing steadily—from seven states a decade ago—as states looked for ways to encourage students to go to college.

Source: "What Tests Does Each State Require?" Education Week. Updated March 5, 2019.

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.

Prior legislation. AB 1951 (O'Donnell) of the 2017-18 Session included the same language as this bill. The implementation has been moved forward one year compared to the prior version. The proposal was vetoed by the Governor Brown with the following veto message:

This bill requires the Superintendent of Public Instruction to approve one or more nationally recognized high school assessments that a local school may administer in lieu of the state-administered high school summative assessment, commencing with the 2019-20 school year.

Since 2010, California has eliminated standardized testing in grades 9 and 10 and the high school exit exam. While I applaud the author's efforts to improve student access to college and reduce "testing fatigue" in grade 11, I am not convinced that replacing the state's high school assessment with the Scholastic Aptitude Test or American College Test achieves that goal.

Our K-12 system and our public universities are now discussing the possible future use of California's grade 11 state assessment for college admission purposes. This is a better approach to improving access to college for under-represented students and reducing "testing fatigue".

REGISTERED SUPPORT / OPPOSITION:

Support

Alameda Unified School District
Association Of California School Administrators (Co-Sponsor)
Avid Center
California Association Of Latino Superintendents & Administrators
California Association Of Suburban School Districts
California School Boards Association (Co-Sponsor)
Central Valley Education Coalition
City Of Long Beach
Corona Norco Unified School District
Downey Unified School District
Jurupa Unified School District
Long Beach Unified School District
Murrieta Valley Unified School District
Napa Valley Unified School District
Sacramento City Unified School District
San Bernardino County District Advocates For Better Schools (Sandabs)
San Diego Unified School District
San Francisco Unified School District
San Jose Unified School District
Small School Districts Association
South Bay Union School District
Torrance Unified School District

Opposition

None on file.

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