

---

## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

---

**Bill No:** AB 1951 **Hearing Date:** June 20, 2018  
**Author:** O'Donnell  
**Version:** May 25, 2018  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Brandon Darnell

**Subject:** Pupil assessments: Pathways to College Act.

### SUMMARY

This bill requires the Superintendent of Public Instruction (SPI) to approve, by an unspecified date, one or more nationally recognized high school assessments that a local education agency may, at its own discretion, administer in lieu of the grade 11 Smarter Balanced Summative Assessment, commencing with the 2019-20 school year.

### BACKGROUND

Existing law:

- 1) Establishes the California Assessment of Student Performance and Progress, which consists of the following assessments:
  - a) The Smarter Balanced Assessments Consortium, 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. (Education Code Section 60640)
- 2) Requires the SBAC to be administered in grades 3 through 8, inclusive, and grade 11. (EC Section 60640)

### ANALYSIS

This bill requires the SPI to approve, by an unspecified date, one or more nationally recognized high school assessments that a local education agency may, at its own discretion, administer in lieu of the 11th grade Smarter Balanced Assessment, commencing with the 2020-21 school year. Specifically, this bill:

- 1) Requires the SPI, pursuant to authority granted to the state pursuant to the federal Elementary and Secondary Education Act, to approve, by an unspecified date, one or more nationally recognized high school assessments that a local education agency may administer at its own discretion, commencing with the 2020–21 school year, in lieu of the consortium summative assessment in English

language arts and mathematics for grade 11 that measures content standards adopted by the State Board of Education (SBE), as required by the California Assessment of Student Performance and Progress (CAASPP).

- 2) Requires a nationally recognized high school assessment approved by the SPI to meet all of the following requirements:
  - a) Align with the academic content standards adopted by the State Board of Education and address the depth and breadth of those standards.
  - b) Be at least as rigorous as the consortium summative assessment in English language arts and mathematics for grade 11 that measures content standards adopted by the SBE, as required by the CAASPP
  - c) Satisfy federal regulations to ensure appropriate accommodations for English learners and pupils with disabilities, including pupils identified pursuant to the federal Individuals with Disabilities Education Act, the federal Rehabilitation Act of 1973, and the federal Americans with Disabilities Act of 1990.
  - d) 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) Produce disaggregated scores based on English proficiency status, gender, ethnicity, socioeconomic disadvantage, foster care status, and special education designation.
  - f) Produce individual pupil scores that can be linked to scores from the CAASPP assessments.
  - g) 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 Superintendent of Public Instruction (SPI) to require a publisher of a nationally recognized high school assessment that is being considered for approval to provide documentation that the assessment meets or exceeds the requirements of (2) above.
- 4) Requires the SPI, if he or she determines that a nationally recognized high school assessment being considered approval does not meet the requirements of (2) above, to inform the publisher of the assessment in writing of the specific deficiencies and changes needed to meet those requirements.
- 5) Requires the SPI to approve any 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 applicable federal requirements under the federal Elementary and Secondary Education Act.

- 6) Authorizes a local educational agency to administer an approved assessment instead of the grade 11 Smarter Balanced Summative Assessment, only if the use of the alternative assessment has been approved by the local educational agency's governing board or body at a public meeting.
- 7) Requires a local education agency that administers a nationally recognized high school assessment to do all of the following:
  - a) Notify the Superintendent of Public Instruction (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 11th grade Smarter Balanced Assessment.
  - b) Administer the assessment free of charge to all pupils in grade 11, except for those pupils who opt out, as authorized by law.
  - 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.
  - e) Report scores and pupil participation data to the California Department of Education in a manner prescribed by the SPI.
- 8) Requires the SPI to apportion to a local education agency that administers an approved nationally recognized high school assessment in lieu of the 11<sup>th</sup> grade Smarter Balanced Assessment, the lesser of the following:
  - a) The actual cost of administering the nationally recognized high school assessment, including, but not necessarily limited to, administering and scoring the assessment and reporting results of the assessment to the SPI.
  - b) The amount that would have been apportioned to the local education agency if it had administered 11th grade Smarter Balanced Assessment.
- 9) Authorizes a local education agency to administer only one nationally recognized high school assessment in lieu of the grade 11 Smarter Balanced Summative Assessment, but does not prohibit a local education agency that does not administer such an assessment from administering one or more assessments in addition to the grade 11 Smarter Balanced Summative Assessment.

- 10) Defines a “local education agency” to mean a school district, county office of education, or charter school.
- 11) Requires the California Department of Education to ensure that local educational agencies (LEAs) comply with each of the following requirements if they administer nationally recognized high school assessment, which are also applicable to the 11<sup>th</sup> grade Smarter Balanced Assessment:
  - a) That the test be administered to all pupils.
  - b) That the individual results of each student be reported, in writing, to the parent or guardian of the pupil. The report is required to include a clear explanation of the purpose of the test, the score of the student, and the intended use by the LEA of the test score.
  - c) That state agencies and LEAs not use a comparison resulting from the scores and results of the test and the assessment scores and results from assessments that measured previously adopted content standards (STAR Testing).
  - d) That valid individual student results also be reported to the school and teachers of a student, and that LEA include the test results of a pupil in his or her student records.
  - e) That the districtwide and school-level results of the test, but not the score or relative position of any individually ascertainable student, be reported to the governing board of the school district at a regularly scheduled meeting, and the countywide, school-level, and grade-level results for classes and programs under the jurisdiction of the county office of education shall be similarly reported to the county board of education at a regularly scheduled meeting.
  - f) That the aggregated, disaggregated, or group scores or reports not be publicly reported to any party other than the school or local educational agency where the students were tested, if the aggregated, disaggregated, or group scores or reports are comprised of 10 or fewer individual student assessment results.
  - g) That students in grade 11, or parents or legal guardians of those students, may request results from the test for the purpose of determining credit, placement, or readiness for college-level coursework be released to a postsecondary educational institution.
- 12) Requires the Superintendent of Public Instruction to prepare and submit, and subsequently post on the Internet Web site of the department, an annual report to the state board containing an analysis of the results and test scores of the test.

**STAFF COMMENTS**

- 1) ***Need for the bill.*** According to the author, “In an effort to increase college-attendance rates, over 30 school districts, including Long Beach Unified School District (LBUSD), Fresno USD, Oakland USD, and San Jose USD administer college entrance exams to 11<sup>th</sup> grade pupils free of charge.

Administering the exam during the school day removes a barrier to college attendance for students who may not otherwise have access to the exam or take it on their own.

The LBUSD found that pupil performance on the SAT correlates almost identically with the performances on the California Assessment of Student Performance and Progress (CAASPP) assessment. For example, 49% of 11<sup>th</sup> graders met or exceeded benchmarks on both SAT and the CAASPP English language arts assessments, and 28% met or exceeded the benchmark on the SAT math.

Federal law allows states, beginning in the 2017-18 school year, to authorize local educational agencies (LEAs) to administer a nationally recognized high school assessment in place of the state’s high school assessment. In fact, other states, including Connecticut, Delaware, Illinois, Maine, and Michigan, have received approval from the U.S. Department of Education to administer the SAT for federal accountability purposes, in place of a state adopted assessment program.

More school districts throughout the state are requesting local control and flexibility when it comes to assessing students in grade 11 so they can choose assessments that are meaningful to their high school students, provide actionable institutional data to teachers and reduce testing time”

- 2) ***Grade 11 Smarter Balanced Assessment (SBAC).*** According to The Smarter Balanced Assessment Consortium, the SBAC “is a valid, fair, and reliable approach to student assessment that provides educators, students and parents meaningful results with actionable data to help students succeed.” Its assessment system is aligned to the Common Core State Standards, which serve as the basis for California’s academic content standards. 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, and is untimed, with an average of 7.5 hours to complete the exam. 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’s summative assessments “determine students’ progress toward college and career readiness in English language arts/literacy and math. These are given at the end of the school year and consist of two parts: a computer adaptive test and a performance task. The summative assessments:

- Accurately describe both student achievement (how much students know at the end of the year) and student growth (how much students have

improved since the previous year) to inform program evaluation and school, district, and state accountability systems.

- Include writing at every grade and ask students to solve multi-step, real-world problems in mathematics.
- Capitalize on the strengths of computer adaptive testing: efficient and precise measurement with a quick turnaround of results.

3) ***The SAT and ACT exams.*** The SAT and ACT are commonly administered college admissions exams.

The SAT includes a Reading Test, Writing and Language Test, and a Math Test. There is also an option SAT Essay. According to the College Board, “In the Reading Test, students will encounter questions like those asked in a lively, thoughtful, evidence-based discussion.” The Reading Test measures command of evidence, words in context, and analysis in History/Social Studies and in Science. The Writing and Language Test asks students “to be an editor and improve passages that were written especially for the test—and that include deliberate errors.” The Writing and Language Test also measures command of evidence, words in context, and analysis in History/Social Studies and in Science. Finally, the Math Test “covers a range of math practices, with an emphasis on problem solving, modeling, using tools strategically, and using algebraic structure.” The Math Test measures fluency, conceptual understanding, and applications. The redesigned SAT Essay “asks you to use your reading, analysis, and writing skills.” The SAT is a timed, paper exam.

According to the ACT, The ACT Exam “test scores reflect what students have learned throughout high school and provide colleges and universities with excellent information for recruiting, advising, placement, and retention.” The ACT contains four multiple-choice tests—English, mathematics, reading, and science—and an optional writing test. According to ACT, “these tests are designed to measure skills that are most important for success in postsecondary education and that are acquired in secondary education. The ACT English test measures understanding of the conventions of standard English, production of writing, and knowledge of language. The ACT mathematics test assesses the skills students typically acquire in courses taken through grade 11. The ACT reading test measures reading comprehension. The ACT science test measures the interpretation, analysis, evaluation, reasoning, and problem-solving skills required in the natural sciences. The optional ACT writing test is an essay test that measures writing skills taught in high school English classes and entry level college composition courses.” The ACT is a timed, paper exam.

4) ***Long Beach Unified School District’s (LBUSD) waiver request.*** LBUSD submitted a letter to the president of the State Board of Education (SBE) on January 17, 2017, requesting a waiver to permit the district to administer the SAT instead of the grade 11 Smarter Balanced Summative Assessment for the 2016-17 school year. The district received a reply jointly signed by the Superintendent of Public Instruction and the SBE president stating that the statutory provisions

requiring the administration of all (California Assessment of Student Performance and Progress) CAASPP assessments are not waivable. In their letter to Long Beach Unified School District (LBUSD), the Superintendent of Public Instruction (SPI) and State Board of Education (SBE) president identified the following concerns with the district's request:

- The SAT may not be aligned to the common core state standards.
- The SAT does not provide a reliable and valid measurement across the entire spectrum of pupil performance (for example it is not designed to measure performance at the low end of the spectrum well), which could leave the district open to lawsuits based on discrimination.
- The SAT does not offer disabled students the same set of supports and accommodations as the CAASPP assessments.
- The SAT does not report results on the same scale as the CAASPP assessments.
- Not administering the CAASPP assessment could result in the loss of federal funds.
- The College Board, which publishes the SAT, has different requirements regarding data ownership and pupil privacy.

LBUSD submitted another waiver request for the 2017-18 school year and was again denied.

- 5) Federal authorization for alternate assessment. Federal law, the Every Student Succeeds Act (ESSA), authorizes states to approve a nationally recognized high school assessment that local education agencies (LEAs) may administer in lieu of the existing state-wide assessment (which is the Smarter Balanced Assessment 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 local education agency (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.



- 6) **Smarter Balanced Summative Assessments (SBAC) and Accountability.** 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. According to the California Department of Education, "the Academic Indicator is based on the results of the Smarter Balanced Summative Assessments for English language arts/literacy (ELA) and mathematics results and applies only to local educational agencies (LEAs) and schools with grades three through eight. Performance will be calculated and reported separately for ELA and mathematics. At the January 2017 SBE meeting, the SBE approved the "Distance from Level 3 (DF3)" methodology which measures how far (or the distance) each student is from the Level 3 (i.e., Standard Met) Smarter Balanced performance level. Each student's score is compared to Level 3, and all distance results are then averaged to produce a school- and student-group-level average scale score. The results will show, on average, the needed improvement to bring the average student score to Level 3 or the extent to which the average student score meets or exceeds Level 3. Using scale scores, rather than a percentage of students performing at or above Standard Met, provides a more comprehensive picture of how all students at the school are performing on the Smarter Balanced assessments."

Importantly, the grade 11 SBAC score is not included in the Academic Indicator at this point in time. Instead, it is used as a component of the College and Career Indicator. However, in April the State Board of Education (SBE), in an effort to gain federal approval for the state plan for purposes of the federal Every Student Succeeds Act, amended and resubmitted that state plan to include Grade 11 SBAC as part of the Academic Indicator. The U.S. Department of Education has still not approved the state plan, but grade 11 SBAC results would be included in the Academic indicator for English language arts and math for the 2018 Dashboard, unless the SBE elects to use this indicator only for school identification under the Every Student Succeeds Act (ESSA). Additionally, the SPI and the President of the SBE, in their October 31, 2017 letter to Long Beach Unified School District (LBUSD) denying its waiver request for the 2016-17 school year, they stated that "The ESSA mandates that the Stated Educational Agency State Plan require all local educational agencies (LEAs) to administer the same academic assessment to measure student achievement for the purpose of accountability. Each LEA must assure that it will comply with the State Plan irrespective of Title I participation. LBUSD's intent to offer a different assessment, in lieu of the state's designated assessment, will put it out of compliance with federal law as it pertains to assessment and accountability. In addition, if an LEA does not give the grade eleven Smarter Balanced Summative Assessment, it will negatively impact its College/Career Indicator in the California School Dashboard." In light of the apparent conflict between California's state plan and the authority afforded under ESSA, **staff recommends that the bill amended** to include a requirement for the SBE to amend the state plan to account for the authorization provided for in the bill, if required by the U.S. Department of Education, as shown below:

*"(f)(2) Before a local educational agency may administer an assessment pursuant to paragraph (1), the State Board shall*

*amend that state plan required pursuant to Section 1111 of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.) to account for the authorization for local educational agencies to use an alternate assessment pursuant to this section, as required by federal law..”*

- 7) **Peer Review.** As noted above, one of the requirements to use an alternate assessment is that the assessment must go through a federally mandated peer review process to ensure that it satisfies all of the federal requirements identified above. As stated in a U.S. Department of Education (USDOE) letter to State Assessment Directors, dated May 15, 2017, “the state must establish the criteria and undertake its review of the nationally recognized high school assessment before it may offer the opportunity for an local education agency (LEA) to select that assessment... Prior to any LEA use of nationally recognized assessment in lieu of Statewide assessments, States must submit evidence to the Department demonstrating that any such assessment meets the peer review requirements under section 1111(a)(4) of the ESEA and receive feedback that the nationally recognize assessment meets or substantially meets the requirements in the state and regulations.”

This bill does not contain an explicit peer review requirement. Accordingly, staff recommends that the bill be amended to include an explicit requirement that the state undertake the peer review process before the Superintendent approves one or more nationally recognized high school assessments, as shown below:

“(c)(8) Satisfy the peer review requirements specified in Section 1111(a)(4) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), as required by Section 1111(b)(2)(H)(iii)(II) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).”

Additionally, the bill does contain a provision that requires the state to substitute another state’s peer review process for its own if the other state has approved a nationally recognized high school assessment, that state has adopted the common core state standards, and it meets the federal requirements identified above. However, it is not clear that is allowable under federal law. In the same letter to State Assessment Directors from the USDOE dated May 15, 2017, the USDOE stated that the “Department recognizes that may have conducted a peer review of a nationally recognized high school test prior to a State selecting that test for this flexibility. In such a case, State may be able to leverage the prior peer review for submission of the nationally recognized high school test. However, a prior peer review of a particular nationally recognized national assessment that resulted in a determination that such assessment met or substantially met peer review requirements relative to a State’s challenging academic standards may not mean that assessment would meet the requirements for another state. For example, if two states have different challenging academic standards, a single assessment may not adequately address both sets of standards.”

**Staff recommends that the bill be amended** to allow this authorization specified in subdivision (e) only to the extent permitted by the U.S. Department of Education (USDOE).

To date, only two states have been approved to offer local education agencies (LEAs) the flexibility to offer a nationally recognized high school assessment: North Dakota and Oklahoma. In both instances each state was temporarily approved without peer review having been completed, but both are required to complete peer review before their temporary approval may be extended.

Conversely, *the committee may wish to consider, or, as the bill moves forward, the author may wish to consider* whether it would be appropriate in light of California's unique characteristics and more consistent with the intent of the flexibility afforded by federal law, to delete subdivision (e) completely from the bill and ensure that the only circumstance in which a California LEA would be afforded the flexibility to administer a nationally recognized high school assessment instead of the statewide assessment is if that assessment has undergone a peer review assessment specific to California, despite the cost saving that this provision would afford the state.

- 8) **Alignment between SAT/ACT and state standards.** This bill requires that the nationally recognized high school assessment approved by the Superintendent to be aligned with the academic content standards adopted by the State Board of Education and to address the depth and breadth of those standards. As previously noted, California's English language arts and mathematics academic content standards are based on the Common Core State Standards (CCSS). As noted in the Assembly Education Committee's analysis, California is one of 15 states that administer the Smarter Balanced Summative Assessments (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.

Conversely, a March 2018 brief from Achieve states: "In 2017, Achieve conducted an independent alignment study of the ACT with the Common Core State Standards. Achieve used an evaluation approach adapted from a methodology based on the Council of Chief State School Officers' (CCSSO) Criteria for Procuring and Evaluating Large Scale Assessments. Overall, Achieve's review of the ACT found significant weaknesses across both ELA (comprising the Reading, Writing, and Essay tests) and mathematics for both content and depth. In ELA, fewer than 50 percent of items reviewed were judged to be aligned to the claimed Common Core State Standards. For example, many items that claimed to measure writing standards did not ask students to produce writing, as indicated in the state's content standards. The ACT emphasized some

aspects of reading text critically and language skills as well as real-world activities, but did not require students to demonstrate their abilities to write in different modes (argumentative, expository/nonfiction, and narrative), use text-based evidence in support of their writing, or focus on the vocabulary words most appropriate to high school. In mathematics, fewer than half of items on the assessment were judged to be aligned to the claimed Common Core mathematical content standards for high school. This finding, while low, may be less surprising given that ACT, in its technical documentation, indicates that 40-43 percent of mathematics items are designed to measure pre-8th grade mathematics content.”

However, The Long Beach Unified School Districts (LBUSD) has been administering the SAT and the Smarter Balanced Summative Assessments (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 percent) of 11th graders met or exceeded benchmarks on both English language arts tests, while 28 percent of 11th graders met or exceeded benchmarks on the SBAC math, compared with 29 percent on the SAT math test. Additionally, 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. 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.

9) ***Other considerations for the committee.***

ACCOMMODATIONS: Consistent with federal law, this bill requires the federally recognized high school assessment that the Superintendent of Public Instruction would approve to ensure appropriate accommodations for English learners and pupils with disabilities, including pupils identified pursuant to Section 602 of the federal Individuals with Disabilities Education Act, Section 504 of the federal Rehabilitation Act of 1973, and Title II of the federal Americans with Disabilities Act of 1990. Additionally, the bill would also require, as federal law requires, 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. 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. Additionally, SBAC questions are available in

multiple languages so that students may read test questions in the language of their choice.

It is important to note that in order for accommodations for the SAT or ACT to afford those students who are accommodated with the full benefit of the exam, those accommodations must be approved through the College Board or the ACT, as applicable, not by the local education agency (LEA). As noted on the SAT website, "Accommodations must be approved by the College Board's Services for Students with Disabilities for students taking the SAT. Scores will be canceled if accommodations are used without College Board approval. As the bill moves forward, *the author may wish to consider* specifying the manner in which the bill's requirements for accommodations will be implemented.

**STUDENT PRIVACY:** According to the Technical Assistance on Student Privacy for State and Local Educational Agencies When Administering College Admissions Examinations, published by the Privacy Technical Assistance Center (PTAC) within the U.S. Department of Education, the PTAC makes the following recommendations to state and local educational agencies when contracting with testing companies:

- 1) Ensure that the contract with the testing companies specifies the FERPA exception under which personally identifiable information from students' education records is to be disclosed to the testing company.
- 2) Include specific prohibitions in the contract governing unauthorized use of personally identifiable information and redisclosure of personally identifiable information from education records (including biographic or demographic information provided by the state or local educational agency and the students' test scores or test score ranges) without written consent of the parent or eligible student.
- 3) Include specific requirement on how the testing companies should safeguard student personally identifiable information.
- 4) Include any additional requirements that may be mandated by the state.

**COSTS:** According to the Assembly Appropriations Committee, "This bill requires LEAs to accept the lesser of the cost of administering the ACT or SAT or the amount that would have been apportioned to the local education agency if it had administered the SBAC. Because ACT and SAT each cost about \$45 per student and the SBAC costs \$4 per student, LEAs would receive \$4 per student. LEAs opting to provide the ACT or SAT would need to cover additional costs to administer those assessments." However, as noted by the author, approximately 30 LEAs currently pay the full cost for their students to take the ACT or SAT, in addition to take the grade 11 Smarter Balanced Summative Assessments (SBAC).

In light of these additional considerations implicated by the bill, staff recommends that the bill be amended to include a 5-year sunset provision from the first school

year in which an local education agency (LEA) is able to administer a nationally recognized high school assessment instead of the grade 11 SBAC, as shown below:

“(k)(1) This section shall become inoperative five years after the first school year in which a local educational agency is able to exercise the authority granted to it pursuant to subdivision (e), and as of the following January 1, is repealed.  
(2) The Superintendent shall inform the Legislative Counsel within 30 days of when the conditions of paragraph (1) have been satisfied, and post that determination on the department’s website.”

This amendment allows time for several administrations of a nationally recognized high school assessment instead of the statewide assessment, if an local education agency (LEA) elects to do so. Those administrations should provide sufficient opportunity for LEAs and the state to see if issues relating to accommodations, alignment to content standards, accountability, privacy, or any other potential issues come to pass. The Legislature would then have additional information to determine whether the benefits afforded by this flexibility are sufficient to continue its authorization, or if additional revisions might be needed.

- 10) **Unspecified date.** This bill currently includes an unspecified date by which the Superintendent is required to approve a nationally recognized high school assessment. **Staff recommends that the bill be amended** to include a timeline, shown below:

“(b) Pursuant to Section 1111(b)(2)(H) of the federal Elementary and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.), no later than \_\_\_\_\_ **30 days after the Superintendent determines that a nationally recognized high school assessment satisfies the requires of subdivision (c)**, the Superintendent shall approve one or more nationally recognized high school assessments that a local education agency may, at its own discretion, administer, pursuant to subdivision (f), commencing with the 2020–21 school year, and each school year thereafter, in lieu of the assessment required pursuant to paragraph (1) of subdivision (b) of Section 60640.”

- 11) **Related and previous legislation.** AB 3233 (Kiley, 2018) Requires Grade 11 performance standards for the academic indicator on the California School Dashboard to incorporate results from the Smarter Balanced Summative Assessments (SBAC), and authorizes a Local Education Agency, if it administers a nationally recognized high school assessment to all grade 11 students, as authorized by the federal Every Student Succeeds Act, to include those results on the California School Dashboard as a local academic indicator.

AB 1602 (O'Donnell, 2017) would have established the Alternative Grade 11 Assessment Pilot Program to allow participating districts to administer an assessment other than the grade 11 SBAC. AB 1602 was held in the Assembly Appropriations Committee.

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  
California School Boards Association  
Central San Diego Black Chamber of Commerce  
Central Valley Education Coalition  
Chico Unified School District  
City of Long Beach  
Compton Unified School District  
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  
Palos Verdes Peninsula Unified School District  
Paramount Unified School District  
Partnership for Los Angeles Schools  
Riverside County Superintendent of Schools  
Sacramento City Unified School District  
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  
Torrance Unified School District  
Tustin Unified School District  
Val Verde Unified School District

**OPPOSITION**

State Superintendent of Public Instruction Tom Torlakson  
California Teachers Association  
Children NOW  
Disability Rights California