

ITEM ADDENDUM

DATE: February 23, 2021

TO: MEMBERS, State Board of Education

FROM: TONY THURMOND, State Superintendent of Public Instruction

SUBJECT: Item 02—The Every Student Succeeds Act: Authorization to Pursue Flexibility on or a Waiver of Assessment, Accountability, and School Identification and Federal Funding Flexibility Requirements

Summary of Key Issues

Background

Under California State law and the federal Every Student Succeeds Act (ESSA), states must administer annual statewide tests in reading/language arts and mathematics to all students in grades three through eight and once in high school as well as in science at least once in each of grades three through five, six through nine, and ten through twelve. State and federal law require that local educational agencies (LEAs) administer a state test of English language proficiency to eligible students in kindergarten through grade twelve. Currently, the test administration window for the California Assessment of Student Performance and Progress (CAASPP) tests is selected by each LEA after 66 percent of the instructional year has passed until the last day of instruction or July 15, 2021, whichever comes first. The test administration window for the annual Summative English Language Proficiency Assessments for California (ELPAC) begins on February 1 and ends on May 31. Throughout the novel coronavirus disease 2019 (COVID-19) pandemic, California LEAs have been addressing the learning needs of students amid the challenge of planning for public safety while considering their local circumstances.

In addition, the state indicators on the California School Dashboard (Dashboard), are dependent on the availability of valid and reliable assessment data. The California Department of Education (CDE) is committed to providing LEAs and schools valid and reliable data for their improvement plans and to the public to inform student progress. To assist LEAs, the CDE recently completed a webinar series focused on this year's planning process and use of local data. This series is available on the Tuesday @ 2 web page at <https://www.cde.ca.gov/fg/aa/lc/tuesdaysat2.asp>.

California policymakers, advocates, and parents/guardians seek data regarding their students' English language arts/literacy (ELA), mathematics, and science knowledge

and their English language proficiency. The considerations presented reflect the concerns that have been expressed by LEAs, students, parents, advocates and policymakers. There is a strong interest by all for reliable data to determine how students have fared during this year of predominately distance learning, and to identify learning gaps and losses. There is also a recognition that testing all students equitably this year may not be feasible. If the requirement is to proceed with testing, then questions remain about which assessments should be used and when should they be administered. The CDE has held multiple listening sessions with stakeholders.

Guidance Letter from United States Department of Education

The United States Department of Education (ED) released a letter to states on February 22, 2021, providing guidance around federal accountability, school identification, transparency, public reporting, and administration of assessments. A copy of the letter may be found at the ED's press releases web page: <https://www.ed.gov/news/press-releases/us-department-education-releases-guidance-states-assessing-student-learning-during-pandemic>.

Accountability and School Identification. The ED is inviting states to request a waiver for the 2020–21 school year of the accountability and school identification requirements in the Elementary and Secondary Education Act of 1965 (ESEA). A state receiving this waiver would not be required to implement and report the results of its accountability system, including calculating progress toward long-term goals and measurements of interim progress or indicators, or to annually meaningfully differentiate among its public schools using data from the 2020–21 school year.

This flexibility would explicitly include waiving the requirement that the Academic Achievement indicator be adjusted to account for a participation rate below 95 percent.

The state would also not be required to identify schools for comprehensive support and improvement (CSI), targeted support and improvement (TSI), and additional targeted support and improvement (ATSI) based on data from the 2020–21 school year. Each state that receives the accountability and school identification waivers would be required to continue to support previously identified schools in the 2021–22 school year, resume school identification in the fall of 2022, and ensure transparency to parents and the public, as described below, including publicly reporting the percentage of students not assessed, disaggregated by student subgroup.

Transparency and Public Reporting. In their guidance, the ED states that it is vitally important that parents, educators, and the public have access to data on student learning and success. Therefore, the ED is not inviting waivers in all state and local report card requirements, including the requirements to disaggregate data by student subgroup (except for reporting related to accountability, such as school ratings). As a condition of waiving accountability and school identification requirements, the ED will require all states to publicly report disaggregated chronic absenteeism data and, to the extent the state or school district already collects such information, data on student and

educator access to technology devices like laptops or tablets and to high-speed internet at home. According to the guidance from ED, transparency on opportunity to learn measures, such as chronic absenteeism and access to key resources like technology, can help inform decisions about student supports for the 2021–22 school year and beyond.

Assessments. The ED emphasized the importance of flexibility in the administration of statewide assessments, including the following:

- Administering a shortened version of its statewide assessments;
- Offering remote administration, where feasible; and/or
- Extending the testing window to the greatest extent practicable. That could include offering multiple testing windows and/or extending the testing window into the summer or even the beginning of the 2021–22 school year. States that elect to extend testing windows should also consider how they can make results available to the public in a timely manner after assessments are administered.

In particular, the ED indicated that English language proficiency (ELP) assessments are often given earlier in the school year than content assessments and are underway already in most states. The ED specifically encouraged states to extend the testing window for their ELP assessment, including beyond the end of the 2020–21 school year, if necessary, to ensure that LEAs are administering this assessment when it safe for them to do so.

The ED states that the intent of these flexibilities is to support administration of assessments to provide information to parents, educators, and the public about student performance and to help target resources and supports. For that reason, the ED is not inviting blanket waivers of assessment.

Accountability and Data Reporting Implications

The proposed waiver offered by the ED impacts the following accountability and data reporting requirements.

Accountability

There are two immediate impacts for California.

First, it would waive the requirement for the CDE to produce the 2021 Dashboard for federal accountability purposes. LEAs and schools would not receive performance levels for any of the state indicators. With such a waiver, the earliest California could report performance colors, which are based on two years of data, will be in the 2023 Dashboard. (Note: In order to waive the state requirements to produce the 2021 Dashboard, action by the Governor and/or California State Legislature is also required.)

Second, this action would waive the requirement to identify new schools for support and improvement under ESSA (i.e., CSI, TSI, and ATSI) in the 2021–22 school year. Schools currently identified for CSI, TSI, or ATSI will continue to receive support during the 2021–22 school year. CDE would be required to identify new schools for support and improvement in the 2022–23 school year based on the “Status” data reported in the 2022 Dashboard.

Data Reporting

Related to data reporting, the ED guidance requires that states continue to publish relevant and accurate data for transparency purposes. States are still required to produce school and district report cards and to publicly report disaggregated chronic absenteeism data on their websites. In addition, under this waiver the CDE will continue to produce additional reports for all state indicators, if valid and reliable. The CDE will also report CAASPP testing results for all students and the percentage of students not assessed, disaggregated by student group.

Summary of Proposed Action

The California Department of Education (CDE) requests the California State Board of Education (SBE) to take action as deemed necessary and appropriate.

Attachment(s)

None.