



CALIFORNIA DEPARTMENT OF EDUCATION
TOM TORLAKSON, State Superintendent of Public Instruction
916-319-0800



CALIFORNIA STATE BOARD OF EDUCATION
MICHAEL W. KIRST, President
916-319-0827

November 29, 2016

The Honorable John B. King, Jr., Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

The Honorable Ann Whalen, Senior Advisor to the Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Secretary King and Senior Advisor Whalen:

We appreciate your review of California's waiver request to avoid double testing eligible students in California as our State continues development of assessments aligned to the California Next Generation Science Standards (CA NGSS). We also thank you for providing us an opportunity to respond to your September 30, 2016, letter in which you requested additional information on how the waiver, if granted, will further academic achievement among California students. Thus, California respectfully requests that you consider this additional information in support of our waiver request, and allow California to:

- Pilot and field test new CA NGSS-aligned assessments without creating an undue burdensome double testing situation for eligible students enrolled in grades five, eight, and high school;
- Suspend the current science assessments that are based on outdated science standards that are no longer supported by daily classroom instruction; and
- Temporarily suspend the required reporting of individual student scores for the 2016–17 and 2017–18 school years (SYs) for the CA NGSS general education assessment and 2016–17 through the 2018–19 SYs for the alternate science assessments. California intends to publicly report student participation rates at school, district, and county levels for both the pilot and field tests.

California's Plan for Advancing Student Academic Achievement

California's transition plan to administer CA NGSS-aligned assessments provides an efficient and effective transition to support and inform instruction focused on these rigorous standards. Since the State Board of Education's (SBE's) adoption of the CA NGSS in 2013, California local educational agencies (LEAs) have slowly begun the process of shifting their science instruction to align to the new State academic content standards. The SBE's adoption of a curriculum framework aligned to the CA NGSS in November 2016 will further this instructional shift, as the framework provides a roadmap for educators on how to teach the new science standards.

Administering pilot and field tests of the CA NGSS-aligned assessments provides schools and districts with opportunities to address and become familiar with logistical challenges related to online testing. This universal experience to eligible students will provide valuable information for educators about the format, content, and student experiences of using new assessment instruments. Granting the waiver request will ensure full implementation of the new science standards sooner rather than later, enable a successful transition to the new assessment protocol, and allow more accurate reporting of students' progress in learning the new standards when the new assessments are fully operational.

The waiver will ensure that eligible students across California will not lose valuable instructional time in preparing for tests aligned to outdated science standards. Even though continuing to administer outmoded tests will provide individual student results, they will not meet the educational needs students, educators, and parents demand from assessments. Allowing California to not double test eligible students will expose those students to new methods of assessments in the pilot and field testing phases in a high-stakes-free environment. Students will have the opportunity to experience the new CA NGSS-aligned item types and functionality while receiving no direct consequences; instead, they will benefit from engagement with the new assessments aligned with the standards reflective of daily classroom instruction. Reducing unnecessary testing that does not produce educational benefits to students, teachers, and parents is also consistent with the goals of California and the Every Student Succeeds Act (ESSA).

Monitor and Evaluate Effectiveness of Implementation Plan

The application of testing industry standards and practices to any new assessment system through pilot and field testing ensures the validity, reliability, and fairness of the assessments and improves the quality and meaning of their results. California is fully committed to meeting the requirements set forth by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education in the *Standards for Educational and Psychological Testing (Standards)* in developing a CA NGSS-aligned assessment. As directed in Section 3 of the *Standards*, all aspects of test development (including test design, validation, development, administration, and scoring) should be considered to ensure fairness in testing. In accordance with these provisions, the CDE will document all activities related to the development of the science assessments and provide all necessary documentation for peer review.

Provide Assistance to Student Groups

California plans to administer the pilot and field test of the new science assessments to all students in grades five and eight. Administration of the pilot and field test for high school students will occur once to ensure that all students experience the format and content of the new science assessment. To support learning and preparation for the new assessments, California plans to provide training tests such that all LEA stakeholders will have access to the sample test items. Training tests will also expose stakeholders to the complex nature of the NGSS-aligned items.

Requiring students to complete two different assessments on different standards represents a misuse of crucial instructional time and will likely produce mixed and confusing results to students, teachers, and parents. California stakeholders strongly oppose the continuation of outdated science assessments (see attachment). Collectively, we find it unfair to continue evaluating student performance using assessments based on outdated standards that are no longer supported by daily classroom instruction. Data from current tests will not provide practical, usable information to students, educators, and parents about their success toward mastering the new standards. In fact, it may provide information to parents which is confusing or conflicts with other information they receive about student progress and instructional quality and could provide misleading information on schools' science education programs.

Maintain or Improve Transparency in Reporting

California aims to utilize comprehensive assessments and produce score reports to provide valuable data for LEA staff. In accordance with this aim, we recognize that individual score reporting of CA NGSS items, newly adopted standards, and innovative assessment measurements would not follow best practices until the assessments are fully operational, as identified by the State and its stakeholders and outlined in the *Standards*. In addition, reporting individual scores using an assessment that is no longer relevant defies the *Standards* best practices for reporting scores. Moreover, reporting these results misleads students, educators, and parents because it would provide inaccurate measurements of based on content no longer used in daily classroom instruction.

The approval of this waiver request provides students with an opportunity to experience the new assessments during their development through the pilot and field testing phases. Eligible students will have the opportunity to experience the new CA NGSS-aligned item types and functionality without concern of the consequences associated with performance measurements and score reporting. We recognize the benefits of student engagement with the CA NGSS-aligned assessments and the potential to demonstrate a thorough and accurate understanding of science that satisfies the educational goals of instruction and to prepare all students for a possible future building from their science education.

Assurances from California

California hereby assures that, if granted the requested waiver, the State will focus efforts on:

- ESSA Section 1204(e)(2)(A), which requires a State educational agency to apply consistent academic achievement standards and to provide all public school children in the State with equal access to the same academic assessments. California requests this waiver to ensure that only the CA NGSS pilot and field tests are administered to eligible students within California in order to meet the intent of this section of the new federal law.

Approving this waiver request will allow California to administer pilot and field tests of the new science assessment items for all eligible schools in various contexts, thus promoting the validity and equity of administration without unduly burdening eligible students and compromising their valuable science instructional minutes. The utilization of pilot and field testing represents an essential component for developing new and improved assessments, as they allow both the State and its testing contractors to ensure that the assessment items represent accurate measurements of student achievement of the CA NGSS.

- Section 1111(b)(3)(C)(xii) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act and ESSA sections 1111(b)(1)(E), 1111(b)(2)(D), and 1204(e)(2)(B)(vii), requires the provision of individual student interpretive, descriptive, and diagnostic reports to include achievement results on State assessments.

If granted, the waiver will permit California and its LEAs to avoid the production and dissemination of student performance reports on the pilot and field tests for eligible students in grades five, eight, and high school. Otherwise they will be forced to use the outdated science tests that will yield results that do not meet the educational needs of students, educators, and parents and will not represent a fair, reliable, or valid measurement of individual student achievement based on actual science instruction.

- Sections 8401(b)(1)(C) and (F) of the ESEA, as amended by ESSA, will enable California to provide training tests so all LEA stakeholders will have access to the sample test items as well as expose them to the complex nature of the CA NGSS-aligned items to support learning and familiarity about the new assessments.
- Sections 8401(b)(4)(A)(i) and (iii) of the ESEA, as amended by ESSA, will ensure that parents and guardians of eligible students in each eligible school participating in the pilot and field test of the new science assessments will be notified of the school's participation.

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California and its LEAs and schools will ensure that all eligible students will participate in the CA NGSS general and alternate assessments pilot and field tests and will properly notify all LEAs of their required participation in the pilot and field tests.

This waiver request is similar to the waiver that California received from the U.S. Department of Education (ED) in 2013 for English language arts and mathematics assessments during the State's transition to assessments aligned with the Common Core State Standards (CCSS). The 2013 waiver significantly contributed to the smooth and successful transition to the new Smarter Balanced assessments aligned to the CCSS. The process yielded positive media exposure for the country's most populous state, highlighting high participation rates and widespread public support for the standards and assessments. The ED served as a key partner with California during that successful transition.

California hopes this partnership may continue as California continues the difficult work of developing a CA NGSS-aligned assessment to enable appropriate reporting of science educational opportunities for California students.

Approving this waiver request will issue an important signal of support for California's efforts to transition to the new science standards and assessments using a process that replicates the successful transition to new English language arts and mathematics standards and assessments in 2013–14. If the waiver is not granted, California respectfully requests a formal hearing, as allowed under Section 8401(b)(4)(B)(iii) of the ESSA, to ask that the ED reconsider our request.

The attached document represents support from a variety of stakeholders that the State has received to date in support of California's waiver request. Please direct questions regarding this request to Keric Ashley, Deputy Superintendent of the District, School, and Innovation Branch, by phone at 916-319-0637 or by e-mail at kashley@cde.ca.gov. Thank you for your consideration.

Sincerely,



Tom Torlakson
State Superintendent of Public Instruction
California Department of Education



Michael W. Kirst
President
California State Board of Education

TT/MK:cc

Attachment

cc: Patrick Rooney, Deputy Director, Office of State Support

2016-09069