



May 3, 2019

President Linda Darling-Hammond and Board Members
California State Board of Education
1430 N Street, Room #5111
Sacramento, CA 95814

Agenda Item #18: General Public Comment

Dear President Darling-Hammond and Board Members:

We write in response to two April 2019 Information Memoranda, which included significant updates and policy changes but were not included in any official State Board agenda items for the upcoming May meeting. We have concerns both about the substance of these memos and about the practice of relegating major updates to the public to memos posted online and therefore not part of public discussion by the Board or in compliance with the Bagley-Keene Open Meeting Act. Certainly, the Board may have an information memorandum on a significant matter, but by not placing these items on the Board's agenda, no action at all may be taken – leaving these issues unaddressed, leaving the California Department of Education without the Board's policy guidance and leaving the public entirely out of the process.

In an April 17, 2019 memorandum from Superintendent Tony Thurmond to members of the Board, the Superintendent provided an update regarding the U.S. Department of Education's (ED) final decision on California's request for a waiver under the Every Student Succeeds Act (ESSA). The waiver, related to California's calculations of English learner progress, was denied in a letter from ED.

In that letter, notably, the U.S Assistant Secretary for Elementary and Secondary Education indicates concern – apparently for a second time – that California may be out of compliance with federal law because it did not include the ELP indicator in its system of annual meaningful differentiation for the 2018-19 school year. This is a serious claim. Should California be out of compliance with federal law, it places at risk \$2.6 billion in federal funding for public schools and money intended to target assistance to English learners, low-income students and foster youth. We urge the Board to address this publicly and to clearly explain California's plan to remedy this concern raised by ED. We also urge the Board to place items of such significance on the public

meeting agendas, rather than informational memos. This is simply good practice for transparency and accountability.

In another memorandum, dated April 9, 2019, Superintendent Thurmond provides a substantial update on the Smarter Balanced Summative Assessment blueprints for English/Language Arts and mathematics. The memo indicates that the Smarter Balanced Assessment Consortium, of which California is a governing member, changed the blueprints for 2019 test administration, which is currently underway.

These changes are not minor – there are changes to item formats, reductions of the number of testing items, increases in the number of scorable items – and would likely require equating adjustments in order to ensure year-to-year comparability of test scores. However, the memo has no mention of any plan for equating adjustments nor any discussion of how decisions were made to authorize these policy changes to deliverables in the contract with the state of California or how this may impact year-to-year trend data or data on California’s achievement gaps. We urge the Board, again, to address this publicly and to clearly explain California’s plan to deal with these changes and any impact they may have on student achievement data. Such a change should be a Board agenda item for public input and transparency on discussion and decisions by the Board on contracts worth tens of millions of dollars.

We look forward to the steps the Board takes to promote transparency and public discussion and to ensure that California’s ESSA plan and standardized testing system responds to the letter of the law signed by President Obama, Governor Brown, and contracts signed by the state of California in a way that makes authentic progress in highlighting and closing persistent student achievement gaps and ensures California is receiving what it pays for in statewide assessment contracts.

If you have any questions, please don’t hesitate to contact me directly.

Respectfully,

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cc: Karen Stapf Walters, Executive Director, California State Board of Education
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Jeff Bell, Program Budget Manager, Department of Finance
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