



February 23, 2021

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Dr. Linda Darling-Hammond, President  
State Board of Education  
1430 N Street, Suite 5111  
Sacramento, CA 95814

**RE: CTA AMENDED COMMENTS REGARDING Item #2: The Every Student Succeeds Act: Authorization to Pursue Flexibility on or a Waiver of Assessment, Accountability, and School Identification and Federal Funding Flexibility Requirements.**

Dear Dr. Darling-Hammond:

After reviewing the USDOE letter regarding waivers and flexibilities dated February 22<sup>nd</sup>, 2021, the California Teachers Association (CTA) urges the California Department of Education’s (CDE) to submit a blanket assessment waiver from the United States Department of Education (USDOE). CTA recommends that the State Board of Education (SBE) look back to the last time the USDOE provided rigid guidance regarding assessment waivers in 2013 and follow the path set forward by Dr. Michael Kirst, State Superintendent Tom Torlakson, and Governor Jerry Brown, and push back on the USDOE and submit a blanket waiver to the USDOE for the 2021 assessments on behalf of the students, parents and educators of California.

We wish to highlight the invitation on page three of the letter from Ian Rosenblum from the USDOE to the State Superintendent, Tony Thurmond, *“If a request for a waiver is appropriate...”*. We can think of no more appropriate time for a waiver than in the middle of a global pandemic that has taken over half a million lives across the country and created immense challenges for students, parents, educators, and communities.

Additionally, page two of the letter states, *“The intent of these flexibilities, and the accountability waivers described above, is to focus on assessment to provide information to parents, educators, and the public about student performance and to help target resources and support.”* The state has already addressed this concern by requiring each Learning Continuity Plan to include information about local assessments being used by the respective LEA. This translates to data being available locally across our state.

The USDOE letter goes on to state, *“We also recognize that individual states may need additional assessment flexibility based on the specific circumstances across or within the state, and we will work with states to address their individual needs and conditions while ensuring that maximum available statewide data to inform the targeting of resource and supports.”* The Governor’s proposed budget includes a significant investment marked for “early action” by the Legislature, including \$4.6 billion in one-time Prop 98 funding to provide additional academic and other supports for students impacted by COVID-19.

At this point, it seems California meets all the conditions for requesting a blanket waiver of assessment for 2021. We must be able to showcase to the USDOE that our state requires additional support beyond the flexibilities offered given its large size, diverse student population, various language needs, range of socio-economic status, and vast geographical differences which are very different than smaller, more homogenous states like Connecticut and Delaware in which the proposed “flexibilities” may be deemed appropriate.

The flexibilities, as laid out in the in the letter, would make assessments in our state an exercise in futility. From the rural stretches of Del Norte county in the northwest of the state, to Modoc county in the northeast, down our eastern border through Mono and Inyo counties and on to the U.S./Mexico border in Imperial and San Diego counties. No two districts, classrooms, students, or educators are alike, and no number of “flexibilities” will change that dynamic.

Now more than ever, we need California’s leaders to harken back to the fight of 2013 in which Governor Jerry Brown locked arms with Dr. Kirst and Superintendent Torlakson, to stand up for what is best for our students. We need our state leaders to protect our students and disallow the USDOE from imposing futile and harmful requirements that are clearly not in the best interest of the students of California, and especially, our most vulnerable students.

Over 46,000 teachers have signed our petition to waive state tests and continue to plead their case as to the vitalness of spending more time on the mental and emotional health and academic needs of our students. Our teachers want to return to in-person instruction when safe to do so, and until that is possible, they are devoted to providing students with robust distance learning programs that include rigorous lessons, ongoing formative assessments, and authentic local assessments when appropriate.

As of February 17<sup>th</sup>, 52 out of 58 California counties are in the Purple Tier-Widespread Risk of COVID and the remaining six counties are either Red or Orange. This data shows that the COVID-19 pandemic continues to ravage families and communities and new variants are beginning to have a worrying impact across the state.

Our concerns with testing during a pandemic have not changed. These concerns fall into the categories of the **feasibility of administration**, the **usability of the data**, and the **cruelty of putting our students, families, and educators through a high-stakes, summative assessment**.

### **Feasibility of Administration**

As highlighted in the January 2021 SBE Item, *“In fall 2020, the CDE recommended that LEAs administer tests in person where safe to do so, and that they use remote administration as a second option when necessary. With the recent resurgence of COVID-19, it is possible that the primary mode of administration may become remote. Among the challenges that have surfaced for stakeholders in this shift in context are:*

- *Issues with bandwidth and internet access*
- *Lack of local resources to install secure browsers on devices used by students in remote environments.*
- *Inconsistent remote testing environments for students*

Given the majority of students and educators across the state are still engaged in distance learning, the predominant mode of testing would have to be remote. For reasons outline by the CDE staff, the logistical demands of remote testing will be nearly impossible to meet.

## Usability of the Data

Due to the challenges outlined above regarding the feasibility of administration, legitimate questions have arisen regarding the use of assessment data and the comparability of data to past years.

Given widespread inequities in student access to technology and the internet, as well as concerns about the validity and comparability of any data gathered from statewide summative testing administered remotely and taken under unknown and uncontrollable conditions, conducting state standardized testing in the spring 2021 would be detrimental to students and of limited use to teachers, schools, and school districts.

Feedback from teachers aligns with the feedback received by CDE. The stress and loss of teaching time while trying to run intensive, high-stakes summative assessments remotely will severely outweigh any chance of receiving assessment data that is useful for students, teachers, families, or the state.

This pandemic offers a great opportunity for LEAs to utilize and share their local assessment data in lieu of data from a dubiously valid statewide test. Local assessments offer high-quality, authentic data that can inform parents and the community of student progress. LEAs have already outlined their use of local assessments in their Learning Continuity Plans and districts can work with stakeholders to determine which data points can indicate to teachers and parents, student successes and areas of need and which are most appropriate to share publicly.

## The cruelty of putting our students, families, and educators through a high-stakes, summative assessment

As the front line in education, teachers are fully aware of the mental health toll that the pandemic is having on students. Our members are working very hard to meet the many needs of their students as best they can and as safely as possible. We must question how adding stress and losing precious instructional time to administer high-stakes summative assessments that will yield little if any valid or reliable results would be in the best interest of the mental and emotional health of students, teachers, parents, and communities.

In closing, CTA emphatically recommends that the SBE aggressively pursue an assessment waiver from the USDOE for 2020-21 school year and not pursue unnecessary flexibilities for extending the testing window or taking away valuable instructional time in the fall by moving the testing window. Otherwise, the state risks perpetuating the vast inequities and mental and emotional stresses already occurring in our state due to the pandemic.

Sincerely,



E. Toby Boyd, President  
California Teachers Association

C: CTA Executive Officers  
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db:ETB