



OFFICE OF THE SUPERINTENDENT

5735 47th Avenue • Sacramento, CA 95824

Jorge A. Aguilar, Superintendent

January 14, 2021

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Via E-Mail: dfisher@saccityta.com

David Fisher, President
Sacramento City Teachers Association
5300 Elvas Avenue
Sacramento, CA 95819

Re: District-wide Assessments for Students

Dear Mr. Fisher,

As you know, Arbitrator Carol Vendrillo issued a decision on Monday, January 11, 2021, following an arbitration hearing on a grievance filed by SCTA against the District. In her decision, Arbitrator Vendrillo found enforceable an agreement between the District and SCTA ([Testing MOU](#)) signed by my predecessor, Superintendent Jose Banda, on November 30, 2016, that required the District to obtain agreement from SCTA prior to implementing any “District initiated/District-wide” assessments of our students. While we disagree with Arbitrator Vendrillo’s decision, we are prepared to move forward with the remedy she ordered—specifically, to negotiate with SCTA around our proposal for District-wide formative and summative assessments, aimed at ensuring that *all* our students’ learning is evaluated and monitored District-wide, that *all* of our students are placed in the appropriate classes and programs, and that *all* our students receive the supports they need to foster their educational progress.

The Testing MOU required that the parties “make a good faith and timely effort to mutually develop and mutually agree” on each such assessment. The District’s efforts to meet with SCTA since the MOU was executed are well documented through [various letters the District sent to SCTA between March 2017 and April 2019](#). (See Timeline Regarding Assessment Discussions between the District and SCTA at pg. 38.) We genuinely hope that we can move forward together in developing an assessment schedule that includes formative and summative assessments to understand, monitor and support *all* of our students in the learning.

As we have stated before, we believe that conducting formative and summative assessments of our students is required by state law and the California Department of Education. Assessing student learning while in a distance learning model is specifically required by [Education Code sections 43503](#) and [43509](#), which were added by Senate Bill 98 in July 2020. Section 43509 requires that a school district develop and submit a Learning Continuity and Attendance Plan (LCAP). That plan, among other things, must include a statement of how a school district will “measure and assess pupil progress through live contacts and synchronous instructional minutes...” ([Education Code section 43509\(f\)\(1\)\(B\)\(iii\)](#).) Section 43509 also requires that the LCAP include a plan for addressing student learning loss, including how the District will “assess pupils to measure pupil learning status, particularly in the areas of English Language arts, English language development, and mathematics.” ([Education Code section 43509\(f\)\(1\)\(C\)\(i\)](#).)

In addition, Education Code section 43503 requires that distance learning include, among other things, “content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in person instruction” and “[a]cademic and other supports designed to address the needs of pupils who are not performing at grade level, or need support in other areas...” (Education Code section 43503(b)(2)-(3).) The District cannot adjust the rigor of instruction or provide academic or other supports without understanding whether and how students are understanding the content of instruction. District Policies and Administrative Regulations (BP 5121 and 5123)¹ also require that we monitor student progress.

By email dated January 12, 2021, you requested that the District, in light of the arbitration decision, “suspend implementing any student assessments that do not comply with [the arbitrator’s] ruling.” Specifically, you requested that the District:

Suspend the undertaking of any district initiated/district-wide student assessment that ‘is not specifically and unambiguously directed by state or federal or programmatic (e.g. International Baccalaureate) mandate.’ To our knowledge, the student assessments that fall under those mandates are the Smarter Balance Assessments (SBAC), California Science Test (CAST), and ELPAC initial and Summative Assessments.

In your January 12 email, you also indicated that SCTA will agree to allow the District to proceed with administering the PSAT, SAT, Advanced Placement (AP) Exams, and the 1st and 3rd Gifted and Talented Education (GATE) assessments for the current school year, provided we work with SCTA to address the challenges presented with administering these assessments while our students remain in a distance learning model.

As you may know, the Smarter Balance Assessment (SBAC) assesses student progress on grade level standards and their level of mastery of those standards in English Language Arts and Math. The California Science Test (CAST) similarly evaluates student progress on grade level standards and their level of mastery of those standards in Science. The English Language Proficiency Assessments for California (ELPAC) tests our students’ English language proficiency for purposes of designating a student as needing additional supports as an English language learner and tests their progress in reading, writing, and speaking and to make adjustments.

While there is a value in administering the SBAC, annual ELPAC, and CAST assessments to our students, these assessments are summative assessments that only give us a view of student learning progress once a year. Summative assessments provide information only after the student has completed the learning cycle and do not offer the opportunity for a teacher to intervene in learning while the student is engaged in learning. This is in contrast to the District’s proposed assessments, which are formative assessments, and provide for real-time feedback on student learning throughout the year. This assessment allows our educators to make adjustments to their teaching to meet the needs of their students based on what they see in the assessment data.

The District’s Board of Education policies and administrative regulations can be accessed through the California School Boards Association system GAMUT. Instructions are located at <https://www.scusd.edu/board-policies>, including login credentials.

The District appreciates SCTA's recognition of the importance of continuing these assessments in the best interest of our students. However, in addition to these assessments that are required by state law, the District's [proposed assessment schedule](#) includes other assessments specifically designed to monitor our students' progress throughout the school year. As you can see from our proposed assessment schedule, we propose—like every high performing district—utilizing assessments beyond the SBAC and CAST assessments so that our educators assess student learning at the start of the school year to develop an understanding of each student's baseline learning and then continuing throughout the school year in order to monitor each students' progress as they learn in order to make adjustments as needed to support each student.

We believe that these proposed assessments are all critical to provide a District-wide and consistent means for our educators to monitor and understand how a student is learning *while* their education in the District is in progress. In this way, these formative assessments are critical in that they allow our educators to make adjustments to a student's learning in real time, accounting for areas of success and challenge for the student, thus allowing educators to make adjustment to their teaching strategies to meet a student's unique needs.

While we appreciate that some of our teachers conduct formative assessments of their students throughout the school year, we know that many of our teachers do not and will not unless they are required to do so. Data that the District has gathered over the years demonstrates the inequity that exists among our schools and within our community when some teachers utilize common assessments and others do not. The attached tables provide 2019-2020 and the 2020- 2021 District common assessments participation rates. The below summary provides a review of the 2019-2020 student district common assessment participation rates in English Language Arts. These trends were comparable to the Math district common assessment as well. Highlights of these findings include the following:

- Approximately 57% of students in grades K through 11 did not participate in at least one interim assessment during the 2019-20 school year.
- While 43% of students took at least one assessment, only 9% of students were assessed at least twice during the school year.
 - Non-participation rates were noticeably higher in grades K, 9, 10 and 11 and were noticeably lower in grades 3-8.
- When reviewing participation rates by ethnicity and race, non-participation rates were fairly bunched around the mean of 57%.
 - Asian students were less likely to not be tested as their non-participation rate was 52%. Conversely, White students had the highest non-participation rates at 63%.
- A review of participation rates by English proficiency also revealed a fairly bunched non-participation rate.
 - Regardless of English proficiency category, the average rate of non-participation was between:
 - 55% (for English Learner students who have been redesignated as fluent English proficient) and
 - 58% (for students from non-English speaking homes but were identified as initially fluent English proficient).
- The data revealed that students who participated in Special Education were more likely—by 5 percentage points—to not have participated in the interim assessments than students who were not receiving Special Education.

- The data revealed that students who participated in the Free or Reduced lunch program were less likely—by 7 percentage points—to have participated in the interim assessments than students who did not participate in the program.


Such inequities are unacceptable and directly impact our ability to meet the needs of some of our neediest students.

The District will continue to administer the SBAC, CAST and ELPAC assessments as planned. Similarly, we will continue to administer the PSAT, SAT, AP Exams, and the 1st and 3rd GATE assessments. Based on the arbitrator’s decision and your request that we suspend assessments that are “not specifically and unambiguously directed by state or federal or programmatic (e.g. International Baccalaureate) mandate,” we will only do so with extreme reluctance, and with the expectation that the District and SCTA will immediately engage in discussions in an effort to reach agreement on these critical assessments as soon as possible, and to avoid any unnecessary harm to our students’ educational growth.

In an effort to reach agreement as soon as possible and with the hope that the District and SCTA can reach agreement in sufficient time to allow for the administration of these critical assessments, the District would like to meet with SCTA at a side negotiations table to discuss these assessments and the District’s proposed assessment schedule for the remainder of the 2020-2021 school year and for the 2021-2022 school year. The District’s negotiations team is available to meet with your team on January 19, 20, 21, or 22, at or after 4:00 p.m. to engage in these critical discussions. Please let me know by January 18, 2021, which of these dates work for SCTA.

In closing, District-wide common assessments have always been an essential component of meeting our students’ educational needs in a fair and equitable manner. We firmly believe that a system of common assessments is even more critical as we look to the 2021-2022 school year and the challenge before us of overcoming the devastating learning loss that many of our students may have faced while engaged in distance learning for the past ten months. We look forward to working with SCTA to develop and reach agreement on common assessments that will allow our educators to understand, monitor and support *all* of our students in their learning.

Sincerely,



Jorge A. Aguilar
Superintendent

Detailed 2019-20 ELA Interim Assessment Participation Data

Non-participation rates were noticeably higher in grades K, 9, 10, and 11 and were noticeably lower in grades 3-8.

Count of DCA ELA Interim Assessments Taken	0		1		2		3		Total Student Count
	%	Student Count	%	Student Count	%	Student Count	%	Student Count	
Grade Level	%	Student Count	%	Student Count	%	Student Count	%	Student Count	
K	75%	2385	25%	783	0%		0%		3168
1	69%	2231	31%	1000	0%	15	0%		3246
2	57%	1861	30%	967	12%	401	1%	37	3266
3	41%	1370	49%	1633	10%	348	0%		3351
4	44%	1462	46%	1513	10%	347	0%		3322
5	44%	1439	46%	1509	10%	317	0%		3265
6	44%	1421	51%	1655	5%	160	0%		3236
7	33%	968	24%	694	17%	501	25%	729	2892
8	45%	1371	14%	413	12%	380	29%	888	3052
9	79%	2172	3%	84	18%	510	0%		2766
10	82%	2199	1%	34	17%	459	0%		2692
11	83%	2092	4%	96	13%	332	0%	1	2521
Grand Total	57%	20971	28%	10381	10%	3770	5%	1655	36777

When reviewing participation rates by ethnicity and race, we see that non-participation rates were fairly bunched around the mean of 57%. That said, Asian students were less likely to not be tested as their non-participate rate was 52%. Conversely, White students had the highest non-participation rates at 63%.

Count of DCA ELA Interim Assessments Taken	0		1		2		3		Total Student Count
	%	Student Count	%	Student Count	%	Student Count	%	Student Count	
Reported Race	%	Student Count	%	Student Count	%	Student Count	%	Student Count	
American Indian or Alaska Native	56%	102	31%	56	11%	20	2%	3	181
Asian	52%	3617	28%	1951	14%	1013	6%	420	7001
Black or African American	57%	2707	28%	1308	12%	550	3%	158	4723
Hispanic	57%	8530	30%	4409	9%	1351	4%	611	14901
Native Hawaiian or Other Pacific Islander	60%	475	25%	201	11%	85	5%	36	797
Two or More Races	55%	1533	31%	851	10%	268	4%	124	2776
White	63%	4000	25%	1605	8%	483	5%	303	6391
(blank)	100%	7	0%		0%		0%		7
Grand Total	57%	20971	28%	10381	10%	3770	5%	1655	36777

A review of participation rates by English proficiency also revealed a fairly bunched non-participation rate. Regardless of English proficiency category, the average rate of non-participation was between 55% (for English Learner students who have been redesignated as fluent English proficient) and 58% (for students from non-English speaking homes but were identified as initially fluent English proficient).

	0		1		2		3		Total Count of Students
English Proficiency	%	Student Coun	%	Student Coun	%	Student Coun	%	Student Coun	
English Learner	57%	3609	31%	1950	9%	571	4%	227	6357
English Only	57%	14517	29%	7268	10%	2470	4%	1059	25314
Initially Fluent English Proficient (I-FEP)	58%	300	21%	109	15%	77	6%	33	519
Redesignated Fluent English Proficient	55%	2537	23%	1054	14%	652	7%	336	4579
To Be Determined	100%	8	0%		0%		0%		8
Grand Total	57%	20971	28%	10381	10%	3770	5%	1655	36777

The data revealed that students who participated in Special Education were more likely – by 5 percentage points – to not have participated in interim assessments than students who were not receiving Special Education.

Count of DCA ELA Interim Assessments Taken	0		1		2		3		Total Student Count
Student Is Special Ed?	%	Student Count	%	Student Count	%	Student Count	%	Student Count	
Special Ed	61%	2924	28%	1320	8%	370	3%	154	4768
Not Special Ed	56%	18047	28%	9061	11%	3400	5%	1501	32009
Grand Total	57%	20971	28%	10381	10%	3770	5%	1655	36777

Finally, the data revealed that students who participated in the Free / Reduced Meals program were less likely – by 7 – to not have participated in interim assessments than students who did not participate in the program.

	0		1		2		3		Total Student Count
2019-20 NSLP	%	Student Count	%	Student Count	%	Student Count	%	Student Count	
Participated in Free/Reduced Meals	55%	13632	30%	7576	10%	2605	4%	1096	24909
Not Participated in Free/Reduced Meals	62%	7339	24%	2805	10%	1165	5%	559	11868
Grand Total	57%	20971	28%	10381	10%	3770	5%	1655	36777

English Language Arts (ELA) Participation Rates, Fall 2020

	Grade Levels	# Not Tested	# Tested	Total # Students	% Tested
Elementary School	2	1525	1617	3142	51%
	3	1084	2074	3158	66%
	4	1061	2150	3211	67%
	5	1067	2191	3258	67%
	6	1157	2035	3192	64%
	Totals	5894	10067	15961	63%
	Middle School	7	1380	1421	2801
8		973	1064	2037	52%
Totals		2353	2485	4838	51%
High School	9	2157	851	3008	28%
	10	2194	609	2803	22%
	11	450	99	549	18%
	12	291	38	329	12%
	Totals	5092	1597	6689	24%

Mathematics Participation Rates, Fall 2020

	Grade Levels	# Not Tested	#Tested	Total # Students	% Tested
Elementary School	1	1705	1394	3099	45%
	2	1475	1667	3142	53%
	3	900	2258	3158	72%
	4	1105	2106	3211	66%
	5	1169	2089	3258	64%
	6	1219	1973	3192	62%
	Totals	7573	11487	19060	60%
	Middle School	7	1181	1708	2889
8		1449	1628	3077	53%
Totals		2630	3336	5966	56%
High School	9	2114	1056	3170	33%
	10	2040	956	2996	32%
	11	1898	726	2624	28%
	12	1414	302	1716	18%
	Totals	7466	3040	10506	29%