

California Department of Education

Executive Office

SBE-003 (REV. 11/2017)

imab-adad-nov21item01

# California State Board of EducationNovember 2021 AgendaItem #04

## Subject

## California Assessment of Student Performance and Progress and English Language Proficiency Assessments for California: Approval of the Proposed Contract with Educational Testing Service for the Administration of the California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California.

## Type of Action

Action, Information

## Summary of the Issue(s)

The California Department of Education (CDE) seeks approval of the proposed contract and budget with Educational Testing Service (ETS). Pursuant to California *Education Code* Section 60643(b), the CDE shall develop, and the State Superintendent of Public Instruction and the California State Board of Education (SBE) shall approve, a contract or contracts to be entered into with a contractor in connection with the tests provided for sections 60640 and 60810. This code section exempts the contract(s) to be entered into from the requirements of the *Public Contract Code* but requires that CDE develop an open and competitive process through which to select the contractor(s) for recommendation to the SBE. This section further provides that the CDE may develop the contract through negotiations. The open and competitive process that was utilized in this case was a four-stage Request for Qualifications (RFQ) process, which has now been completed, culminating in this recommendation before the SBE.

## Recommendation

The CDE recommends that the SBE approve the proposed contract with ETS for the administration of the California Assessment of Student Performance and Progress (CAASPP) and the English Language Proficiency Assessments for California (ELPAC), collectively known as the California Assessment System, and authorize CDE staff to make technical edits to the contract documents as needed prior to its execution.

## Brief History of Key Issues

This item provides a summary of the procurement process for the next assessment contract to develop and administer the CAASPP and ELPAC. The following section details the CDE’s proposed recommendation to the SBE.

The CDE issued an RFQ as a four-stage process to procure its next assessment contract for five administrations of the California Assessment System—the CAASPP and the ELPAC. The four stages are:

* Stage One—Qualification
* Stage Two—Mandatory Demonstrations
* Stage Three—Formal Written Submission
* Stage Four—Negotiations

The process was competitive and open. Standardized scoring criteria were used in stages one through three. The use of the four-stage approach to procure the next assessment contract has allowed for the CDE to identify an assessment contractor with the proven capacity and expertise to successfully implement the California Assessment System. This contract is projected to begin July 1, 2022, allowing for a six-month overlap with the current contract for transition activities, and continue through December 31, 2027.

At its January 2021 meeting, the SBE authorized the CDE, pursuant to stage three, to request a formal written submission from the two potential contractors that passed stage two. This formal written submission was to contain a proposed scope of work, a draft proposed budget, and a transition plan, contingent on the availability of an appropriation for this purpose. The CDE received approval from the SBE to ask potential contractors to include the following goals and priorities in the stage three draft scope of work:

1. Enhance the development and administration of high-quality assessments of the California Assessment System through the 2022–27 school years (e.g., summative, interim, and formative assessments).
2. Continue to improve the robust assessment system to ensure efficient, effective, and accurate results with enhancements to support multiple administration modes.
3. Explore and advance technology solutions that meet system capacity, performance, and usability to the greatest extent possible.

At the July 2021 SBE meeting, the SBE gave approval to begin contract negotiations with the highest ranked potential contractor from stage three, ETS. Negotiations with a potential contractor is the fourth stage of the RFQ process. Staff from the SBE, the Department of Finance, and the CDE participated in the contract negotiations with ETS which took place August 2021 through October 2021, culminating in the proposed contract which is now before the SBE for approval. The proposed contract provides for the following work to be performed by ETS:

* Continuing the development, administration, scoring, and reporting of current assessments:
	+ Smarter Balanced assessment system for English language arts/literacy (ELA) and math, including summative, interim, and formative assessments
	+ California Science Test (CAST)
	+ California Spanish Assessment (CSA)
	+ California Alternate Assessments for ELA, math, and science
	+ Initial and Summative ELPAC, and
	+ Alternate ELPAC​
* Expanding the CSA to include speaking and extended writing​
* Envisioning, developing, and providing new Interim assessments for CAST
* Envisioning, developing, and providing new Interim assessments for ELPAC​
* Enhancing customer care and outreach to educators, administrators, and local educational agency coordinators​
* Improving accessibility and integration of assessment data to CDE and state data systems
* Pilot testing and scaling new assessment types and features
* Reporting for all assessments, including Lexile® and Quantile® measures for Smarter Balanced ELA and math
* Utilizing growth model reporting using SBE approved methodology
* Conducting special research studies to support the validity of the assessment system
* Use research-based strategies to consider augmentation of the CAASPP and ELPAC Student Score Reports as necessary to increase parent or guardian engagement
* Envisioning, developing, and providing a multi-step approach to assessment innovations on performance tasks embedded in learning for the CAST, with interest holder input and SBE approval at key stages of development

The proposed contract with ETS (CN220002), includes a high-level summary, the negotiated scope of work, a budget summary, narrative and budget tables, and additional contractual terms and conditions as provided in Attachments 1 through 9.

## Summary of Previous State Board of Education Discussion and Action

In July 2021, the CDE received approval from the SBE to begin California Assessment System RFQ—Stage Four, Negotiations with Educational Testing Service as determined by the California Assessment System RFQ, Stage Three—Formal Written Submission results (<https://www.cde.ca.gov/be/ag/ag/yr21/documents/jul21item04.docx>).

In January 2021, the CDE received approval from the SBE on the proposed goals and priorities to be included in the California Assessment System RFQ, Stage Three—Formal Written Submission (<https://www.cde.ca.gov/be/ag/ag/yr21/documents/jan21item03.docx>).

In March 2020, the CDE presented the four-stage procurement process for the California Assessment System RFQ (<https://www.cde.ca.gov/be/ag/ag/yr20/documents/mar20item07.docx>).

In November 2018, the SBE approved the amendment to ETS’s CAASPP contract to include the integration of the ELPAC (<https://www.cde.ca.gov/be/ag/ag/yr18/documents/nov18item08.docx>).

In March 2015, the SBE designated ETS as the CAASPP contractor, subject to conditions made in the SBE’s motion (<https://www.cde.ca.gov/be/ag/ag/yr15/documents/mar15item04.doc>).

## Fiscal Analysis (as appropriate)

If the proposed contract is approved by the SBE, the costs for contract activities pursuant to the proposed contract with ETS will be a total of $449,870,785 from fiscal years 2022–23 to 2027–28, a total of six fiscal years. Funding for 2022–23 and beyond will be contingent on an annual appropriation being made available from the Legislature in future fiscal years.

## Attachment(s)

* Attachment 1: Contract CN220002 Executive Summary (5 Pages)
* Attachment 2: Exhibit A: Scope of Work (751 Pages)
* Attachment 3: Educational Testing Service Request for Submission Budget Summary (1 Page)
* Attachment 4: Proposed Budget (26 Pages)
* Attachment 5: California Assessment System, CN220002, Narrative for the Budget Summary (21 Pages)
* Attachment 6: Exhibit B: Budget Detail and Payment Provisions (4 Pages)
* Attachment 7: Exhibit C: General Terms and Conditions (1 Pages)
* Attachment 8: Exhibit D: Special Terms and Conditions (8 Pages)
* Attachment 9: Exhibit E: Additional Provisions (13 Pages)