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## SENATE COMMITTEE ON EDUCATION

Senator Benjamin Allen, Chair

2017 - 2018 Regular

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**Bill No:** SB 494 **Hearing Date:** April 26, 2017  
**Author:** Hueso  
**Version:** February 16, 2017  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Lynn Lorber

**Subject:** Language arts: reading: diagnostic tools and plans

### SUMMARY

This bill requires public schools with less than 50 percent of 4<sup>th</sup> grade students demonstrating proficiency on English language arts standards to ensure that each student's reading proficiency is measured throughout the school year using a formative reading diagnostic tool.

### BACKGROUND

Existing law:

- 1) Establishes the State's assessment system as the California Assessment of Student Performance and Progress and includes, beginning with the 2013-14 school year, a consortium summative assessment in English language arts for grades 3-8 and 11 that measures content standards adopted by the State Board of Education (SBE). (Education Code § 60640)
- 2) Requires the California Department of Education (CDE) to identify and make available to school districts information regarding existing assessments in language arts and mathematics that are aligned to the common core academic standards and appropriate for students in grade 2 for diagnostic use by classroom teachers. Existing law requires the CDE to ensure that the selected diagnostic assessments are valid for purposes of identifying particular knowledge or skills a student has or has not acquired in order to inform instruction and make educational decisions. (EC § 60644)
- 3) Requires the governing board of each school district to adopt a local control and accountability plan (LCAP) using a template adopted by the SBE. Existing law requires each LCAP, to include, for the school district and each school within the school district, both of the following:
  - a) A description of the annual goals, for all students and each subgroup, to be achieved for each of the state priorities and for any additional local priorities identified by the governing board of the school district.
  - b) A description of the specific actions the school district will take during each year to achieve the goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities. (EC § 52060)

**ANALYSIS**

This bill requires public schools with less than 50 percent of 4<sup>th</sup> grade students demonstrating proficiency on English language arts standards to ensure that each student's reading proficiency is measured throughout the school year using a formative reading diagnostic tool. Specifically, this bill:

- 1) Requires, beginning with the 2019-20 school year, public schools that serve students in grades 1-4 with less than 50 percent of 4<sup>th</sup> grade students demonstrating proficiency on English language arts standards to ensure that each student's reading proficiency is measured throughout the school year using at least one of the formative reading diagnostic tools identified pursuant to #10 below.
- 2) Provides that proficiency on English language arts standards is to be based upon the statewide assessment administered the previous school year.
- 3) Provides that the purpose of the formative reading diagnostic tools is to determine if a student has a developmental reading level for that student's grade level.
- 4) Requires a reading plan to be created for each student in grades 1-3 who is not at the appropriate developmental reading proficiency level for the student's grade, as defined by the State Board of Education pursuant to #12 below.
- 5) Requires a reading plan to include all of the following:
  - a) The student's specific, diagnosed developmental reading level that needs to be addressed in order for the student to attain reading proficiency.
  - b) The goals and benchmarks for the student's growth in attaining reading proficiency by the end of grade 3.
  - c) The type of additional instructional services and interventions the student will receive in reading as determined by the school.
  - d) The strategies the student's parent is encouraged to use in assisting their child to achieve reading proficiency that are designed to supplement the additional instructional services and interventions to be provided.
  - e) Any additional services that are deemed available and appropriate to accelerate the student's reading skill development.
- 6) Requires the plan to be created in collaboration with the student's parent and teacher if possible, and as soon as possible after the student's developmental reading level is identified.
- 7) Requires a reading plan to be reviewed at least annually by the school and updated or revised as appropriate to facilitate the student's progress in

- demonstrating reading proficiency.
- 8) Requires a reading plan to be implemented until the student demonstrates reading proficiency.
  - 9) Requires the parent to be provided with a copy of the reading plan with the following information:
    - a) The state's goal is for all children in California to graduate from high school having attained skill levels that adequately prepare them for postsecondary studies or for the workforce, and research demonstrates that achieving reading competency by grade 3 is a critical milestone in achieving this goal.
    - b) If a student enters grade 4 without achieving reading competency, he or she is significantly more likely to fall behind in all subject areas beginning in grade 4 and continuing in later grades. If a student's reading skill deficiencies are not remediated, it is likely the student will not have the skills necessary to complete the coursework required to graduate from high school.
    - c) The parent plays a central role in supporting the student's efforts to achieve reading competency and is strongly encouraged to work with his or her child's teacher in implementing the reading plan, and the reading plan will include strategies the parent is encouraged to use at home to support the student's reading success in order to supplement the intervention instruction the student receives in school.
  - 10) Requires the State Board of Education (SBE), by December 31, 2018, to identify a list of formative reading diagnostic tools that can be used to assess the developmental levels of reading proficiency of students in grades 1-3, in their ability to read proficiently by the end of grade 3.
  - 11) Requires the SBE to post, by December 31, 2018, a list of these diagnostic tools on the California Department of Education's website.
  - 12) Requires the SBE, to define, for a student to have an appropriate "developmental reading level" in grades 1-3, such that the student is not on track to reading proficiency by the end of grade 3, as determined by the formative reading diagnostic tools.
  - 13) States legislative intent to increase the Local Control Funding Formula base rate of funding for K-3 for the purposes of this bill.
  - 14) States legislative intent, that schools serving students in grades 1-3 work with parents and teachers to provide instructional programming, intervention instruction, and support necessary to ensure that students can demonstrate reading proficiency by the completion of grade 3.

- 15) States legislative findings and declaration relative to the importance of reading proficiently by the end of grade 3.

### STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “California is presently facing a literacy crisis. According to 2016 statistics released by the Department of Education, 56% of all California fourth graders do not meet the proficiency standards for reading as set by the Smarter Balanced Test. This problem is magnified for low-income and minority students. Presently, 70% of all low-income fourth graders are not reading at grade level. Amongst minority demographic groups, 68% of all Hispanic fourth graders are not meeting proficiency standards and 73% of all African American fourth graders. To properly grasp the significance of these statistics, it is important to note that Hispanics and African Americans together account for approximately 45% of the state’s total population.”
- 2) ***Increases testing in the era of reduced testing.*** The Legislature passed sweeping reforms to the State’s assessment system in 2013, which eliminated several assessments and eliminated the requirement that state assessments be administered to students in grade 2. The Legislature also imposed a requirement that the California Department of Education (CDE) identify and make available to school districts, information regarding existing assessments in language arts and mathematics that are aligned to the common core academic standards and appropriate for students in grade 2 for diagnostic use by classroom teachers. The CDE was required to ensure that the selected diagnostic assessments are valid for purposes of identifying particular knowledge or skills a student has or has not acquired in order to inform instruction and make educational decisions. Information regarding existing grade 2 diagnostic assessments in English language arts can be found here: <http://www.cde.ca.gov/ta/tg/ai/gd2elatbl1.asp>

The Legislature recently reduced the number of required assessments, and diagnostic assessments are currently available for schools to identify particular knowledge or skills a student has or has not acquired in order to inform instruction and make educational decisions. Should the Legislature reverse its stance by increasing required assessments?

- 3) ***Does not consider English language acquisition.*** This bill makes no provision for the consideration of a student’s level of language acquisition. It is possible that some students who have not met English language arts standards are English learners, which is different than being a native English speaker who is struggling to read. Should reading diagnostics be administered to, and reading plans be developed for, students who are learning English? Could the reading plans be in conflict with instruction and services provided to English learners?

The **author wishes to amend** this bill as follows:

- a) Require the State Board of Education, by December 31, 2018, to identify a list of formative reading diagnostic tools for English learners and in languages other than English for students receiving a majority of their

language arts instruction in a language other than English that can be used by schools to assess students' developmental levels of reading proficiency in grades 1 to 3 and their ability to read proficiently by the end of grade 3.

- b) Requires English language development instruction to continue to be provided to English learners during the implementation of the reading plan.
- 4) ***Diagnostic tools currently available.*** The State's assessment system includes Smarter Balanced summative assessments (required for grades 3-8 and 11), interim assessments that are designed to inform and promote teaching and learning, and a digital library consisting of tools and processes designed to help teachers utilize formative assessments for improved teaching and learning. The California Department of Education has identified information regarding existing assessments in language arts and mathematics that are aligned to the common core academic standards and appropriate for students in grade 2 for diagnostic use by classroom teachers.

This bill requires the State Board of Education (SBE) to identify a list of formative reading diagnostic tools that can be used to assess the developmental levels of reading proficiency of students in grades 1-3. Are the existing diagnostic assessments, interim assessments, and formative assessment tools insufficient? Is it necessary to require the identification of additional diagnostic tools?

- 5) ***How many schools would be affected?*** This bill requires public schools with less than 50 percent of 4<sup>th</sup> grade students demonstrating proficiency on English language arts standards to ensure that each student's reading proficiency is measured throughout the school year using a formative reading diagnostic tool. According to the results of the 2015 Smarter Balanced English language arts assessment, 4,058 out of 6,035, or 67.2 percent, of schools would be affected by this bill. Is it reasonable to impose new assessment and intervention requirements based upon results of an assessment that has been administered in California only since 2014?
- 6) ***Developmental reading level.*** This bill requires the SBE to define what it means for a student to have an appropriate "developmental reading level" in grades 1-3, such that the student is not on track to reading proficiency by the end of grade 3, as determined by the formative reading diagnostic tools. The SBE has established cut-scores or performance levels for certain state-required assessments; the Smarter Balanced Assessment Consortium established the performance standards for the Smarter Balanced assessments in English language arts and mathematics. While there may be a single expectation of performance, this bill requires the SBE to establish performance levels for each identified formative reading diagnostic tool. Is this a reasonable expectation? Would SBE establish developmental reading levels via regulation, or by vote of the SBE?

The **author wishes to amend** this bill as follows:

- a) Change “developmental reading level” to “developmental level of reading proficiency.”
  - b) Provide that the proficiency level should be the proficiency level in the language of instruction for students receiving the majority of their language arts instruction in a language other than English.
- 7) **Reading plans.** This bill requires a reading plan to be created for a student in grades 1-3 who is not at the appropriate developmental reading level for that student’s grade level, as determined by the State Board of Education (SBE). This bill requires a reading plan to include, among other things, the type of additional instructional services and interventions the student *will receive* in reading as determined by the school.

This provision appears to require the development of an individualized education program (IEP)-like document that describes instruction and services that *must be provided* by the local educational agency.

This bill requires the reading plan to be created in collaboration with the student’s parent and teacher, if possible. It is unclear exactly who is to develop the reading plans, and why the parent and teacher are to be involved only *if possible*.

This bill requires a student’s reading plan to be implemented until the student demonstrates reading proficiency. Is “reading proficiency” to be demonstrated via the state assessment in English language arts (the Smarter Balanced assessment), which is administered on an annual basis?

This bill makes no consideration for students who may have an IEP in place. Is there a potential for a reading plan to conflict with the specifications of a student’s IEP?

The **author wishes to amend** this bill as follows:

- a) Clarify that a student’s reading plan is to continue to be implemented until the student demonstrates *an appropriate* developmental level of reading proficiency.
- b) Add the student’s specific diagnosed reading skill deficiency to the required components of the reading plan.
- c) Provide that instructional services include instructional services and interventions appropriate for English learners and for students receiving the majority of their language arts instruction in a language other than English.
- d) Requires the reading plan to be provided in languages other than English if at least 15 percent of the students enrolled in a school speak a single primary language other than English.

- 8) **Local control and accountability plans.** Existing law requires the governing board of each school district to adopt a local control and accountability plan (LCAP), and include in that plan a description of the annual goals, for all students and each student group, to be achieved for each of the state priorities, and a description of the specific actions the school district will take during each year to achieve the goals, including the enumeration of any specific actions necessary for that year to correct any deficiencies in regard to the state priorities.

The State does not require specific assessments be administered to students in grades 1-2; however, there is an expectation that local educational agencies (LEAs) are measuring and evaluating student performance in those grades.

The State Board of Education adopted the evaluation rubrics (now known as the California School Dashboard) in September 2016. The Dashboard allows LEAs to display performance data at the school level and by student group. State Priority 2 relates to the implementation of state standards and is measured by a local indicator. Priority 2 outcomes will be reflected in the Dashboard, which should make it easier for LEAs to identify deficiencies in meeting the goals identified in their LCAPs.

- 9) **Recommendations for a comprehensive assessment system.** The Superintendent of Public Instruction (SPI) released recommendations in March 2016, that could address the problem this bill attempts to solve. Specifically, the SPI recommends that the California Department of Education vet locally developed resources and tools that support implementation of a comprehensive assessment system and provide those resources for local use. The SPI further recommended that the State provide regional assessment support to LEAs on the implementation of the comprehensive assessment tools and resources. These recommendations provide additional supports and tools to LEAs but stops short of requiring LEAs to utilize those supports and tools. (See Comment #13 regarding current legislation that implements the SPI's recommendations.)
- 10) **Other issues of concern.** This bill requires diagnostic assessments to be administered in schools with less than 50 percent of 4<sup>th</sup> grade students demonstrating proficiency on English language arts standards. Performance on the English language arts Smarter Balanced assessment can be disaggregated by domains, such as reading. Should additional reading diagnostics be required based on performance on *all* domains within English language arts?

This bill imposes requirements based upon the results of assessments administered in grade 4, which results are known toward the end of grade 4. Is it appropriate to require the administration of diagnostic assessments to students in grades 1-3 based on the performance of students in grade 4? Is it reasonable to assume that students in grades 1-3 are at risk based on the performance of students in grade 4?

This bill requires schools to measure the reading proficiency of each student in grades 1-3 throughout the school year to determine if a student has an appropriate developmental reading level for that student's grade level. This appears to require the measurement of all students' reading proficiency,

throughout the school year, regardless of the student's performance on the State assessment or on an initial diagnostic assessment. Should the reading proficiency be repeatedly measured for students who have already reached higher performance levels in reading?

This bill uses the term "proficiency," which is no longer used in relation to performance on the state assessment in English language arts (the Smarter Balanced assessment). The State now uses performance levels (Level 1 means the standard was not met; Level 2 means the standard was nearly met; Level 3 means the standard was met; Level 4 means the standard was exceeded).

This bill applies to all public schools with less than 50 percent of 4<sup>th</sup> grade students demonstrating proficiency on English language arts standards. It appears, therefore, that a school may be relieved of the requirements imposed by this bill only once more than 50 percent of the school's students achieve Level 3 or Level 4 on the Smarter Balanced assessment in English language arts.

This bill does not require the identified reading diagnostic tools to be aligned with the State Board of Education (SBE)-adopted common core academic standards.

This bill requires the SBE to identify a list of formative reading diagnostic tools. It would be more appropriate for the California Department of Education (CDE) to identify a list of formative reading diagnostic tools, as it has already identified existing assessments in language arts and mathematics that are aligned to the common core academic standards and appropriate for students in grade 2 for diagnostic use by classroom teachers.

Existing law defines "formative assessment tools" as assessment tools and processes that are embedded in instruction and used by teachers and students to provide timely feedback for purposes of adjusting instruction to improve learning. Existing law defines "diagnostic assessment" as an assessment of particular knowledge or skills a student has or has not yet achieved for the purpose of informing instruction and making placement decisions. Staff understands that only a diagnostic assessment, not tools, would provide a student's developmental level of reading, as required by this bill.

- 11) ***Suggested alternative approach.*** This bill attempts to address a worthy issue; there is no question that reading is a critical skill. However, this bill takes an approach that is contrary to several efforts the State has recently undertaken. As an alternative to the provisions requiring schools to take specified actions, **staff recommends amendments** to instead create a grant program to provide funding to local educational agencies to:
- a) Provide professional development on the existing diagnostic, formative and interim assessment tools that are available from the State, and how to evaluate the data from assessment results, adjust instruction, and create a system of continuous improvement.
  - b) Administer and score the existing diagnostic, formative and interim assessment tools that are available from the State, evaluate the data,



adjust instruction and create a system of continuous improvement.

- 12) ***Fiscal impact.*** According to the Senate Appropriations Committee analysis of nearly identical legislation last year, this bill would impose reimbursable state mandate costs in the hundreds of millions of dollars, and potential administrative costs in the high hundreds of thousands of dollars.
- 13) ***Related legislation.*** SB 544 (McGuire) requires the California Department of Education (CDE) to establish a process for identifying and evaluating locally developed formative assessment tools and other assessments, provide those tools and assessments to local educational agencies for use by educators, and support a regional network to provide support to local educational agencies for the implementation of the comprehensive assessment tools and resources related to the statewide testing program. SB 544 is scheduled to be heard by this Committee on March 29.

AB 761 (Mullin) requires the Superintendent of Public Instruction to develop, and the State Board of Education to adopt, a history-social science assessment to be administered in grades 4, 8, and one of grades 9 to 12. AB 761 is scheduled to be heard in the Assembly Education Committee on April 5.

AB 1035 (O'Donnell) requires the CDE to ensure that pupil performance on the interim assessments described in subdivision (a) is reported by content standard, or by cluster of content standards, for the purpose of ensuring that the information reported is of maximum use to educators in their instructional planning and delivery. AB 1035 is pending in the Assembly Education Committee.

## **SUPPORT**

Children Now (co-sponsor)  
 Reading Partners (co-sponsor)  
 Parent Revolution  
 Reality Changers  
 SIATech  
 #cut50

## **OPPOSITION**

Association of California School Administrators  
 California Federation of Teachers  
 California School Boards Association  
 California Teachers Association  
 SELPA Administrators

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