

# Changes in Law 2019: Assessment and Accountability

As the State Board of Education (SBE) and California Department of Education (CDE) continue to develop and build-out the state's assessment and accountability system, Legislators have mostly held off legislating in these areas, leaving a relatively light load of bills signed into law.

**Alternative Grade 11 assessment bill vetoed again.** Identical to its predecessor **AB 1951** (O'Donnell), which was vetoed by Governor Jerry Brown last year, **AB 751** (O'Donnell) would have allowed the governing body of a local educational agency (LEA) to choose to administer an alternative nationally recognized assessment in lieu of the 11th Grade Smarter Balanced Summative Assessment (SBAC). Currently, the two most common alternative assessments that meet this criteria are the Scholastic Aptitude Test (SAT) and the American College Test (ACT).

The bill, which was supported by a number of LEAs and co-sponsored by the California School Boards Association (CSBA) and the Association of California School Administrators (ACSA), was introduced as a way to increase college attendance rates among those underrepresented in higher education and help address 'test fatigue' among students.

In his veto message, Governor Newsom wrote,

*"Encouraging student access to college and reducing the student testing burden in high school are laudable goals. However, I am concerned that replacing the state's high school assessment with the Scholastic Aptitude Test (SAT) or American College Test (ACT) will have the opposite effect. Specifically, their use exacerbates the inequities for underrepresented students, given that performance on these tests is highly correlated with race and parental income, and is not the best predictor for college success."*

AB 751 touched on a larger debate that is currently going on throughout the state: Should the SAT and ACT still be used for college admission or eligibility purposes? The Governor's veto message also alluded to this current discussion, suggesting that using the SBAC for admission purposes "would be a better approach to improving access to college for underrepresented students and reducing 'testing fatigue.'" The UC currently has a [standardized testing task force](#) looking at whether or not it should make changes to its requirement that all freshman applicants take the SAT or ACT.

**Pupil achievement state priority revised to encourage a student's exposure to a broad range of courses.** Under current law, LEAs, for purposes of their Local Control Accountability Plan (LCAP), are only required to report the percentage of students that successfully completed courses that satisfy either 'a-g' requirements for entrance to the UC and the California State University or that satisfy the requirements of a career technical education (CTE) sequence. The author of **AB 1240**, Assembly Member Shirley Weber (D-San Diego), argued this approach ignores the fact that students benefit from participating in both types of courses. AB 1240 aims to address this "college-prep vs. work-prep" divide by revising the definition of the pupil achievement state priority to also include the percentage of students who have successfully completed courses that satisfy both the 'a-g' requirements and courses and the requirements of CTE sequences.

**Governor signs bills aimed at the "Varsity Blues" college admissions scandal.** In March of this year, news broke of the national "Operation Varsity Blues" college admissions scandal, which saw multiple people arrested on charges of fraud and bribery for actions related to their children's admission in top universities across the country. California was hit particularly hard by the scandal, with 25 of the 33 families initially indicted in the scandal being from California, and 10 of the 17 coaches and university officials originally based at colleges and university located in the state. In response to the scandal, the Assembly introduced a package of bills centered around college admissions reform and oversight. These proposed reforms included

strengthening checks and balances on special admissions, banning preferential admissions for donors and alumni, regulating college admission consultants, and considering phasing out the use of the SAT and ACT for admissions.

The three bills from the package ultimately signed by Governor Newsom seek to address not only the current scandal but also the future of college admissions in California. **AB 136** (Quirk-Silva) is aimed at the parents involved in Operation Varsity Blues and prohibits anyone found guilty as part of the admissions scandal from receiving a tax deduction for any donation made in connection with the scandal. **AB 697** (Ting) deals with preferential admissions and requires any institution of higher learning that receives Cal Grant funds to annually report to the Legislature whether their institution uses any form of preferential treatment in admissions for applicants with relationships to donors or alumni and, if so, requires the institution to also report specific information regarding those applicants. AB 697 was originally intended to go much further by completely prohibiting an institution from receiving Cal Grant funds if it used any preferential admissions based on donor or alumni relationships, but the bill was ultimately amended following concerns that such a prohibition would harm some low-income students without addressing the underlying roots of the scandal.

**AB 1383** (McCarty) tightens the practice of a campus admitting an applicant who does not meet the eligibility requirements for admission but who demonstrates high potential for success and leadership in an academic or special talent program at the campus, also known as "admission by exception." Beginning with the 2020-21 academic school year, a CSU or UC campus would be prohibited from utilizing admission by exception for an applicant unless the admission has been approved by at least three senior campus administrators, the applicant is a California resident who is receiving an institution-based scholarship, or the applicant is accepted by an educational opportunity program.

Another bill in the package, **AB 1312** (Low), sought to regulate college admission consultants by requiring the California Secretary of State to recommend to the Legislature a cost-effective registration process for the regulation of college consultants and college consulting firms, but the bill was held in the Senate Appropriations Committee.

In addition to the bills signed by the Governor, the Assembly also adopted **ACR 64** (McCarty), which asks the Trustees of the CSU and the Regents of the UC to conduct a study of the usefulness, effectiveness, and need for the SAT and ACT for purposes of student admissions.

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The Governor signed the following assessment and accountability bills:

## Accountability

### **[AB 1097 \(Holden\) - Pupil instruction: credit recovery programs: report.](#)**

This bill requires the California Department of Education (CDE), on or before July 1, 2021, to provide a report to the Governor and the Legislature regarding the use of programs that enable pupils to recover credits not earned due to unsuccessful attempts in public school courses, including certain information about the operation of those programs and the pupils participating in those programs.

*Chapter 451, Statutes of 2019*

### **[AB 1240 \(Weber\) - School accountability: local control and accountability plans: state priorities: pupil achievement.](#)**

AB 1240 requires school districts and county boards of education to measure pupil achievement in their respective local control and accountability plans (LCAPs) by separate calculations for (1) the percentage of pupils who have successfully completed courses that satisfy the requirements for entrance to the University of California (UC) and the California State University (CSU), (2) the percentage of pupils who have successfully completed courses that satisfy the requirements for

career technical education (CTE) sequences or programs of study that align with state board-approved CTE standards and frameworks, and (3) the percentage of pupils who have successfully completed both types of courses described in (1) and (2).  
*Chapter 783, Statutes of 2019*

## Assessment

### **AB 1234 (Patterson) - Standardized tests.**

Current law requires a test sponsor of a standardized test, in its annual filing, to provide to a state entity sample test materials (i.e. practice tests) for at least 50% of regular test administrations. This bill would change the required calculation for this 50% requirement to round down to the nearest whole number rather than round up meaning, for example, seven annual test dates would require submission to the state of three sample tests rather than four.

*Chapter 288, Statutes of 2019*

## Varsity Blues

### **AB 136 (Quirk-Silva) - Personal Income Tax Law: deductions: charitable contributions: business expenses.**

This bill, for taxable years beginning on or after January 1, 2014, disallows a charitable deduction for contributions made to a postsecondary institution or to the Key Worldwide Foundation, and a deduction for certain business expenses related to a payment to the Edge College and Career Network, LLC, by taxpayers who meet specified conditions, including that they are named in any of several specified criminal complaints.

*Chapter 511, Statutes of 2019*

### **AB 697 (Ting) - Postsecondary education: reports: preferential treatment: students related to donors or alumni.**

AB 697 requires, on or before June 30, 2020, and on or before June 30 of every year thereafter through 2024, the trustees, the regents, and the appropriate governing bodies of each independent institution of higher education that is a qualifying institution under the Cal Grant Program to report to the appropriate budget subcommittees and policy committees of the Legislature whether their respective institutions provide any manner of preferential treatment in admission to applicants on the basis of their relationships to donors or alumni of the institution. If the institution provides such preferential treatment, the bill requires the institution to also report specified admissions and enrollment information regarding these applicants for the academic year commencing in the previous calendar year.

*Chapter 514, Statutes of 2019*

### **AB 1383 (McCarty) - Public postsecondary education: admission by exception.**

This bill limits the ability of a campus of the California State University (CSU) and, if adopted by the regents by appropriate resolution, the University of California (UC), to admit an applicant through "admission by exception." Admission by exception is admitting an applicant who does not meet the eligibility requirements but who shows high potential for success in an academic or special talent program. Admission by exception will only be allowed when: (1) the admission by exception has been approved, prior to the student's enrollment, by at least 3 senior campus administrators; (2) the applicant is a California resident who is receiving an institution-based scholarship to attend the campus; or (3) the applicant is accepted by an educational opportunity program for admission to the campus.

*Chapter 522, Statutes of 2019*

## **ACR 64 (McCarty) - California State University and University of California: SAT and ACT.**

ACR 64 requests that the CSU Trustees and the UC Regents conduct a study on the usefulness, effectiveness, and need for the SAT and ACT to determine student admissions. The concurrent resolution also provides that the study should include an evaluation of specified admissions eligibility and qualifications measures and testing issue and, if determined necessary, a plan for phasing out the use of the SAT and ACT as a basis for admission.

*Chapter 148, Statutes of 2019*

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*Capitol Advisors Group has produced a series of comprehensive client briefs detailing new education laws that were passed by the Legislature and signed into law by Governor Newsom in 2019. Each brief is organized by subject area and includes an executive summary highlighting major changes we think you should know about. Bills signed by the Governor take effect on January 1, 2020, unless the bill specifically states otherwise.*