

Date of Hearing: April 9, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1234 (Patterson) – As Amended April 1, 2019

SUBJECT: Standardized tests

SUMMARY: Streamlines state reporting requirements for entities who conduct standardized college admission tests in California. Specifically, **this bill:**

- 1) Modifies the information that a testing entity (test sponsor) must make available annually by November 15, either to an appropriate state agency or on the test sponsor's website, as follows:
 - a) Deletes the requirement to provide three copies of each version of the standardized test that was disclosed in the prior testing year, along with corresponding acceptable answers, and instead requires the test sponsor to provide or post sample materials reflective of the content and method of testing, which describe the test, and sample test questions;
 - b) Deletes the requirement to report how many test subjects have taken the test once, twice, and more than twice, and instead requires that the total number of test subject during the testing year be reported;
 - c) Deletes the requirement to provide the number of test subjects who registered for, but did not take, the test;
 - d) Deletes the requirement to report the amount of fees received from test subjects and instead requires that the cost of taking a test to the test subject for that testing year be provided;
 - e) Authorizes the test sponsor, in lieu of providing information regarding both the direct and indirect costs attributable to the test, to instead provide or post the appropriate Internal Revenue Service filing that includes these costs; and,
 - f) Requires that the standard deviation, rather than the standard error of measurement, be provided when reporting national and state average test scores.
- 2) Deletes the requirement to include, with information reported within 90 days after the close of each testing year, when and where the test was administered in the state.
- 3) Modifies the method of determining the number of tests in a testing year that must be released to test subjects following the examination date – currently one-half of the number of examinations offered, rounded up the nearest whole number – to one-half of the number of examinations offered, rounded down to the nearest whole number.
- 4) Makes other technical and conforming changes.

EXISTING LAW: Imposes a number of requirements on test sponsors (defined as any individual, partnership, corporation, association, company, firm, institution, society, trust, or joint stock company) that develop, sponsor or administer standardized tests (defined as any test administered in California at the expense of the test subject and used for purposes of admission to, or class placement in, postsecondary institutions or their programs, or preliminary preparation for those tests). These requirements include specified reporting requirements, specified administration and financial data and information, technical psychometric data, test descriptions with specified information to be provided to test subjects, and other miscellaneous items. (Education Code Section 99150 et seq.)

FISCAL EFFECT: This bill was keyed “non-fiscal” by Legislative Counsel.

COMMENTS:

Background and Purpose. Current California law governing the provision of and reporting on standardized tests was enacted in 1984, and has been left largely untouched in the intervening 35 years. One of the key components of compliance with current law is a requirement that the test provider submit to a state entity in its annual filing sample test materials (i.e. practice tests) including questions and answers (commonly referred to as “retired” test forms) for at least 50 percent of the total number of tests that the provider administers in a calendar year. If that number is not a whole number, the number must be rounded up.

The sponsor of AB 1234, American College Testing (ACT), previously provided six test dates nationally (including California) each year, and therefore had to submit three sample tests to the state. In 2018, ACT added a seventh national test date, in July. This additional testing opportunity could not be offered to California students, however. Under current law as described above, offering the seventh test would have required ACT to submit four sample tests to the state, which would have necessitated ACT’s development of an additional test form. ACT maintains this is cost prohibitive, as the test development cycle takes at least two years and costs over one million dollars.

AB 1234 would allow ACT to offer the seventh test date to California students while still making three retired tests available each year. (ACT indicates that over 1,400 students from California traveled out-of-state last July to take the test.) The bill also streamlines certain reporting requirements, as outlined in the summary above. ACT asserts that some of the information required to be reported since enactment of the statute in 1984 - such as the number of test subjects who completed registration but did not take a test and the number of test subjects who took the test once, twice and more than twice – is of little public value and does not add to the transparency of testing.

It should be noted that, until 2018, test sponsors like ACT were only required to submit the three sample tests, along with meeting the state’s other reporting requirements, to the California Postsecondary Education Commission (CPEC) – a now defunct state agency. ACT indicates that, since the dissolution of CPEC, it has had great difficulty finding a state agency that wanted to accept such materials, which were ultimately provided to the Department of Finance. During the conference committee process leading to the 2018-19 Budget Act, ACT sought the changes proposed in this bill. It was decided that these changes should instead be considered through the policy committee process. However, the higher education trailer bill to the 2018-19 Budget Act (AB 1809, Chapter 33) did add provisions allowing test sponsors, like ACT, the opportunity to

either submit the required materials and reports to “the appropriate state agency” or to post the information on the sponsors’ respective websites.

Aside from the reporting requirements of state law, ACT notes that it provides free online test preparation resources that include full test forms, test-taking strategies, and personalized study plans based on scores from the ACT. (<http://www.act.org/content/act/en/products-and-services/the-act/test-preparation.html>)

REGISTERED SUPPORT / OPPOSITION:**Support**

Clovis Unified School District
Sierra Unified School District

Opposition

None on file.

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