



**LEGISLATION & PUBLIC  
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April 6, 2018

Honorable Patrick O'Donnell  
Chair, Education Committee  
California State Assembly  
Capitol Building, Room 2196  
Sacramento, CA 95814

**RE: AB 1951 (O'DONNELL) – OPPOSE**

Dear Assembly Member O'Donnell:

Disability Rights California (DRC), a non-profit advocacy organization that advances and protects the rights of Californians with disabilities, apologizes for our late position letter. However, we must **regretfully oppose AB 1951**. This bill is scheduled for hearing in the Assembly Education Committee on April 11, 2018.

The Every Student Succeeds Act (ESSA) requires states to assess their students' learning. ESSA provides two options to accomplish this goal: 1) mandated use of state-established test(s); or 2) state-allowed district-level choices between the state test and "nationally recognized" tests, including the SAT and ACT.

AB 1951 is another attempt to adopt the second option in California, namely to require the Superintendent of Public Instruction (SPI) to identify approved nationally recognized tests and to let districts choose between the state test and those approved nationally recognized tests.

Disability Rights California has significant concerns about this measure. First, we have concerns that the bill does not pass muster under the ESSA and its implementing regulations as currently drafted. For example, federal

regulations suggest that only students with the most significant cognitive disabilities should receive an alternate assessment in lieu of the national assessment, in an effort to ensure that students with disabilities are not held to lesser expectations, or given diluted instruction or preparation. However, the language of AB 1951 uses arguably broader language than this. Additionally, the current language of AB 1951 only appears to provide accommodations to students under the Individuals with Disabilities Education Act (IDEA) and omits or overlooks those who require accommodations under Section 504.

Second, we have concerns and questions about how moving to "nationally recognized" tests like the SAT or ACT, which are notorious for denying accommodations requests, will work for students with disabilities (and students who cannot afford these tests and test prep). Will districts have control over the students' accommodations? Will private companies such as Educational Testing Service (ETS) retain that control in the name of controlling the efficacy of their tests?

The language in AB 1951 also states that students with disabilities will not be denied the benefits of participating in the test. How will this provision be enforced in the state and district if a district adopts the ACT or SAT but ETS denies accommodations requests? There seems to be many unanswered questions. The lack of clarity in this measure may negatively impact students with disabilities. For these reasons, DRC opposes this bill. Please contact me if you have any questions about our position.

Sincerely,

A handwritten signature in cursive script, reading "Evelyn M. Abouhassan".

Evelyn Abouhassan  
Senior Legislative Advocate  
Disability Rights California

cc: Sophia Kwong Kim, Chief of Staff, Office of Assembly Member  
O'Donnell  
Honorable Members, Assembly Education Committee  
Rick Pratt, Chief Consultant, Assembly Education Committee