

DRAFT

Honorable Delaine A. Eastin
Superintendent of Public Instruction
California Department of Education
721 Capitol Mall
Sacramento, California 95814

Dear Superintendent Eastin:

I am pleased that we had the opportunity to discuss the outcome of the review of California's final assessment system under Title I of the Elementary and Secondary Education Act (Sections 1111(b)(3) and 1116(a)).

As you know, these requirements were adopted as part of the major overhaul of Title I undertaken by Congress and the Administration in 1994. The statute requires each state to implement a system of challenging content and performance standards, aligned assessments and school accountability for all students by the coming school year. Research and experience demonstrate that such a coherent, standards-based system is necessary to improve education, especially for the most disadvantaged students, and ensure that Federal funds are invested effectively.

The documentation of California's assessment system was carefully reviewed by a group of external reviewers with strong expertise and experience in the design of state assessment systems. Based on the evidence that was submitted and the recommendations of the peer reviewers, it appears that California is not in compliance with the Title I requirements, and will not be able to meet them by 2000-01 school year. Before making a final determination on this matter, and in order to determine how we can best work together to help California meet the requirements, I want to make sure that we have a complete and accurate understanding of California's approach and progress to date, and that you have an opportunity to provide additional information or to correct any misunderstanding we may have. Below is a summary of what we have found based on our review of the available evidence.

Performance Standards

Title I requires States to have adopted performance standards that include at least three performance levels (e.g., partially proficient, proficient and advanced). Guidance previously issued by the U.S. Department of Education indicates that good performance standards also include performance descriptors (narrative descriptions of the performance levels), exemplars of student work, and cut scores.

Based on a review of the available evidence, California does not have performance standards, though it does plan to develop them. The material we reviewed does not include a specific process or timeline for developing performance standards. The

experience in other states suggests that the development of performance standards is usually completed some six months to a year after the final assessments are administered.

Final Assessment System

Title I requires that each State have final assessments in place by the 2000-2001 school year. These assessments must be aligned to the State's content and student performance standards, and be administered annually to students in at least one grade in each of three grade ranges—grades 3 through 5, grades 6 through 9, and grades 10 through 12.

Our review indicates that California will only have a portion of its final assessment system in place on time. California has proposed an assessment system that includes the Stanford 9 in reading and math in grades 2 - 11, the Star 2000 Standards-Based test, a High School Exit Exam, the English Language Development Test, the Applied Academic Skills test and a direct writing assessment. The only component that is currently in place is the Stanford 9; however, the other components to be implemented are necessary to ensure that the assessments are properly aligned with California's content and student performance standards and cover all grade spans. Our reviewers estimate that, based on the experience of other States and the development work still to be done, California will require at least two more years to complete the necessary item development and try-out, pilot testing, bias and technical reviews, test administration, scoring of assessments and documentation of technical quality of the assessment before the full assessment would be ready for implementation. This timeline is inconsistent with the Title I requirements.

Alignment

Title I requires that final assessments be aligned with content and performance standards in at least math and reading/language arts, as well as any other subject area in which a State has adopted standards. California provided the blueprints for the Stanford 9, and our reviewers concur with your own judgment that the Stanford 9 alone is not adequately aligned with State content standards in reading and math. However, there was not sufficient information provided regarding either the augmentation of the Stanford 9 in grades 2-11 or any of the other planned components in the assessment system, to enable us to understand how each component would ultimately contribute to a system of assessments clearly aligned to State standards. Therefore, at present the State's assessments are not aligned with State content standards. In addition, while it is clearly the State's intent that the additional components of the assessment system to be developed will correct that situation, we cannot tell if there is a clear and specific plan for accomplishing this purpose.

Technical Quality

Title I requires that the State assessments be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments. Reviewers are confident that this information is readily available for the Stanford 9, and we request that such

information be provided. In addition, we would like to know if, in contracts that have been or will be awarded for the development of other components of the assessment system, the State has instructed its contractors to examine technical quality such as validity, reliability, fairness/accessibility, comparability of results, administration, scoring, analysis and reporting procedures.

Inclusion of All Students

Title I requires that final assessments must provide for the participation of all students in the grades being assessed. Title I specifically requires the inclusion of LEP students in final assessments and makes clear that States must assess LEP students, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what they know and can do in subjects other than English. Furthermore, Title I requires States to provide reasonable adaptations and accommodations for students with diverse learning needs, including LEP students and students with disabilities. In particular, States are expected to demonstrate in their submissions evidence that:

- State policies guarantee that each LEP student is included in the State assessment system.
- The State has a comprehensive policy governing the use of testing accommodations.
- For students with disabilities whose IEP or Section 504 placement teams have determined that the standard state assessment would not appropriately show what those students know and are able to do, the State has a statewide alternate assessment system or a comprehensive State policy governing locally developed alternate assessments.
- The State includes in its accountability system all students in the grades being assessed.

California's submission lacked sufficient information on a number of issues that address the above points. For example, California has proposed an English Language Development Test; however, the material provided extremely limited information about the use of this assessment. The submission also lacked adequate information to determine whether the State has clear policies on appropriate accommodations for students with disabilities and LEP students. It also did not provide information on: (1) state-wide participation rates for LEP students and students with disabilities; (2) the availability of native language assessments for some LEP populations that yield valid results; (3) policies on accommodations offered to students with disabilities and LEP students that reflect the instructional approaches used with those students; (4) how alternative assessments are being developed and used in the accountability system; and (5) how the state monitors the application of inclusion policies at the local level.

Moreover, the information that was provided strongly suggests that many LEP students and students with disabilities are excluded from the State's accountability system, even though they are tested in some manner. It is our understanding that the Stanford 9 scores are used in the accountability system only if the test is given under standard

administration procedures. However, a record -- and therefore a student -- is excluded from the accountability system if the following accommodations are used: Braille, flexible scheduling, revised test format, use of aids and/or aides. School districts may administer the Spanish Assessment of Basic Education (SABE) test to LEP students that have been in the State less than a year; however, these scores are not used in the accountability system. More generally, it appears that LEP students may be included in the Stanford 9 testing program -- regardless of whether the manner and form of assessment is appropriate in light of the students' language proficiency and language of instruction, but we do not know if these test scores are included in the school performance index. Additional information that clarifies these issues will be particularly important.

Reporting and Using Assessment Results in Accountability

Title I requires that States provide individual student interpretive and descriptive reports on the attainment of student performance standards set by the State. Since California does not have performance standards, individual student reports are now based only on national percentile ranks and items correct, which do not allow for an assessment of student performance relative to the State standards. Thus, it appears that California does not meet this requirement.

Assessment results are also required to be disaggregated within each State, local educational agency, and school. The Title I statute spells out the categories for reporting results, including by gender, major racial and ethnic groups, English proficiency status, and migrant status. It also requires that students with disabilities be compared to nondisabled students, and economically disadvantaged students be compared to students who are not economically disadvantaged. California provided examples of reports from several schools, but not for the State and for local educational agencies. Based on these examples, it is not clear that disaggregated information for migrant students, non-disabled students and non-disadvantaged students are included in the reports.

There are several additional reporting requirements for which there is not yet complete information. Title I requires each State plan to demonstrate that the State has developed or adopted a set of high quality, yearly students assessments that will be used as the primary means of determining the adequate yearly performance of each local educational agency and school served by this part. Because only part of California's final assessment system is in place, it is not yet possible to determine how the assessments will be used in the accountability system.

Title I requires that all schools be held accountable for student performance. Small schools present special challenges for accountability, because the number of students is often too low to allow for reliable school test scores, especially for different subgroups. However, according to the material we received, California has not demonstrated how it will include small schools in its accountability system.

Title I requires that state assessment systems shall include, for determining the progress of the LEA, students who have attended schools in the LEA for a full academic year. California seems to require students to be in a district for more than one academic year before including them in the State accountability system.

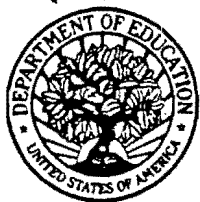
It is important that we have a complete and accurate understanding of California's assessment system for Title I before we proceed. Therefore, please provide us with any additional evidence or clarification in the areas identified. This additional information is requested within 30 days.

We fully recognize that in California, responsibility for designing the State's approach to standards, assessment and accountability is shared by a number of branches of State government and governing bodies, each of which may act independently of the others and without attention to Federal program requirements. This may help account for a number of the concerns cited above. Nonetheless, it is important that California, like other states, implement a coherent approach to standards, assessment and accountability that includes all students, in order to meet the Title I requirements. We look forward to working with you and other California officials as appropriate to help achieve this objective.

Sincerely,

Michael Cohen

Enclosure



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

REQUIREMENTS FOR TITLE I FINAL ASSESSMENT SYSTEMS
February 2000

The 1994 reauthorization of the Elementary and Secondary Education Act included a fundamental overhaul of the Title I program, to ensure that students served by Title I are held to the same high expectations and challenging standards that States set for all other students. In particular, States are required to develop and implement challenging content standards, aligned assessments, and, based on these assessments, procedures for identifying and assisting schools that fail to make adequate progress toward helping students reach state standards. Congress required States to phase in these requirements over time, and to fully implement all of the requirements by the beginning of the 2000 – 2001 school year. Every State that applied for Title I funds since this law was enacted in 1994 agreed to fulfill these requirements on time.

OVERVIEW OF TITLE I REQUIREMENTS

Title I requires States to meet the following requirements related to standards, assessments and school accountability:

Content Standards. States are required to develop challenging content standards that describe what students must know and be able to do, in at least mathematics and reading or language arts. All students attending Title I schools must be held to these high standards. Content standards were to be in place by the 1997-98 school year

Performance Standards. States are also required to develop performance standards for at least three levels: partially proficient, proficient, and advanced. While Title I law required performance standards to be in place by the 1997-98 school year, many states received waivers from the Department in order to allow them to develop performance standards in conjunction with their aligned assessments (see below).

Aligned Assessments. States are required to implement assessments aligned with the content and performance standards in at least mathematics and reading or language arts. The Title I statute (Section 1111(b)(3)) requires State assessment systems to have the following characteristics:

- **Single assessment system.** If a State uses an assessment system to measure the performance of all students, it must use the same assessment system to measure the performance of students in Title I schools modified, if necessary, to meet the Title I requirements. In the absence of such a State system, an assessment system that meets Title I requirements must be developed for students in schools served by Title I.
- **Multiple measures.** The State assessment system must use multiple measures of student performance, including measures that assess higher order thinking skills and understanding, in order to enhance alignment with State standards and to provide more accurate and reliable information on what students know and can do.

- **Administered in elementary, middle and high schools.** States must administer assessments at some time during grades 3 through 5, grades 6 through 9, and grades 10 through 12.
- **Technical quality.** The State assessment system must only be used for purposes for which such assessments are valid and reliable, and must be consistent with nationally recognized professional standards of technical quality, such as the 1999 *Standards for Educational and Psychological Testing*, published jointly by the American Educational Research Association, American Psychological Association, and National Council on Measurement in Education.
- **Include all students.** Students with disabilities and limited English proficient (LEP) students must be included in the State assessment system, and they must be assessed against the same standards as all other students.
 - State assessments must provide for reasonable adaptations and accommodations for students with diverse learning needs, including LEP students and students with disabilities, if necessary to validly measure the performance of such students.
 - LEP students must be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what they know and can do in subjects other than English.
- **Disaggregated reporting.** For purposes of public reporting, assessment results must be disaggregated within each State, local educational agency, and school by gender, each major racial and ethnic group, English proficiency, migrant status, disability, and economic disadvantage. Local educational agencies must produce for each Title I school performance profile that includes statistically-sound, disaggregated results, and they must publicize and disseminate such profiles to teachers, other school staff, parents, students, and the community.
- **Individual student reports.** The State assessment system must provide individual student reports, including tests scores and other information on the attainment of student performance standards, so that teachers and parents can help individual students improve performance.

Accountability. The State assessment system must be the primary means of determining each local educational agency and school served by Title I has made adequate yearly progress (AYP). Adequate yearly progress must be defined by the State to result in continuous and substantial yearly improvement in student achievement. For each school, this must take into account the assessment results of all students in the grades tested who have attended the school for at least a full academic year. For each local educational agency, it must take into account the assessment results of all students who have attended school in the district for at least a full academic year, even if they have attended multiple schools within the district. Local educational agencies are required to fulfill a number of responsibilities, including identifying for improvement schools that fail to make AYP for two consecutive years, providing technical assistance to help schools develop and implement improvement plans, and taking corrective action to improve schools that fail to make AYP for three consecutive years following identification for improvement.

REVIEWING STATE ASSESSMENT SYSTEMS

States are required to implement final assessment systems by school year 2000 – 2001, and to provide the Education Department with evidence that their systems fully meet the Title I requirements by September 1, 2000. States are strongly encouraged to submit evidence of compliance as soon as possible, to ensure a timely review and to make the review process as helpful as possible. The Education Department will rely on nonfederal expert peer reviewers to review State assessment evidence and advise the Secretary as to whether the State has satisfied the requirements. Peer reviewers will thoroughly review each State's evidence and may contact appropriate State personnel for clarification of issues. Reviewers may also conduct an on-site visit to fully understand a State's assessment system if aspects of the evidence are unclear or at any State's request.

ENSURING COMPLIANCE

These requirements are at the heart of a five-year effort to strengthen Title I and to improve education for our most disadvantaged students. The Education Department has a statutory obligation to require States to comply with the law. Recognizing that some States are having difficulty meeting the statutory timeline for implementing final assessment systems, the Department is prepared to work with States to resolve possible compliance issues—for example, by allowing a one-year extension of the implementation deadline if needed to correct problems identified by a field test, pursuant to section 1111(b)(6)(C) of Title I. However, in the absence of a clear commitment, significant action, and demonstrable movement towards meeting the Title I requirements, the Department is prepared to use various mechanisms to ensure compliance, taking into account the specific circumstances of each State. These mechanisms include conditional approval of program applications, withholding program or administrative funds, providing partial funding of Title I programs through installment payments based on meeting specific conditions, and compliance agreements. In short, the Department expects each State to abide by the commitments it made five years ago when it chose to receive Title I funds.

SUMMARY GUIDANCE ON THE INCLUSION REQUIREMENT FOR TITLE I FINAL ASSESSMENTS

In the 2000-01 school year, each State must have in place a Statewide assessment system that serves as the primary means for determining whether schools and districts receiving Title I funds are making adequate yearly progress toward educating all students to high standards. Statewide assessment systems must satisfy statutory requirements for technical quality, alignment, and disaggregated reporting of results (among other requirements). Assessment systems must also meet a set of "inclusion" requirements. Section 1111(b)(3)(F) of Title I says that State assessments shall provide for:

- (i) the participation in such assessments of all students;
- (ii) the reasonable adaptations and accommodations for students with diverse learning needs, necessary to measure the achievement of such students relative to State content standards; and
- (iii) the inclusion of limited English proficient students who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what such students know and can do, to determine such students' mastery of skills in subjects other than English.

Section 1111(b)(3)(G) makes clear that the only category of students who are exempt from State assessments are students who have not attended schools in the local educational agency for a full academic year.

Inclusion of LEP students. The fundamental requirement is that each State must include in its assessment system all LEP students in the grades being assessed. Section 1111(b)(5) requires, as an initial step toward meeting this requirement, that "[e]ach State plan shall identify the languages other than English that are present in the participating student population and indicate the languages for which yearly student assessments are not available and are needed." Under section 1111(b)(5), States must "make every effort to develop such assessments and may request assistance from the Secretary if linguistically accessible assessment measures are needed." Similarly, section 1111(b)(3)(F) requires States to assess LEP students, to the extent practicable, in the language and form most likely to yield valid results. That section also requires States to provide reasonable accommodations and adaptations necessary to measure the achievement of LEP students relative to State content standards. Given these requirements, States must choose the most valid option for assessing each LEP student, keeping in mind that the purpose of assessment under Title I is to measure school and district performance, not to hold individual students accountable for their performance.

- In some instances, the State may assess an LEP student in English without accommodations or adaptations—i.e., administer the standard assessment. This may occur when a student is classified as "LEP" (by State or Federal definition) but is found to have adequate oral and written English proficiency such that the standard assessment would yield valid results. Moreover, this approach may be the most appropriate option for LEP students who receive instruction in English without accommodations.

- In other instances, the State may assess an LEP student in English with reasonable accommodations, if this would provide the most valid and reliable assessment of these students' achievement relative to State content standards. Accommodations might include extra time, small group administration, oral reading of questions in English, use of bilingual word lists or dictionaries.
- If native-language assessment is practicable, and if it is the form of assessment most likely to yield valid results, then a State must utilize such assessments.

In those rare instances where testing in a native language other than English is necessary to yield accurate and reliable results, but doing so is not practicable, States may use other measures to assess LEP students' progress, including classroom performance measures such as portfolios, teacher observation checklists, and student performance evaluations. A State may only use classroom performance measures if the State presents evidence that those measures are valid and reliable and hold LEP students to the same high standards as other students and that scores from those measures, like scores from any other assessment approach, will be included in the assessment system for purposes of public reporting and school and district accountability.

Inclusion of students with disabilities. Like LEP students, all students with disabilities must be included in the State assessment system. Individualized education program (IEP) teams or section 504 placement teams are responsible for determining whether a student is able to participate in the standard assessment, and if so, what (if any) accommodations are appropriate. The State's obligation is to provide reasonable accommodations necessary to validly measure the achievement of students with disabilities relative to State standards. In those infrequent cases when an IEP team or section 504 team determines that standard assessments, even with reasonable accommodations, do not provide a student with an opportunity to demonstrate her or his knowledge and skills, then the State or school district must provide an alternate assessment. Whatever assessment approach is taken, the scores of students with disabilities must be included in the assessment system for purposes of public reporting and school and district accountability.

State submissions of evidence. The inclusion requirement under Title I has significant implications for State assessment policies and practices. The following four points clarify the policies and practices that States are expected to demonstrate in their submissions of evidence in order to achieve compliance with the inclusion requirement:

- *State policies must guarantee that each LEP student is included in the State assessment system.* LEP students are to be provided an individualized determination of the most appropriate language and form of assessment for that student, based on English language proficiency, native language proficiency, language and format of their current instructional program, or other relevant factors. Whether an LEP student should be tested with the State assessment, the State assessment with accommodations, or (to the extent practicable) a native language assessment will depend on which assessment most validly and reliably measures her or his knowledge and skills. In no instance may a State assess an LEP student against content or performance standards less rigorous or less demanding than the standards applicable to all other students. Accordingly, a

blanket State exemption policy for LEP students for Title I purposes, whether permissive or mandatory based on time in U.S. schools or time in English instruction, would not meet the Title I requirements.

- *Each State must have a comprehensive policy governing the use of testing accommodations.* While it is important that school and district officials have some flexibility in choosing accommodations, States must develop policies to ensure that local officials use accommodations appropriately and consistently, based on the needs of individual students. Moreover, States must ensure consistency and appropriateness in the use of accommodations through technical assistance, monitoring, and data collection. A comprehensive State policy is one that makes clear (a) the range of accommodations local officials may use, (b) for what type of student and under what conditions each accommodation may be used, (c) instructions for the proper use of each accommodation, and (d) reporting requirements to enable the State to track and evaluate the use of accommodations.
- *For students with disabilities whose IEP or Section 504 placement teams have determined that the standard state assessment would not appropriately show what those students know and are able to do, each State must have a Statewide alternate assessment system or a comprehensive State policy governing locally developed alternate assessments.* Alternate assessments must be valid, reliable, and, to the maximum extent appropriate, aligned to State content and performance standards. In addition, States must monitor and collect data from school districts to ensure the proper use of alternate assessments; they must publicly report the results of alternate assessments; and they must integrate the results of alternate assessments into their accountability systems.
- *Each State must include in its accountability system all students in the grades being assessed.* State assessment systems must assign a score, for accountability purposes, to every student who has attended school within a single school district for a full academic year. If a student has attended multiple schools within a district during a single academic year, the student's score shall be used only for purposes of district (not school) accountability. In their submissions of evidence, States must explain how scores from alternate assessments are integrated into their accountability systems. Furthermore, assessment results for LEP students and students with disabilities must be disaggregated and reported publicly.

These four points focus on areas that merit particular attention in light of current State policies and practices. Compliance with these four requirements will be deemed compliance with the Title I inclusion requirement. Of course, compliance with the inclusion requirement is only a necessary, not sufficient, condition for meeting the Title I final assessment requirements overall.