



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

June 30, 2006

Dear Chief State School Officer:

Thank you for your participation in the standards and assessment peer review process under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). Over the past few years, each of you has been working diligently to accomplish an important step in the implementation of NCLB—the valid and reliable measurement of student achievement. We have made great strides. This school year, every State administered assessments in each of grades 3 through 8 and once in high school in both reading/language arts and mathematics. Further, each of you made a significant effort to prepare these assessments and the standards to which they relate for a thorough and rigorous peer review by a panel of experts in the field.

That said, we have not all crossed the finish line. A number of States have yet to demonstrate that their full complement of standards and assessments meets specific NCLB requirements. I want to take this opportunity to explain how we hope to get each State successfully across that finish line by discussing the next steps in the Department's review process.

I must stress several points at the outset. First, we cannot afford to delay. The goal of having all students reach grade-level standards by 2013-14 is an urgent one, and having an approved system is an essential step toward that goal. Thus, we ask that you do everything in your power to come into compliance as quickly as possible.

Second, we want to work with you. We understand that implementing a valid and reliable system is no easy task, so the Department will provide extensive assistance as you complete this important requirement.

Third, as further discussed below, if you believe our determination of your current status is wrong, do not hesitate to contact us. The Department is willing to examine new information and reconsider the designation throughout the period following initial notification.

As part of our grant allocation process, we determined the current approval status of each States' standards and assessment system as of July 1. This provides a timely opportunity for us to determine what needs to be completed so that every State can receive full approval as soon as possible.

As of July 1, 10 States have received *Full Approval* or *Full Approval with Recommendations* and four States have received *Approval Expected*. We expect these numbers to grow over the next few months as States submit additional evidence showing that they have completed the NCLB requirements.

Of the remaining States, 36 are in *Approval Pending* and two are *Non-Approved*, based on (1) whether the State will be able to administer a fully approved assessment system in the 2006-07 school year (which is the expectation for the majority of States), and (2) the number of

fundamental components that are currently missing or that do not currently meet statutory or regulatory requirements. Notably, the Department has further categorized *Approval Pending* States according to whether they have one, two, or three or more such issues.

Our goal is to ensure that States in an *Approval Expected*, *Approval Pending* or *Non-Approved* status receive full approval of their standards and assessment system as soon as possible. To that end, we have established certain requirements in each category, which are explained in detail in the individual State notification letters. Additional information about these requirements, the timeline for their completion, as well as how States may request reconsideration of these requirements is available in an appendix to this letter.

The Department has also scheduled the following peer reviews: September 2006, January 2007, March 2007 and May 2007. Others may be scheduled once we have State timelines in hand and have a better understanding of when States will be ready to submit the appropriate information demonstrating that their systems can be fully approved.

We recognize the challenges that you face as you work to implement valid and reliable standards and assessment systems. As such, we would like to offer a wide range of technical assistance, particularly in those areas that have proven to be especially challenging: ensuring the technical quality of all assessments; establishing comparability between different forms of assessments; appropriately assessing limited English proficient students; developing alternate assessments based on alternate achievement standards for students with the most significant cognitive disabilities; and organizing assessment materials for peer review.

Department assistance in these important areas will include making site visits to your States; facilitating the sharing of successful assessment strategies among States; and encouraging the use of technical assistance from the Comprehensive Centers where States can receive face-to-face help. Additional plans and information about technical assistance will be forthcoming. With this assistance in place, we are confident that each of you will be able to implement a valid and reliable system. We look forward to working with you towards this important goal.

Sincerely,



Henry L. Johnson

Enclosure

Additional Information on Requirements for States in *Approval Expected*, *Approval Pending* and *Non-Approved* Status

States in *Approval Expected*, *Approval Pending* or *Non-Approved* status will have conditions placed on their Title I, Part A grants.

Approval Expected

For *Approval Expected* States, this grant condition requires them to submit a plan and timeline for meeting the remaining requirements to achieve full approval. The Department has asked these States to complete the plans and timelines within 25 business days from the receipt of their individual letters. However, the Department is willing to work with States that may require additional time.

Approval Pending

For *Approval Pending* States, this means having special conditions placed on their grants, pursuant to 34 C.F.R. §80.12. These conditions will require States to submit a plan and timeline for bringing their systems into compliance. If a State does not complete the steps outlined in its timeline, it will be subject to a withholding of a portion of its Title I, Part A State administrative funds.

All affected States have 25 business days to submit their plan and timeline. During this period, they may also request reconsideration of their status and the conditions placed on their grants. In requesting reconsideration, a State may: (1) ask the Department to reexamine evidence that has already been submitted; or (2) submit additional evidence that would potentially reduce the amount of outstanding issues or change the State's status. The Department intends States to have final plans completed within this five-week period, but we understand that this may not always be possible, especially for States that have requested reconsideration and had their status change during the period. The goal is simply to have plans in place as soon as possible so that States have sufficient time to finish the work before the 2006-07 assessment administration.

As mentioned earlier, the Department has made a distinction among States in the *Approval Pending* category depending upon the number of major issues that are outstanding. Most States in this category have fewer than three issues to resolve by the end of the 2006-07 school year. For them, the primary focus should be on developing a plan and a timeline that ensures completion of the requirements in the next school year. There is no immediate withholding action, provided States complete the timeline agreed upon with the Department.

For the others in this category that have three or more major issues, we intend to withhold 10 percent of a State's Title I, Part A administrative funds if it cannot provide information that demonstrates that its system does, in fact, meet requirements. These States have 20 business days to show cause why the Department should not withhold 10 percent of their funds. As they attempt to show cause, they will also be granted an automatic opportunity to request reconsideration of the conditions that have resulted in our intent to withhold funds. Once we have made a determination about this possible withholding action, we will then work to establish the plan and timeline for completing the assessment requirements by the 2006-07 school year. Irrespective of the ultimate withholding decision, these States will need a plan and timeline for completing all requirements. We strongly encourage you to work on that plan, even while other discussions are continuing.

Non-Approved

States whose current standards and assessment system is *Non-Approved* will also have 20 business days to attempt to show cause why the Department should not withhold 25 percent of a State's Title I, Part A administrative funds. In addition to that process, we will work with them to negotiate a Compliance Agreement that will bring their system into full compliance within the next two to three years.