

State Standards and Assessment Update

June 2008

"Keeping America competitive in the 21st century depends on leaving no child behind. We can't prepare students for the global economy if we don't get them to grade level first. Ninety percent of the fastest-growing jobs require postsecondary education. And, we can't help more students realize the dream of college if we don't teach them how to read and do math first."

— U.S. Secretary of Education Margaret Spellings

High-quality state assessment systems are the cornerstone of No Child Left Behind. They make it possible for school systems to collect data on student achievement, in order to accurately diagnose where students are doing well and where they are doing poorly. This provides a wealth of information that teachers, administrators, and policymakers can use to customize and improve education, and to target federal resources and interventions to those students who are most in need of help. **By setting standards and holding schools accountable for getting their students on grade level, states can ensure that no child is left behind to progress through life lacking the basic skills needed in our increasingly competitive, global economy.**

As of today, 32 states have implemented high quality standards and assessment systems, which have received the status of Full Approval or Full Approval with Recommendations. The systems of three additional states have been designated Approval Expected because those states have submitted evidence demonstrating that their standards and assessment systems will likely meet the NCLB requirements. Although these states need to complete minor elements of their systems, the Department expects that the additional evidence regarding those elements will also demonstrate full compliance. The Department appreciates the hard work that state assessment directors, Title I directors, and others have done over the last few years to achieve these results.

Unfortunately, **it is unlikely that all of the remaining states will have fully approved standards and assessment systems by the end of the 2007–08 school year.** In addition, some states that have fully approved standards and assessment systems may revise their standards or assessments in ways that result in systems that do not meet all NCLB requirements. Accordingly, **the Department will continue its practice of designating states to reflect their level of compliance with NCLB's requirements for standards and assessment systems.** The Department strongly encourages all states that are not currently fully approved, as well as those states making any significant modification to their approved standards and assessment systems, to submit all available evidence to the Department as soon as possible for peer review. The Department will schedule a rolling review whenever a state has evidence necessary for review. As always, **the Department remains available and willing to provide technical assistance to all states** for all aspects of their standards and assessment systems.

The Department's designation system reflects our continuing effort to faithfully enforce NCLB while, at the same time, recognizing the complexities surrounding the development of standards and assessment systems. To further aid in this effort, the Department has revised its peer review process for standards and assessments so as to provide more feedback and greater transparency to states. In addition, Secretary Spellings recently created the National Technical Advisory Council to advise the Department on technical aspects regarding standards, assessments, and accountability.

Below are the designations and associated consequences for standards and assessment systems administered in the 2007–08 school year.

Full Approval or Full Approval with Recommendations

A state that has a standards and assessment system that is Fully Approved or Fully Approved with Recommendations does not need to take any additional action unless the state makes significant changes to its standards and assessment system, as outlined in Assistant Secretary Briggs' letter of February 28, 2008.

Approval Expected

A state that administered a standards and assessment system in 2007–08 that appears to be fully compliant with statutory and regulatory requirements based on the evidence submitted to date, but which still needs to complete certain minor elements of the system, all of which are also expected to be fully compliant with NCLB requirements, will have its system designated Approval Expected. A state in this category must provide to the Department a timeline for the completion and submission for peer review of the evidence necessary to resolve all outstanding matters. The state must complete the work described in the timeline and submit evidence for peer review as soon as possible, but no later than prior to the administration of its assessments in 2007–08. A state in this category will have a condition placed on its fiscal year 2008 Title I, Part A grant award. In the event the additional evidence submitted does not demonstrate that the state has administered a fully compliant system, the state would then be designated Approval Pending.

Approval Pending

A state that administers a standards and assessment system in 2007–08 for which the evidence submitted indicates it does not meet all of the NCLB requirements will have its system designated Approval Pending. As set forth below, one of three possible sets of consequences will attach to that designation, depending on the state's prior and current non-compliance:

1. The state had a fully approved assessment system prior to 2007-08 but made changes that do not meet NCLB requirements: As a state makes changes to its approved assessment system, it may administer a new assessment(s) that does not meet all NCLB requirements. If this is the case for the 2007-08 school year, the state will have a condition placed on its fiscal year 2008 Title I, Part A grant award and will be placed under Mandatory Oversight, pursuant to 34 C.F.R. §80.12. In addition, because the state is not in compliance for 2007–08, the state will be required to submit a timeline detailing how it intends to come into compliance and administer a fully approved standards and assessment system in the 2008–09 school year. The mutually acceptable timeline should include how, when, and by whom the work necessary to have a fully approved standards and assessment system will be accomplished. If a state in this category fails to meet its timeline, or fails to administer a fully compliant assessment system in 2008–09, the Secretary may take any action authorized by law, including, without limitation, initiating proceedings pursuant to her withholding authority under section 1111(g)(2) of the ESEA.

Given that a state in this category had met all standards and assessment requirements prior to 2007-08, it will remain eligible to participate in Departmental pilots for the 2008–09 school year.

2. The state's assessment system is not fully approved but the state can resolve all remaining issues by the 2008–09 assessment administration: A state in this category will have a condition placed on its fiscal year 2008 Title I, Part A grant award and will be placed under Mandatory Oversight, pursuant to 34 C.F.R. §80.12. In addition because the state did not come into compliance within the 2007–08 school year, the state will be required to enter into a Memorandum of Agreement (MOA) with the Department detailing how it intends to come into compliance and administer a fully approved standards and assessment system in the 2008–09 school year. The MOA will include a mutually acceptable timeline for how, when, and by whom the work necessary to have a fully approved standards and assessment system will be accomplished. The state will also be required to submit quarterly reports of its progress along this timeline, as well as evidence demonstrating this progress, for review by external peers and Department staff. If a state in this category fails to comply with any material term of the MOA, as identified by the parties, the Secretary may take any action authorized by law, including, without limitation, initiating proceedings pursuant to her withholding authority under section 1111(g)(2) of the ESEA.

A state in this category will remain ineligible to participate in Departmental pilots until it has a fully approved standards and assessment system.

3. The state's assessment system is not fully approved and the state cannot resolve all remaining issues by the 2008–09 administration: Any state with significant issues with its assessment system that cannot be resolved for the 2008–09 administration of the assessments will have a condition placed on its fiscal year 2008 Title I, Part A grant award and will be asked to enter into a Compliance Agreement with the Department. A compliance agreement is a statutory remedy authorized by section 457 of the General Education Provisions Act, 20 U.S.C. §1234f. Its purpose is to allow a state to continue to receive funding while it comes into full compliance with applicable requirements as soon as feasible, but in no less than three years.

A state in this category will remain ineligible to participate in Departmental pilots until it has a fully approved standards and assessment system.