

**MEMORANDUM OF AGREEMENT
UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT
BETWEEN THE UNITED STATES DEPARTMENT OF EDUCATION
AND THE DISTRICT OF COLUMBIA OFFICE OF THE STATE SUPERINTENDENT**

This Memorandum of Agreement (Agreement) is hereby entered into between the U.S. Department of Education (Department) and the District of Columbia Office of the State Superintendent of Education.

I. BACKGROUND: STATUTORY AND REGULATORY REQUIREMENTS

Title I of the Elementary and Secondary Education Act of 1965 (Title I), as amended by the No Child Left Behind Act of 2001, requires each State receiving Title I funds to satisfy certain requirements.

Each State is required to adopt academic content and academic achievement standards in at least mathematics, reading or language arts, and science. Content standards must specify what all students are expected to know and be able to do, contain coherent and rigorous content, and encourage the teaching of advanced skills. Achievement standards must be aligned with the State's academic content standards and must describe at least three levels of proficiency (*e.g.*, basic, proficient, and advanced) to determine how well students in each grade are mastering the content standards.

Each State is also required to implement a student assessment system used to evaluate whether students are mastering the subject material reflected in the State's academic content standards. States are required to administer mathematics and reading or language arts assessments yearly in grades 3-8 and once in grades 10-12, and, as of the 2007-2008 school year, States are also required to administer a science assessment in at least one grade in each of the following grade spans: 3-5, 6-9, and 10-12.

In addition to a general assessment, States are also required to develop and administer at least one alternate assessment for students with disabilities who cannot participate in the general assessment, even with appropriate accommodations. An alternate assessment may be based on grade-level academic achievement standards, alternate academic achievement standards, or modified academic achievement standards. Like the general assessment, any alternate assessment must satisfy the requirements for high technical quality, validity, and reliability.

II. PURPOSE OF AGREEMENT

The Department has determined that the District of Columbia's standards and assessment system for reading and mathematics does not satisfy all of the Title I statutory and regulatory requirements for standards and assessment systems. Accordingly, the District of Columbia Office of the State Superintendent of Education (OSSE) hereby enters into this Agreement to demonstrate how it intends to come into compliance and administer a fully approved standards and assessment system for reading and mathematics in the 2008-2009 school year. The District of Columbia's compliance with the Material Terms of this Agreement, as designated herein, will allow the District of Columbia to continue to receive Title I funds while working to bring its standards and assessment system into compliance.

III. THE DISTRICT OF COLUMBIA'S CURRENT NON-COMPLIANCE AND EVIDENCE REQUIRED TO ESTABLISH COMPLIANCE

The Department has determined that the District of Columbia's standards and assessment system does not fully comply with Title I statutory and/or regulatory requirements and continues to have specific concerns regarding: (1) the District of Columbia's procedure for including assessment results based on non-standard accommodations in determining adequate yearly progress (AYP); and (2) lack of detailed information about student assessment results, such as performance level descriptors, in the Individual Student Report provided to parents.

To correct these deficiencies and demonstrate that the District of Columbia's standards and assessment system complies with all of the Title I requirements, the District of Columbia is required to submit the following evidence:

TECHNICAL QUALITY

1. Evidence showing that the accommodations permitted do not fundamentally alter the construct being assessed. The evidence must include an examination of the impact of the read-aloud accommodation on the scores of students with disabilities and English language learner (ELL, also referred to as limited English proficient, or LEP) students or evidence that the read-aloud accommodation is no longer permitted.
2. Evidence of the District of Columbia's guidelines and implementation of those guidelines allowing only those accommodations that do not invalidate students' scores.
3. Evidence that allowable accommodations, especially those that result in non-standard assessment conditions, yield results that can be meaningfully aggregated with those from non-accommodated tests.

INCLUSION

1. Evidence of training designed to ensure appropriate use of accommodations by general and special education and ELL teachers and test administrators.
2. A report of the number and percentage of students who took an assessment with a read-aloud accommodation in 2007-08. The report should include information on students with disabilities as a group and ELL students as a group.

REPORTING

1. An Individual Student Report for the District of Columbia Comprehensive Assessment System that includes the performance level descriptor or other information explaining the meaning of the achievement level that corresponds to a student's score, or evidence that this information is distributed to all parents with the Individual Student Report.

This list of required evidence constitutes a Material Term of this Agreement.

IV. ACTION STEPS AND TIMELINE

Appendix A to this Agreement sets forth the specific action steps required by OSSE to be able to submit the above-listed evidence required to demonstrate full compliance with the Title I requirements for standards and assessment systems. In addition to listing the specific action steps, Appendix A also lists the individual, group of individuals, or agency that will perform each action step, and the deadline for completion of each action step. Among the other action steps set

forth in Appendix A, OSSE agrees to submit to the Department quarterly reports including evidence of its progress on the action steps.

If an action step is designated as a Material Term, both the action step and the deadline for the completion of the action step constitute a Material Term of this Agreement.

Appendix A is an essential part of this Agreement and is incorporated herein by reference as though fully set forth herein.

This entire Section IV constitutes a Material Term of this Agreement.

V. PENALTIES FOR VIOLATION

Because the Department has determined that the District of Columbia's standards and assessment system for reading and mathematics does not satisfy all of the Title I statutory and regulatory requirements for standards and assessment systems, the Department is authorized by section 1111(g)(2) of Title I to withhold the District of Columbia's Title I administrative funds. The Department agrees that it will refrain from exercising this authority so long as the District of Columbia complies with all Material Terms of this Agreement.

If OSSE fails to comply with any Material Term of this Agreement, including the action steps in Appendix A that are designated as Material Terms, the Department may consider the Agreement no longer in effect and may take any action authorized by law, including, without limitation, the withholding of funds and/or the issuance of a complaint to compel compliance through a cease and desist order. If the Department should initiate withholding proceedings, in so doing and in determining the proper amount to be withheld, it will take into consideration the number of violations of the MOA as well as any other relevant circumstances.

This entire section V constitutes a Material Term of this Agreement.

VI. MODIFICATION

This agreement, including the action steps or associated deadlines set forth in Appendix A, may be modified by mutual agreement of the parties. A modification to any term or provision that is designated as a Material Term must be made in writing, signed by both parties, and attached hereto. This requirement may be satisfied by an email exchange between the parties or their agents that includes the substance of the modification and both parties' electronic signatures (e.g., "/s/ John Smith on behalf of OSSE"), a copy of which is attached hereto.


This paragraph VI constitutes a Material Term of this Agreement.

VII. AUTHORITY

This Memorandum of Agreement is entered into pursuant to the Secretary's authority under 34 C.F.R. § 80.12, which authorizes the Secretary to impose special conditions and/or restrictions on a grantee whom the Department has determined has failed to comply with the terms and conditions of prior grant awards.

The effective date of this agreement is the 1 day of October, 2008.

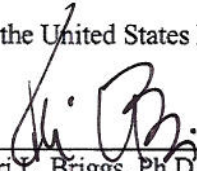
For the District of Columbia Office of the State Superintendent of Education:



Deborah A. Gist
Superintendent
The District of Columbia Office of the State Superintendent of Education

10-01-08
Date

For the United States Department of Education:



Kerri L. Briggs, Ph.D.
Assistant Secretary
Office of Elementary and Secondary Education

10.3.2008
Date

District of Columbia
MOA with USDE – Appendix A
September 2008

To correct these deficiencies and demonstrate that District of Columbia’s standards and assessment system complies with all of the Title I requirements; District of Columbia is required to submit the following evidence:

TECHNICAL QUALITY

1. Evidence showing that the accommodations permitted do not fundamentally alter the construct being assessed. The evidence must include an examination of the impact of the read-aloud accommodation on the scores of students with disabilities and English language learner (ELL, also referred to as limited English proficient, or LEP) students or evidence that the read-aloud accommodation is no longer permitted.
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Mission

Provide third-party evaluative and quality assurance management to the District of Columbia (DC) that will ensure compliance with those Elementary and Secondary Education Act (ESEA) requirements still pending for the DC assessment system.

Procedural Context

The Office of the State Superintendent of Education (OSSE) has examined the evidence necessary to meet the guidelines found within the USDE's Peer Review Guidance document. Given the outstanding requirements of the OSSE's statewide assessment program, an evaluative and quality assurance framework has been designed containing two interlocking components: resource utilization and implementation fidelity. The first factor requires sufficient resources to comprehensively evaluate accommodation use afforded on the DC CAS (i.e., statewide assessment used for accountability determinations) and the interaction with current procedural guidelines. The resource commitment must be sufficient to address the scope of the project, while creating spillover benefits for the greater system (i.e., improved data quality and internal system controls). Hence, a multi-phase evaluative framework was developed so intended and spillover benefits could be captured, measured, benchmarked, and reported in comparison to anticipated fiscal and time costs. Each phase of the evaluation will create implementation evidence for the OSSE in its efforts to demonstrate compliance with NCLB.

The second factor requires objective measures that will provide implementation data throughout the lifecycle of the evaluation. Each indicator must be clearly defined, measured, analyzed, studied, and reported in a standardized, transparent approach. Each phase will utilize a detailed project management plan (PMP) for the expressed purpose of conducting operations, monitoring the implementation of each task, reallocating resources, and mitigating risk factors.

Both process and product data (information) will be created for each indicator within a given phase. Key milestones will be identified in conjunction with implementation reporting to the OSSE and subsequently the USDE. The PMP will be comprised of the following components:

- a) Major task number (linked to those found within the MOA);
- b) Work Breakdown Structures (WBS);
- c) Percent complete indicator;
- d) Start/completion dates;
- e) Task & WBS duration;
- f) Tasked resources (human)-primary contact;
- g) Milestone flags;
- h) Cost estimate (in days); and,
- i) Material Term indicator.

The PMP will also outline the critical path necessary to ensure activities are completed on time and within budget. Project milestones will be constructed to “anchor” the plan to critical points of failure (CPF) and mandated reporting dates. CPF in this context are defined as any activity along a project’s critical path that would create significant delays or stop future actions if not implemented according to prescribed standards. An external vendor (Research in Action, Inc.), experienced in developing, implementing, monitoring, refining, and creating redundancy safeguards, will support the OSSE throughout the lifecycle of this project. The aforementioned vendor will also implement its Critical Evidence Critique (CEC)TM process on all documents

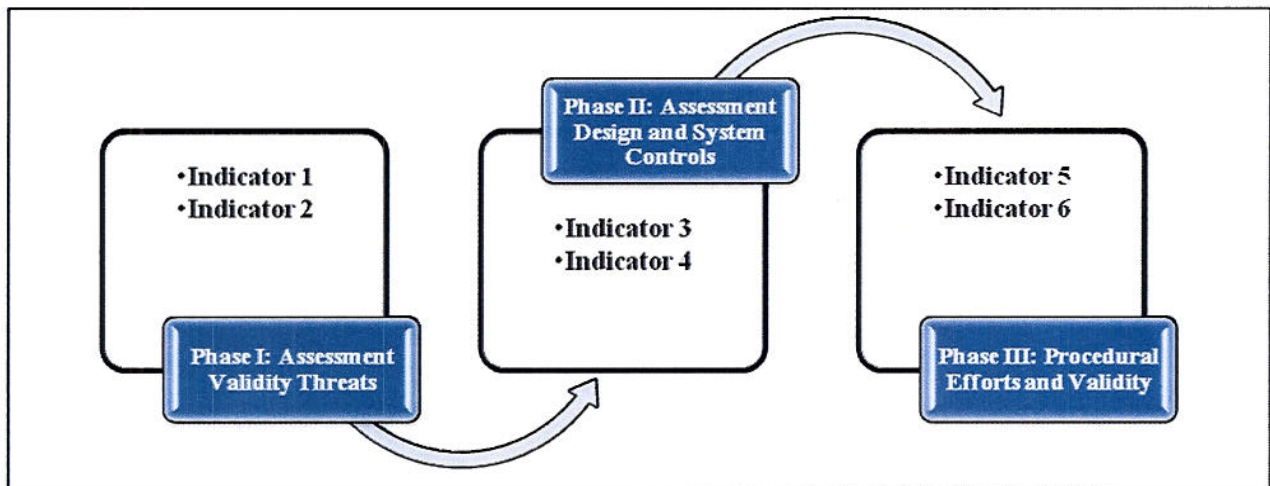
prior to submission to the USDE. This “Pre-Peer Review” process will identify any deficient, non-compliant, or substandard evidence and support the OSSE in taking corrective actions before submission.

Evaluative Framework

The basic premise is to understand the presence and mitigate any exogenous factors (as they relate to accommodations afforded SWD and ELL students on the DC CAS) that may affect the construct validity of the assessment. Specifically, the evaluative questions are focused on:

- a) Those standard testing accommodations afforded students in accordance to OSSE policy;
- b) The actual testing accommodations used by students during the 2008 DC CAS administration;
- c) The technical considerations used in the construction of the DC CAS items/operational forms;
- d) The psychometric properties of the DC CAS for non-accommodated and accommodated students; and,
- e) The procedural guidelines and controls used to ensure implementation fidelity during the administration of the DC CAS.

The evaluation is conceptualized into three phases. In Phase I, the OSSE will evaluate the accommodation use from the 2008 DC CAS administration. Empirical data will be examined in conjunction with a qualitative review of those standard accommodations afforded students during testing. In Phase II, the OSSE will examine how the assessment design took into account accommodated conditions so that they would not impact the validity of the construct being measured. Further, the OSSE will examine the controls used to ensure standard administration of those accommodation during testing. The final phase, Phase III will use information from the prior two phases to evaluate the training and procedural guidelines used by the OSSE (understanding implementation fidelity). Meaning, how training and administrative guidelines allow accommodated conditions in a manner by which scores can be combined with those of students not receiving testing accommodations. After the administration of the spring assessment (April 2009), the OSSE will use survey data combined with preliminary assessment results to further understand how the system can improve the accommodations afforded SWD and ELL students.



Performance Measures Summary

Phase I

Indicator 1. Validate the accommodations afforded students in accordance to OSSE policy are consistent with those nationally recognized for use with large scale, on-demand assessments.

Indicator 2. Determine the likelihood accommodations afforded SWD and ELL students impact the construct under observation:

- a. Variance in performance for individual students with and without accommodated testing conditions; and,
- b. Explore how accommodated students perform using single and multiple accommodations across disability and language proficiency types.

Phase II

Indicator 3. Technical considerations and psychometric properties of the assessment for non-accommodated and accommodated students.

Indicator 4. Evaluate the OSSE and school control measures preventing unauthorized or non-standardized accommodations being afforded to students during testing.

Phase III

Indicator 5. Evaluate the training, procedural guidelines and system controls used to promote implementation fidelity of the OSSE's accommodation guidelines.

Indicator 6. Collect survey data on accommodation use throughout the OSSE and understand the variance among and within schools, along with the rationale for selecting testing accommodations.

TECHNICAL QUALITY

1. Evidence showing that the accommodations permitted do not fundamentally alter the construct being assessed. The evidence must include an examination of the impact of the read-aloud accommodation on the scores of students with disabilities and English language learner (ELL, also referred to as limited English proficient, or LEP) students or evidence that the read-aloud accommodation is no longer permitted.
2. Evidence of the District of Columbia's guidelines and implementation of those guidelines allowing only those accommodations that do not invalidate students' scores.
3. Evidence that allowable accommodations, especially those that result in non-standard assessment conditions, yield results that can be meaningfully aggregated with those from non-accommodated tests.

MOA Macro-Level Timeline- Appendix A

Task	Action Step	Performed By	Deadline	Material Term	Status
1	Contact Research in Action, Inc. (RIA) to develop and implement a “program evaluation” study of the implementation of accommodations within the DC.	OSSE	July 12, 2008	No	Done
2	Develop initial support framework that addresses each Critical Element (reference USDE Peer Review Guidance).	RIA ¹	August 15, 2008	Yes	Done
3	Conference call with USDE, OSSE, and RIA regarding the outstanding Critical Elements and the planned steps for the Fall 2008.	OSSE/USDE/RIA	August 8, 2008	Yes	Done
4	Revise support framework and conduct final review of MOA in DC.	OSSE-RIA	August 21, 2008	Yes	Done
5	Complete MOA and ship to USDE prior to October 1, 2008 deadline.	OSSE	October 1, 2008	Yes	Done
6	Finalize contractual Scope of Work with RIA.	OSSE	October 17, 2008	No	
7	Development PMP, review with OSSE, establish resource allocations, and other operational details.	OSSE-RIA	October 20, 2008	Yes	
8	Begin Phase I: Assessment Validity Threats-Initiate operations as detailed in the PMP.	OSSE	October 20, 2008	Yes	
9	Implement Phase I: Assessment Validity Threats-Prepare initial report and risk assessment.	RIA	October 24, 2008	Yes	

MOA Macro-Level Timeline (cont.)

Task	Action Step	Performed By	Deadline	Material Term	Status
10	Complete Implement Phase I: Assessment Validation Threats- Finalize evidence and prepare shipment to OSSE and USDE.	RIA	October 30, 2008	Yes	
11	Submit Quarterly Implementation Report I.	<i>RIA</i>	<i>October 31, 2008</i>	<i>Yes</i>	
12	Begin Phase II: Assessment Design and System Controls-Initiate operations as outlined in the PMP.	OSSE	October 20, 2008	Yes	
13	Implement Phase II: Assessment Design and System Controls-Prepare initial report and risk assessment.	RIA	November 18, 2008	Yes	
14	Begin Phase III (Indicator 5): Procedural Efforts and Validity-Review current administrative guidelines, training, and policy communications.	RIA	December 1, 2008	Yes	
15	Implement Phase III (Indicator 5): Procedural Efforts and Validity-Prepare risk assessment and recommendations for upcoming assessment administration.	RIA	December 9, 2008	Yes	
16	Complete Phase II: Assessment Design and System Controls-Finalize evidence and prepare shipment to OSSE and USDE.	RIA	December 29, 2008	Yes	
17	Complete Phase III (Indicator 5): Procedural Efforts and Validity-Finalize recommendations.	OSSE-CTB	December 12, 2008	Yes	

MOA Macro-Level Timeline (cont.)

Task	Action Step	Performed By	Deadline	Material Term	Status
18	Amend (as needed) procedural guidelines, training, and other administrative processes; Ship change request to assessment vendor for implementation in the upcoming administration (April 2009).	OSSE-CTB	December 30, 2008	Yes	
19	Submit Quarterly Implementation Report II	RIA	December 31, 2008	Yes	
20	Administer the DC CAS-Document procedures and impact of on-site monitoring during test administration.	OSSE	April 29, 2009	Yes	
21	Submit Quarterly Implementation Report III	RIA	April 30, 2009	Yes	
22	Begin Phase III (Indicator 6): Procedural Efforts and Validity- Initiate operations as outlined in the PMP for Indicator 6.	RIA/TBD	March 16, 2009	Yes	
23	Implement Phase III (Indicator 6): Procedural Efforts and Validity- Prepare risk assessment and recommendations for upcoming assessment administration.	RIA-OSSE	June 12, 2009	No	
24	Complete Phase III (Indicator 5): Procedural Efforts and Validity- Finalize recommendations. Revise and improve monitoring and quality assurance controls. Validate implementation of training. Review preliminary assessment result. Finalize evidence and prepare shipment to OSSE and USDE.	RIA	June 16, 2009	Yes	
25	Submit Quarterly Implementation Report IV	RIA	June 30, 2009	Yes	

INCLUSION

- Evidence of training designed to ensure appropriate use of accommodations by general and special education and ELL teachers and test administrators.

Task ¹	Action Step	Performed By	Deadline	Material Term
14	Begin Phase III (Indicator 5): Procedural Efforts and Validity-Review current administrative guidelines, training, and policy communications.	RIA	December 1, 2008	Yes
18	Amend (as needed) procedural guidelines, training, and other administrative processes; Ship change request to assessment vendor for implementation in the upcoming administration (April 2009).	OSSE-CTB	December 30, 2008	Yes
19	Submit Quarterly Implementation Report II	RIA	<i>December 31, 2008</i>	<i>Yes</i>
24	Complete Phase III (Indicator 6): Procedural Efforts and Validity-Finalize recommendations. Revise and improve monitoring and quality assurance controls. Validate implementation of training. Review preliminary assessment result. Finalize evidence and prepare shipment to OSSE and USDE.	RIA	June 16, 2009	Yes

¹ See Macro-level Timeline under the Technical Quality section of this document. The referenced tasks are embedded within this larger timeline.

INCLUSION (cont.)

2. A report of the number and percentage of students who took an assessment with a read-aloud accommodation in 2007–08. The report should include information on students with disabilities as a group and ELL students as a group.

Task	Action Step	Performed By	Deadline	Material Term
8	Begin Phase I: Assessment Validity Threats-Initiate operations as detailed in the PMP.	OSSE	October 20, 2008	Yes
10	Complete Implement Phase I: Assessment Validation Threats- Finalize evidence and prepare shipment to OSSE and USDE.	RIA	October 30, 2008	Yes
11	Submit Quarterly Implementation Report I.	<i>RIA</i>	<i>October 31, 2008</i>	<i>Yes</i>
24	Complete Phase III (Indicator 6): Procedural Efforts and Validity-Finalize recommendations. Revise and improve monitoring and quality assurance controls. Validate implementation of training. Review preliminary assessment result. Finalize evidence and prepare shipment to OSSE and USDE.	RIA	June 16, 2009	Yes
25	Submit Quarterly Implementation Report IV	<i>RIA</i>	<i>June 30, 2009</i>	<i>Yes</i>

REPORTING

1. An Individual Student Report for the District of Columbia Comprehensive Assessment System that includes the performance level descriptor or other information explaining the meaning of the achievement level that corresponds to a student's score, or evidence that this information is distributed to all parents with the Individual Student Report.

Task	Action Step	Performed By	Deadline	Material Term
1	DC is working with its vendor to develop a detailed PLD insert to accompany the individual student reports. The inserts are based on the detailed PLDs currently on the web and the GTI manual; they are specific to the grade level assessed.	AIR	July 31, 2008	Yes
2	Stakeholder group reviews PLD on the individual student report; Content specialist verify that the PLDs articulate the academic content standards along the achievement continuum ² .	OSSE	September 2008	Yes
3	PLDs are revised by vendor and externally reviewed to ensure compliance with USDE Peer Review Guidance.	RIA	October 27, 2008	No
11	<i>Submit Quarterly Implementation Report I.</i>	<i>RIA</i>	<i>October 31, 2008</i>	<i>Yes</i>

Anchor Dates

<i>11</i>	<i>Submit Quarterly Implementation Report I.</i>	<i>October 31, 2008</i>
<i>19</i>	<i>Submit Quarterly Implementation Report II</i>	<i>December 31, 2008</i>
<i>21</i>	<i>Submit Quarterly Implementation Report III</i>	<i>April 30, 2009</i>
<i>25</i>	<i>Submit Quarterly Implementation Report IV</i>	<i>June 30, 2009</i>

ⁱ Technical Assistance provided by Research in Action, Inc., for the USDE.