



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 15 2009

The Honorable Alexa Posny
Commissioner of Education
Kansas State Department of Education
120 SE 10th Avenue
Topeka, Kansas 66612-1182

Dear Commissioner Posny:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB) which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

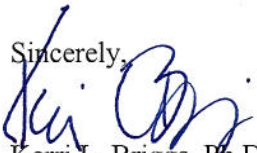
As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to Kansas. This letter, which includes more current information regarding the state's assessment system, replaces the one sent to you on January 8. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

- Assessment system: An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Please accept my congratulations on Kansas' standards and assessment system meeting all statutory and regulatory provisions required for reading/language arts and mathematics as of 2007–08.
- Accountability components: The Department's new Title I regulations provide for greater scrutiny to states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rates that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on Kansas' minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- Departmental flexibilities: Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that Kansas is participating in several of these endeavors.
 - Statewide Longitudinal Data Systems Grant: Kansas received a \$3,834,796 grant in 2007.
 - General Supervision Enhancement Grantee: Led by WestED, Kansas and Louisiana have received funds towards the development of their alternate assessments based on modified academic achievement standards. (Year 1: \$774,608; Year 2: \$589,969; and Year 3: \$585,554).

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in Kansas. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,

Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Kathleen Sebelius
Judi Miller

Assessment System

Kansas' assessment system met the requirements to be considered *Fully Approved*. This means that Kansas' assessment system includes academic content standards in reading/language arts, mathematics, and science; student achievement standards in reading/language arts and mathematics; alternate achievement standards for students with the most significant cognitive disabilities in reading/language arts and mathematics; and assessments and alternate assessments in each of grades 3 through 8 and one grade in high school in reading/language arts and mathematics. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance to Kansas in meeting the statutory or regulatory requirements or as you consider changes to your current assessment system.

- Kansas' science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general or alternate); and report the results of the science assessments. Kansas has met these requirements.
 - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. I know that Kansas submitted evidence regarding its assessments for review from October 25 through November 2. My staff will be sharing the peer notes and formal feedback as soon as possible. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.
- In 2007–08, Kansas included in AYP determinations the scores of students with disabilities who are proficient or above (up to a 2.0 percent cap at the district and state levels) on the Kansas Assessment of Modified Measures (KAMM), an alternate assessment based on modified academic achievement standards. Kansas must submit the remaining evidence as outlined in the January 15, 2009, letter.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): Kansas' minimum group size is 30. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: Kansas' goal for this year is 80 percent of students in grades 3–8 and 77 percent of students in high school scoring proficient in reading/language arts and 78 percent in grades 3–8 and 71 percent of students in high school for mathematics.
 - AMO type: Kansas set its AMOs consistent with the statutory requirements, using an annual increase method.
- Confidence interval: The state applies a confidence interval of 99 percent to the percentage of students scoring proficient or above in the school.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In Kansas, a student must be enrolled on September 20 in order to be included in AYP determinations.
- Graduation rate:
 - Currently, Kansas is using a graduation rate that can be described as a longitudinal cohort rate, meaning it divides the number of students who graduated with a regular diploma by the number of 1st-time entering 9th-graders four years previously, accounting for transfers in and out and deaths.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort

graduation rate beginning with report cards providing assessment results for the 2010-11 school year.

- The graduation rate target Kansas requires for the district or school to make AYP is 75 percent or improvement from the previous year.
- According to the National Governor's Association 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, Kansas should have capability of calculating the 4-year NGA Compact graduation rate by 2009.

SUMMARY OF ADDITIONAL EVIDENCE THAT KANSAS MUST SUBMIT TO MEET REGULATORY REQUIREMENTS FOR KANSAS' ALTERNATE ASSESSMENTS BASED ON MODIFIED ACADEMIC ACHIEVEMENT STANDARDS

4.0 – TECHNICAL QUALITY

1. Evidence demonstrating that scores are related to internal or external variables as intended.
2. Evidence of validity examining intended and unintended consequences of the KAMM.
3. Evidence demonstrating a system for monitoring and improving the on-going quality of the assessment.
4. Evidence demonstrating the use of accommodations and/or accommodated administrations for students with disabilities and limited English proficient students allow for valid inferences about these students' knowledge and skills and can be combined meaningfully with scores from non-accommodated administrations.

7.0 – REPORTING

1. Reports for each assessment demonstrating participation and assessment results for all students and for each of the required subgroups in each report at the State, LEA, and school level.
2. Parent/student report, or accompanying enclosure, providing interpretive guidance to parents.
3. Evidence demonstrating the student reports are delivered to parents, teachers, and principals as soon as possible after the assessment is administered.