



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 18 2009

The Honorable Carlos A. Chardón
Appointed Secretary of Education
Puerto Rico Department of Education
Post Office Box 190759
San Juan, Puerto Rico 00919-0759

Dear Secretary Chardón:

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 Puerto Rico. 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. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007–08 administration of science assessments are attached.
- **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 rate 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 Puerto Rico’s 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 Puerto Rico is participating as a recipient of the General Supervision Enhancement Grant in a consortia led by the University of Kentucky Research Foundation with Kentucky, Connecticut, Georgia, and the District of Columbia to develop an alternate assessment based on alternate academic achievement standards. (Year 1: \$1,999,997; Year 2: \$1,499,997; and Year 3: \$1,499,997)

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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.

- Puerto Rico specific issues: Finally, I'd like to take this opportunity to highlight the importance of Puerto Rico's compliance agreement signed on December 17, 2008. It is imperative that you continue to work towards developing a fully compliant assessment system as outline in the corrective action plan timeline. If you have any questions or concerns I urge you to work with my staff. In addition, it should be noted that under 34 CFR §80.12, the Department has designated Puerto Rico, a "high-risk" grantee.

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 Puerto Rico. 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 Luis A. Fortuño
Accountability and Assessment Directors

Assessment System

Your assessment system is *Approval Pending*. This means Puerto Rico's standards and assessment system does not meet all statutory and regulatory requirements of Section 1111(b)(1) and (3) of the *Elementary and Secondary Education Act (ESEA)*, as amended by the *No Child Left Behind Act of 2001*. Specifically, the Department did not approve Puerto Rico's standards and assessment system due to outstanding concerns with the alignment of the Las Pruebas de Aprovechamiento Académico (PPAA) to grade-level content standards and the performance level descriptors for the alternate assessment based on alternate achievement standards (Las Pruebas Puertorriqueñas de Evaluación Alterna, or PPEA). On December 17, 2008 a Compliance Agreement was signed and Puerto Rico has been working towards that timeline. I encourage you to consider whether there are any areas in which the Department can provide or facilitate technical assistance in meeting the statutory or regulatory requirements or as you consider changes to your current assessment system.

- Because your state's assessment system is not fully approved, Puerto Rico must submit evidence enclosed with this letter and that was originally sent on July 5, 2007.
- Puerto Rico's 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 and alternate); and report the results of the science assessments. Puerto Rico partially met these requirements. Puerto Rico will need to submit data to the Department demonstrating that all students were included in the science assessments and the number tested by disaggregated groups; test administration manual; and evidence that the science results are reported at the state and district level as soon as possible.
 - In 2008–09, the Department will conduct peer reviews of science assessments on March 23–27, 2009 and expects Puerto Rico to submit materials for review as indicated in the corrective action plan of the Compliance Agreement.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): Puerto Rico's 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: Puerto Rico's goal for this year is 66 percent of students scoring proficient in reading/language arts and 70 percent in mathematics.
 - AMO type: Puerto Rico set its AMOs consistent with the statutory requirements, using a stair step method. This means that Puerto Rico's AMOs increased in equal increments every three years through 2013–2014 to reach 100 percent proficient.
 - Confidence interval: The state applies a confidence interval of 95 percent.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In Puerto Rico, a student must be enrolled on the first week of September through the testing window in order to be included in AYP determinations.
- Graduation rate:
 - Currently, Puerto Rico is using a graduation rate that can be described as a completer rate, which means that Puerto Rico divides the number of graduates by the number of graduates plus dropouts for grades 9–12.
 - As required by the recently published Title I regulations beginning with report cards providing assessment results for the 2010-2011 school year, States must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate.

- Puerto Rico has not defined a graduation rate target that all schools and districts must meet to make adequate yearly progress. As part of task 4.2 of the Compliance Agreement's Corrective Action Plan, Puerto Rico is developing a target which it will require districts or schools to make AYP.

SUMMARY OF ADDITIONAL EVIDENCE THAT PUERTO RICO MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR THE PUERTO RICO ASSESSMENT SYSTEM

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. Documentation of the approval of the revised performance level descriptors (PLDs) by the Director of Education or that the Director has delegated that authority to the Undersecretary.
2. A process for assuring or judging that the panels used to review and revise the PLDs for the Basic level for the PPEA are representative.

4.0 - TECHNICAL QUALITY

1. An analysis of the efficacy and validity of accommodations for Las Pruebas de Aprovechamiento Academico (PPAA), including:
 - o Descriptions and guidelines for linguistic accommodations to the Manual de acomodados and display the same thorough descriptions of linguistic accommodations as the other four categories; and
 - o Data on the use of accommodations and how the data are interpreted and used to improve the assessment system.
2. An analysis of concurrent validity for the PPAA.

5.0 - ALIGNMENT

1. Administration of an assessment aligned to grade-level academic content standards, as well as an independent analysis of its alignment.
2. Evidence that the Depth of Knowledge (DOK) level of the items matches the DOK level of the academic content standards and that the full range of knowledge, skills, and abilities described in the academic content standards is covered on the tests.
3. Documentation for the alignment of non-academic indicators as components of the score on Las Pruebas Puertorriqueñas de Evaluación Alterna (PPEA).

6.0 - INCLUSION

1. An expansion of linguistic accommodations for limited Spanish proficient (LSP) students, such as English versions or simplified Spanish versions of the mathematics and science assessments.
2. An explanation for the apparent exclusion of students eligible to take the PPEA.
3. A report that shows data from box 21 of the PreID sheet by category so that it is clear which students were exempted from assessment and for what reason(s).

7.0 - REPORTING

1. An explanation of how the four non-academic dimensions of the PPEA are included in a student's score.
2. Reports that include definitions of the proficiency levels in the individual content area for all assessed grade levels. In addition, evidence that the parent report for all grades includes the definitions of proficiency levels for the individual content areas.