



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

The Honorable Theodore R. Mitchell
President
California State Board of Education
1430 N. Street, Suite 5111
Sacramento, California 95814

JAN 08 2009

The Honorable Jack O'Connell
Superintendent of Public Instruction
California Department of Education
P.O. Box 944272
Sacramento, California 94244-2720

Dear President Mitchell and Superintendent O'Connell:

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 California. 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 California'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 California is participating in three of these endeavors.

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- Teacher Incentive Fund Grant (TIF):
 - Mare Island Technology Academy, a California school district, plans to expand a current project to award incentives to teachers and principals instrumental in increasing student achievement. It will also award incentives to those taking the lead in implementing strategic plan and professional learning communities initiatives in two independent middle and high school charter schools in Vallejo, CA. Total amount: \$946,193 (Year 1: \$417,428; Year 2: \$312,658; Year 3: \$216,107).
 - Lynwood Unified School District will implement Quest for Success to provide educators with financial incentives for improving academic achievement and for taking on additional responsibilities and leadership roles. Total amount: \$4,429,113 (Year 1: \$2,288,832; Year 2: \$2,140,281).
- Statewide Longitudinal Data Systems Grant: California Longitudinal Pupil Achievement Data System (CALPADS); Amount: \$3,255,445
- California-specific issues: Finally, I'd like to take this opportunity to remind you of recent concerns that we have raised. As you know, on November 21, 2008, the Department sent an intent to withhold a portion of California's fiscal year 2008 Title I, Part A administrative funds, totaling \$1,000,000, pursuant to Section 1111(g)(2) of the ESEA due to California's lack of a plan to have a fully compliant reading/language arts and mathematics assessment system, which was required by the 2005–06 school year. At this point, the Department is reviewing California's rationale for why the Department should not withhold funds.

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 California. 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 Arnold Schwarzenegger
 Deb Sigman
 Deb Merle

Assessment System

Your assessment system met the requirements to be considered *Approval Pending*. This means California'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, California permits some 8th-graders to take the General Mathematics assessment, which is aligned with 6th- and 7th-grade mathematics content standards, rather than requiring all 8th-graders to take an assessment that is aligned with Algebra I content standards, which apply to 8th-graders. The most recent list of evidence, from the letter to you on February 6, 2008, that California must submit to demonstrate compliance with its reading/language arts and mathematics assessments is enclosed with this letter.

To date, California has not developed a plan to resolve this issue. Because of the significance of California's non-compliance with Title I statutory and regulatory requirements, the fact that the state has not been in compliance since the 2005-06 school year, and the fact that the state has not made meaningful progress to develop an action plan and timeline to come into compliance, on November 21, 2008, the Department sent California an intent to withhold a portion of the state's fiscal year 2008 Title I, Part A administrative funds, totaling \$1,000,000, pursuant to Section 1111(g)(2) of the ESEA. California submitted its rationale for why the Department should not withhold these funds, which the Department is in the process of reviewing. As stated in my letter to you dated November 21, 2008, please be advised that failure to quickly develop a mutually agreeable plan to come into compliance may result in the Department taking further action against the state.

- California'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. California appears to have met these requirements but will need to submit evidence demonstrating that (1) all students were included in the science assessments and (2) the reports for the California Alternate Performance Assessment at the district and state levels include science results.
 - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. California must submit evidence of its science assessments for the peer review on March 23-27, 2009. Evidence for this review is due three weeks prior to the review. 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.
- California has developed an alternate assessment based on modified academic achievement standards (AA-MAAS). To date, California has not submitted any evidence related to this assessment to the Department for review. California must submit evidence of its AA-MAAS for the March 2009 peer review.

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): California's minimum group size is 100 students or 50 students provided that is 15 percent of the tested population. (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: California's goal for this year is 46 and 45 percent of grades 3-8 and high school students, respectively, scoring proficient in reading/language arts and 48 and 44 percent of grades 3-8 and high school students, respectively, scoring proficient in mathematics.

- AMO type: California set its AMOs consistent with the statutory requirements, using a mixed method. This means that California’s AMOs increase in three-year increments through 2006–07 and then annually through 2013–14 to reach 100 percent proficient.
- Full academic year definition (for purposes of determining whether a student’s score must be included in AYP determinations): In California, a student must be enrolled on the first Wednesday in October in order to be included in AYP determinations.
- Graduation rate:
 - Currently, California is using a graduation rate that can be described as a completer rate, which divides the total number of graduates by the number of graduates plus dropouts from the current year and the three previous years.
 - 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.
 - California requires districts or schools to meet at least one of three graduation rate targets to make AYP: (1) increase of 0.1 percent from the previous year, (2) increase of 0.2 percent from the previous year when averaged over two years, or (3) 82.8 percent (this graduation rate target increases over time).
 - According to the National Governor’s Association (NGA) 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, California “is taking steps to implement the NGA Compact 4-year graduation rate by 2010.”

**SUMMARY OF ADDITIONAL EVIDENCE THAT CALIFORNIA MUST SUBMIT TO MEET
ESEA REQUIREMENTS FOR THE CALIFORNIA ASSESSMENT SYSTEM**

3.0 – FULL ASSESSMENT SYSTEM

1. Evidence that all 8th-graders take a mathematics assessment that is aligned with the grade-level content and academic achievement standards and that meets all the critical elements as noted in the Department's Peer Review Guidance.