



ASSESSMENT REGULATIONS – TITLE I, PARTS A AND B

JANUARY 11, 2017

OBJECTIVES

- Highlight major new provisions in the law and regulations
- Explain the relationship between the State plan and assessment requirements
- Describe the required supports for students with disabilities and English learners
- Describe the Innovative Assessment Demonstration Authority

AGENDA

- ESSA background, timing, and transition
- General requirements
- New flexibilities
 - Advanced mathematics assessments in eighth grade
 - Locally selected, nationally recognized high school academic assessments
- Supporting students with disabilities
- Supporting English learners
- Supporting students in Native American language schools or programs
- Innovative Assessment Demonstration Authority
- Next steps and resources



PRESENTERS

- Don Peasley, Assessment Team Lead, OSS
- Jessica McKinney, Policy Team, OSS
- Leslie Clithero, Office of Special Education Programs





ESSA Background, Timing, and Transition

EVERY STUDENT SUCCEEDS ACT

- **Extensive Stakeholder Input:** Request for information and two public meetings (DC & CA).
- **Negotiated rulemaking on Title I, Part A:** March and April 2016.
 - The Negotiated Rulemaking Committee, including representatives of Federal, State, and local administrators, Tribal leaders, parents and students, teachers, principals, other school leaders, paraprofessionals, and the civil rights and business communities, **came to consensus**. The proposed regulatory language was that to which they agreed.
 - ED responded to public comments on the consensus proposal to finalize the regulations.



TIMING

- Funds awarded under State formula grant programs in school year 2016-2017 are being administered in accordance with the No Child Left Behind Act of 2001 (NCLB). **Beginning in school year 2017-2018**, assessment provisions under the new ESSA statute and regulations will apply.
- Many assessment provisions remain unchanged under the ESSA; States must continue annual statewide tests in reading/language arts and mathematics to all students in grades 3-8 and high school, as well as in science at least once in each of grades 3-5, 6-9, & 10-12, including by administering all required assessments in school year 2016-2017.



General assessment requirements

34 CFR § 200.2



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT:

GENERAL REQUIREMENTS

- Requires that each State implement high-quality, valid, reliable, and fair annual assessments that are the same for all students in the State.
- Exceptions to the “same assessment for all students” requirement:
 - locally selected, nationally recognized high school academic assessments;
 - advanced 8th grade mathematics assessments;
 - alternate assessments aligned with alternate academic achievement standards (AA-AAAS);
 - innovative assessment demonstration authority under Title I, Part B.



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT

ASSESSMENTS ALIGNED WITH THE STATE'S CHALLENGING ACADEMIC STANDARDS

- Sections 1111(b)(1)(A) and (D) of the ESEA – **alignment with college- and career-ready standards.**
- Assessments must be aligned with the full breadth and depth of State **academic content standards.**
- Assessments must **measure student achievement** based on--
 - challenging State **academic achievement standards** that are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical standards; or
 - **alternate academic achievement standards (AAAS)** to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment, consistent with the purposes of the Rehabilitation Act, as amended by the Workforce Innovation and Opportunity Act (WIOA).



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT

HIGHLIGHTS OF OTHER REGULATIONS IN THIS SECTION

- States must apply universal design for learning in assessment development, to the extent practicable.
- States have flexibility in the format of assessments, which may include a single summative assessment or multiple interim assessments, administered statewide, through the course of the academic year.



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT

HIGHLIGHTS OF OTHER REGULATIONS IN THIS SECTION

- Assessments must involve multiple up-to-date measures of student achievement, including measures of higher-order thinking skills, and may be partially delivered in the form of portfolios, projects, or extended performance tasks.
- States may use computer-adaptive assessments as long as the tests measure a student's academic proficiency based on challenging State academic standards for the grade in which the student is enrolled.



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT

DISAGGREGATION OF DATA BY SUBGROUP

A State's assessment system must enable results to be disaggregated within each State, LEA, and school by—

- Gender;
- Each major racial and ethnic group;
- Status as an English learner;
- Status as a migratory child;
- Children with disabilities as compared to all other students;
- Economically disadvantaged students as compared to students who are not economically disadvantaged;
- **Status as a homeless child or youth;**
- **Status as a child in foster care;**
- **Military-connected students.**



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT

INFORMATION FOR PARENTS

Assessment information provided to parents must—

- Be in an understandable and uniform format;
- Be, to the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent; and
- Be, upon request by a parent who is an individual with a disability as defined by the Americans with Disabilities Act (ADA) provided in an alternative format accessible to that parent.



§ 200.2 STATE RESPONSIBILITIES FOR ASSESSMENT

STATE ASSESSMENT PEER REVIEW

- Since assessment requirements for peer review remain largely unchanged, States should continue to use current (2015) assessment peer review guidance.
 - Current guidance can be found at:
<https://www2.ed.gov/policy/elsec/guid/assessguid15.pdf>





New assessment flexibilities

34 CFR § § 200.3 and 200.5(b)



§ 200.3 LOCALLY SELECTED, NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

IN GENERAL

- States determine whether to offer this new flexibility.
- If a State allows it, an LEA may apply to the State to administer one nationally recognized high school assessment **across the district** in lieu of the statewide assessment in high school.
 - This allows for direct comparisons across schools within a district.
 - It also ensures that the same high expectations apply to all students over time, such that students of all ability levels within a district take the same assessment, so that all students are prepared for college and careers by high school graduation.



§ 200.3 LOCALLY SELECTED, NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

DEFINITION

“Nationally recognized high school academic assessment” means an assessment of high school students’ knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs.



§ 200.3 LOCALLY SELECTED, NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

STATE ROLE

If choosing to accept LEA requests under this flexibility, a State:

- Develops technical criteria and reviews an LEA application, including evidence related to the technical criteria, including alignment with the State's challenging academic standards.
- If the LEA proposal meets the State's criteria, the State submits the technical evidence to ED for assessment peer review.
- If the proposed assessment meets ED assessment peer review requirements in addition to the State requirements, the State may approve the LEA request.



§ 200.3 LOCALLY SELECTED, NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

PARENTAL NOTIFICATION

An LEA must:

- Before requesting approval:
 - Notify all parents that the LEA intends to make a request to use a locally selected, nationally recognized high school academic assessment.
 - Provide parents the opportunity to offer meaningful input.
 - Explain any impact on the instructional program in the LEA.
- Upon approval, notify all parents of high school students it serves of the assessment the LEA will use.
- In each subsequent year, notify all parents of high school students it serves of the assessment the LEA will use.



§ 200.5(b) ADVANCED EIGHTH GRADE MATHEMATICS IN STATES THAT GIVE END-OF-COURSE TESTS

APPLICABILITY

This flexibility is available **IF**:

- A State administers an end-of-course test to high school students to meet the assessment requirements under Title I, Part A;
- Eighth grade students are taking the course related to the specific end-of-course test the State uses to meet the assessment requirements under Title I, Part A for high school students, take the end-of-course test, and the results are used for accountability purposes; and
- The eighth grade student takes a more advanced State-administered end-of-course assessment or nationally recognized high school assessment for high school accountability.



§ 200.5(b) ADVANCED EIGHTH GRADE MATHEMATICS IN STATES THAT GIVE END-OF-COURSE TESTS

REQUIREMENTS

- Accommodations and peer review requirements apply to the more advanced high school mathematics assessment.
- A State taking advantage of this flexibility must describe in its State plan the State's strategies to provide all students in the State the opportunity to be prepared for and to take advanced mathematics coursework in middle school.





Supporting students with disabilities

34 CFR § 200.6(a)-(e)



§ 200.6(a) STUDENTS WITH DISABILITIES

IN GENERAL

- All students with disabilities must participate in State assessments and be provided with appropriate accommodations.
- For Title I, Part A assessment purposes, students with disabilities are those identified under—
 - Section 602(3) of the IDEA, including students with the most significant cognitive disabilities,
 - Section 504 of the Rehabilitation Act of 1973,
 - Title II of the ADA, and
 - Any other relevant Act.



§ 200.6(a) STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

- A student with the most significant cognitive disabilities may be assessed with:
 - The general grade-level assessment with or without accommodations; or
 - If a State has adopted alternate academic achievement standards (AAAS) for students with the most significant cognitive disabilities, an alternate assessment that is aligned with the challenging State academic content standards for the grade in which the student is enrolled and the State's AAAS.



§ 200.6(b) APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

- A State must provide, for each student with a disability:
 - Appropriate accommodations, such as interoperability with, and ability to use, assistive technology devices consistent with nationally recognized accessibility standards, that are necessary to measure the academic achievement of the student.

- A State must ensure that the use of appropriate accommodations does not deny a student with a disability:
 - The opportunity to participate in the assessment.
 - Any of the benefits from participation in the assessment that are afforded to students without disabilities.



§ 200.6(b) APPROPRIATE ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

A State must:

- Develop appropriate accommodations for students with disabilities.
- Disseminate information and resources about accommodations to LEAs, schools, and parents.
- Promote the use of accommodations to ensure that all students with disabilities are able to participate in academic instruction and assessments.
- Ensure that all appropriate staff receive training to administer assessments and know how to administer assessments and appropriate accommodations during assessment for all students with disabilities.



§ 200.6(c) ALTERNATE ASSESSMENTS ALIGNED WITH ALTERNATE ACADEMIC ACHIEVEMENT STANDARDS (AA-AAAS)

FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES.

- The total number of students assessed using AA-AAAS may not exceed 1.0% of the total number of students in the State who are assessed in a subject.
- States must:
 - Not prohibit an LEA from assessing more than 1.0% with an AA-AAAS.
 - Require that an LEA submit information justifying the need of the LEA to assess more than 1.0% of its assessed students with an AA-AAAS.
 - Provide appropriate oversight, as determined by the State, of an LEA that is required to submit information to the State.
 - Make the information submitted by an LEA publicly available.



§ 200.6(c) AA-AAAS

FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

If a State anticipates that it will exceed the 1.0% cap, it may request that ED waive the cap for one year. To do so, the State must:

- Submit its request at least 90 days prior to the start of the State's testing window.
- Show the number and percentage of students in each subgroup who took, or will take, an AA-AAAS.
- Show that it has assessed 95% of all students and 95% of all students with disabilities.



§ 200.6(c) AA-AAAS

FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

- Assure that each LEA that will assess more than 1.0% of students using an AA-AAAS has followed all State guidelines and that each LEA will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Plan for system improvements and monitoring in future administrations to avoid exceeding the cap.



§ 200.6(d) STATE GUIDELINES

FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

A State that adopts an AA-AAAS must:

- Establish and monitor the implementation of clear and appropriate guidelines for IEP teams to apply on a case-by-case basis to determine whether a student should be assessed with an AA-AAAS.
- Guidelines must include a State definition of “students with the most significant cognitive disabilities” such that:
 - The identification of a student as having a particular disability or as an English learner **does not determine** whether the student is a student with the most significant cognitive disabilities.



§ 200.6(d) STATE GUIDELINES

FOR STUDENTS WITH THE MOST SIGNIFICANT COGNITIVE DISABILITIES

- A student with the most significant cognitive disabilities is not identified solely on the basis of the student's previous low academic achievement, or the student's previous need for accommodations to participate in general State or districtwide assessments.
- A student is identified as having the most significant cognitive disabilities because the student requires **extensive, direct individualized instruction and substantial supports** to achieve measurable gains on the challenging State academic content standards for the grade in which the student is enrolled.





Supporting English learners

34 CFR § 200.6(f)-(h) & (k)



§ 200.6(f) ENGLISH LEARNERS

IN GENERAL

- The regulations address several topics regarding English learners, including:
 - Accommodations appropriate to a student's status as an English learner, and, if applicable, as a student with a disability.
 - Annual statewide English language proficiency assessments.
 - Assessments in a student's native language.
 - Recently arrived English learners.



§ 200.6(f) ENGLISH LEARNERS

ACCOMMODATIONS

- A State must develop accommodations that address the needs of English learners; disseminate information and resources about those accommodations to LEAs, schools, and parents; and promote appropriate use of accommodations for English learners.
- A State must ensure that use of accommodations deemed appropriate for English learners on any State assessment does not deny an English learner—
 - the opportunity to participate in the assessment; and
 - any of the benefits from participation that students who are not English learners receive.



§ 200.6(f) ENGLISH LEARNERS

TESTS IN STUDENTS' NATIVE LANGUAGE

- A State must define which are “languages other than English that are present to a significant extent in the participating student population.” A State must include this **definition in its State plan.**
- This definition must include the most populous non-English language.
- A State should also consider languages spoken by distinct populations of English learners or to a significant extent in particular LEAs or grade levels.
- A State must make every effort to develop assessments in the languages that meet the State-determined definition and must describe efforts to do so **in its State plan.**



§ 200.6(h) ENGLISH LEARNERS

ENGLISH LANGUAGE PROFICIENCY TESTS

A State must develop a uniform, valid, and reliable statewide English language proficiency (ELP) test, including reading, writing, speaking, and listening skills, for use across all LEAs in the State.

- Provides consistent information and uniformity for students
- Reduces burden of ELP test development on LEAs
- Consistent with current State practice



§ 200.6(h) ENGLISH LEARNERS

ENGLISH LANGUAGE PROFICIENCY TESTS

- If an English learner cannot be assessed in one or more domains due to a disability, and there is no appropriate accommodation, a State must assess the student's English language proficiency based on the domains that can be assessed.
- A State must provide an alternate assessment for English learners with significant cognitive disabilities who cannot participate in the ELP test even with appropriate accommodations.



§ 200.6(i),(k) ENGLISH LEARNERS

RECENTLY ARRIVED ENGLISH LEARNERS

- As previously permitted by regulation, a State may exempt a recently arrived English learner from one administration of the State's reading/language arts assessment.
- A State must report the number of recently arrived English learners who are not assessed on the State's reading/language arts assessment.
- All students must still receive appropriate instruction on grade-level academic content standards.





Supporting students in Native American language schools and programs

34 CFR § 200.6(i)-(k)



§ 200.6(j)-(k) NATIVE AMERICAN LANGUAGE SCHOOLS AND PROGRAMS

NEW FLEXIBILITY

- Based on negotiated rulemaking and reading the Native American Languages Act, Title III of the ESEA, and other Federal statutes together, ED added an exception in the regulations for a State to assess students in Native American language schools or programs in the language of instruction.
- Applies **ONLY** to students in Native American language schools or programs, regardless of status as an English learner.
- Applies to any subject and all grades 3-8.
- Students must take at least one reading/language arts assessment in English in grades 9-12.
- Assessments are subject to assessment peer review.





Innovative assessment demonstration authority

34 CFR § 200.104-200.108



PURPOSE OF INNOVATIVE ASSESSMENT DEMONSTRATION AUTHORITY

- New flexibility for States or consortia of States to pilot innovative approaches to assessments.
- Gives States time and space to try out, and learn from the implementation of, novel testing approaches as they scale the innovative assessment system statewide.
- With evaluation and continuous improvement, these pilots can help States develop new models that:
 - Ensure State assessments continue to be high-quality, fair, and worth taking.
 - Provide more useful and timely feedback to educators, parents, and students themselves.
 - Serve as proof points for models that could be adopted by other States.



INNOVATIVE ASSESSMENT DEMONSTRATION AUTHORITY

- Innovative Assessment Demonstration Authority provides flexibility for States or consortia to:
 1. Evaluate a new approach for assessing students against its challenging State academic standards **AND**
 2. Start small, piloting in a limited number of districts and schools before implementing statewide **AND**
 3. Use the innovative approach for accountability and reporting instead of the current statewide test in pilot participating schools during the pilot phase.
- Innovative assessment demonstration authority is only needed if a State is seeking to do all of the above.
- Can be granted for general assessments, AA-AAAS, or both.



WHO DOES NOT NEED THIS DEMONSTRATION AUTHORITY?

- NOT needed if an SEA wishes to also administer the full State assessment AND an innovative assessment in an LEA.
- NOT needed in the case of an SEA that allows locally selected, nationally recognized high school tests.



WHAT IS AN INNOVATIVE ASSESSMENT SYSTEM?

KEY POINTS

- **System** of assessments.
- Administered in at least one required **grade to all students in participating schools within an LEA.**
- Must produce an **annual summative determination.**
- Must be **accessible for all students,** just as would be any other State test.



STATE CONTEXT AND FLEXIBILITY

- States may propose a variety of new models, including:
 - Performance tasks and simulations.
 - Competency-based assessments.
 - Multiple assessments (e.g., curriculum-embedded, interim, or through-course tests) given throughout the year.
- An innovative assessment system may include:
 - All required grades and subjects **OR**
 - A subset of required grades and subjects (e.g., an innovative science assessment in each grade span, an innovative reading assessment only in elementary schools).
- A State must continue administering its statewide assessments in all schools in any grade/subject in which it is not developing an innovative test.



§ 200.105 COMPARABILITY

Both innovative and statewide assessments must generate results during the demonstration authority that are valid, reliable, and comparable for all students and subgroups of students. There are five options for States regarding how they can annually demonstrate comparability.



§ 200.105 COMPARABILITY OPTIONS SUMMARIZED

Options	Description
Option A	Administering full assessments from both the innovative and statewide assessment systems to all students enrolled in participating schools, such that at least once in any grade span (i.e., 3-5, 6-8, or 9-12) and subject for which there is an innovative assessment, a statewide assessment in the same subject would also be administered to all such students. As part of this determination, the innovative assessment and statewide assessment <u>need not be administered to an individual student</u> in the <u>same school year</u> (double testing is permitted, but not required).
Option B	Administering full assessments from both the innovative and statewide assessment systems to a demographically representative sample of all students and subgroups of students, from among those students enrolled in participating schools, such that at least once in any grade span (i.e., 3-5, 6-8, or 9-12) and subject for which there is an innovative assessment, a statewide assessment in the same subject <u>would also be administered in the same school year to all students included in the sample</u> (double testing is required).



§ 200.105 COMPARABILITY OPTIONS SUMMARIZED

Options	Description
Option C	Including, as a significant portion of the <u>innovative assessment system</u> in each required grade and subject in which both an innovative and statewide assessment are administered, items or performance tasks from the <u>statewide assessment system</u> that have been previously pilot tested or field tested for use in the statewide assessment system.
Option D	Including, as a significant portion of the <u>statewide assessment system</u> in each required grade and subject in which both an innovative and statewide assessment are administered, items or performance tasks from the <u>innovative assessment system</u> that have been previously pilot tested or field tested for use in the innovative assessment system.
Option E	Alternative method for demonstrating comparability that provides <u>an equally rigorous and statistically valid comparison</u> between student performance on the innovative assessment and the statewide assessment.



§ 200.105 PARTICIPATION IS LIMITED

- Initial three year demonstration period limited to seven States in total.
- The seven State total includes States participating in a consortium application, which may not include more than four States.





Questions?

RESOURCES & NEXT STEPS

- ED Every Student Succeeds Act Resource Page
 - <http://www2.ed.gov/policy/elsec/leg/essa/index.html>

Final Regulations

- Final Regulation: Assessments (December 7, 2016)
 - Notice of Final Regulation: Title I, Part A
 - Notice of Final Regulation: Title I, Part B
 - Fact Sheet for Final Regulations: Title I, Part A and Part B
- National Center on Standards and Assessment Implementation
 - <http://www.csai-online.org/>



UPCOMING CONSOLIDATED STATE PLAN WEBINARS

- **January 18, 2017** - Consultation, Performance Management, and Assessment Requirements
- **January 25, 2017** - Supporting Excellent Educators and All Students
- **February 1, 2017** - Accountability Systems: Long-term Goals and Indicators
- **February 8, 2017** - Accountability Systems: Annual Meaningful Differentiation and School Identification
- **February 15, 2017** - School Improvement and Support
- **March 1, 2017** - Program-specific requirements
- **March 8, 2017** - State plan submission



