



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 6, 2016

Dear Colleague:

This letter provides an update on the U.S. Department of Education's (the Department) process for peer review and approval of State assessment systems required by Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Under the ESEA, each State must have a valid, reliable, and fair assessment system aligned to State-determined challenging academic content and achievement standards. A high-quality assessment system provides useful information that parents and families can use to ensure that their child is mastering grade-level content and making progress toward graduating high school ready for college or a career. Such systems also provide essential information that States, districts, principals, and teachers can use to identify the academic needs of students, target resources and supports to students who need them most, and evaluate school and program effectiveness—thereby improving the overall quality of our education system and increasing educational opportunity for all students while closing existing achievement gaps. Designed and implemented well and thoughtfully, assessments are tools for learning and promoting equity. Designed or implemented poorly, in excess, or without clear purpose, however, assessments take valuable time away from teaching and learning, draining creativity from our classrooms.¹ The Department's assessment peer review process provides each State with information so that it may ensure that its assessment system is of high quality, fair, and transparent to students, parents, families, and educators.

As I mentioned in my *Dear Colleague* letter on December 18, 2015 (available at: www2.ed.gov/policy/elsec/leg/essa/transition-dcl.pdf), the recently passed Every Student Succeeds Act (ESSA) maintains the requirement in the No Child Left Behind Act of 2001 (NCLB) that each State annually administer high-quality assessments in at least reading/language arts, mathematics, and science that meet nationally recognized professional and technical standards. Consequently, the Department will continue peer review of State assessment systems so that each State receives feedback from external experts and the Department on the assessments it is using to meet ESEA requirements. The Department conducted negotiated rulemaking on the requirements for State assessment systems in the ESSA in spring 2016. I am pleased to note that we received consensus on the proposed regulations from a diverse group of negotiators including representatives of State and local administrators, teachers, principals, other school leaders, paraprofessionals, Indian tribes, civil rights organizations, parents and students, and the business community. As a result, the Department published the consensus language in a notice of proposed rulemaking (NPRM) on July 11, 2016

¹ President's Testing Action Plan: www2.ed.gov/admins/lead/account/saa.html#Related_Programs_and_Initiatives

(81 FR 44928). We accepted comments through September 9, 2016, and are now considering the comments we received. The information in this letter is specific to the assessment requirements under NCLB, which, as I mentioned, continue in the ESSA, and does not address the new aspects of assessment systems in the ESSA that are included in that NPRM.

Assessment Peer Review

The Department conducted assessment peer reviews of 38 States in April, June, and August 2016. If your State submitted information for review, thank you for your time and diligence in preparing for the review. The hard work you and your staff put into the submissions was apparent in the material reviewed. The Department is reviewing the recommendations provided by each State's panel of external peer reviewers and is considering comments across States to ensure fairness and consistency in the Department's response to each State.

We appreciate that States are in various stages of development with their assessment systems. For example, some States submitted for review a full suite of assessments (i.e., reading/language arts, mathematics, and science general assessments and alternate assessments aligned with alternate academic achievement standards (AA-AAAS) for students with the most significant cognitive disabilities across all applicable grades) while others submitted only certain components of their system, noting that other components were being administered for the first time in either the 2015–2016 or 2016–2017 school year and would be submitted for peer review after the first test administration. As a result, the Department has determined that providing information separately for each component of the State's assessment system provides the clearest and most targeted feedback and support. For example, a State that submitted its reading/language arts and mathematics general assessments and its AA-AAAS will receive separate feedback for its general assessments and its AA-AAAS. That feedback will include the status of each component submitted for review, a list of follow-up documentation, if any, that the State needs to submit in order to demonstrate that it meets the ESEA requirements, and the peer notes, which provide recommendations to the Department from the peers based on their professional judgment. In total, each State will ultimately receive feedback on the following components of its assessment system: (1) reading/language arts and mathematics general assessments in grades 3 through 8; (2) reading/language arts and mathematics general assessments in high school; (3) reading/language arts and mathematics AA-AAAS in grades 3 through 8 and high school; (4) science general assessments in grades 3 through 8; (5) science general assessments in high school; and (6) science AA-AAAS in grades 3 through 8 and high school.

Please note that the peers' recommendations may differ from the Department's feedback; we encourage you to read the full peer notes for additional suggestions and recommendations for improving your assessment system beyond what is noted in the Department's feedback. However, it is the Department's feedback that will serve as the basis for the outcomes described below.

For each component of a State's assessment system, there are four possible outcomes:

- Meets requirements. A component of a State's assessment system meets all of the requirements of the statute and regulations. While the Department or the peers may have recommendations for the State to continue strengthening this component of its assessment system, the State is not required to submit any additional documentation for peer review regarding the component unless and until the State makes a significant change to its challenging academic content or achievement standards or to the assessment (see pages 7-9 of the Department's assessment peer review guidance for examples of significant changes, available at: www2.ed.gov/policy/elsec/guid/assessguid15.pdf).
- Substantially meets requirements. A component of a State's assessment system meets most of the requirements of the statute and regulations but some additional information is required. The Department expects that a State should be able to provide this additional information within one year. The State must provide to the Department a plan and timeline by which it will submit the additional documentation. If adequate progress is not made, the Department may take additional action.
- Partially meets requirements. A component of a State's assessment system does not meet a number of the requirements of the statute and regulations and/or the State will need to provide substantial additional information to demonstrate it meets the requirements. The Department expects that a State may not be able to submit all of the required information within one year. The Department will place a condition on the State's Title I grant award and, if the matter pertains to requirements in the Individuals with Disabilities Education Act (IDEA) related to the participation of students with disabilities in Title I assessments, may place a condition on the State's grant award under Part B of IDEA. The State must provide to the Department a plan and timeline by which it will submit the additional information. The Department will host regular (e.g., quarterly) calls with the State to discuss the State's progress in meeting its plan and timeline. If adequate progress is not made, the Department may take additional action.
- Does not meet requirements. A component of the State's assessment system does not meet most of the requirements of the statute and regulations and will require substantial work by the State to revise. The State is not likely to be able to make the changes necessary to address the issues identified and submit information to the Department within one year. The State may be required to cease administration of the component until the State has addressed some or all of the concerns noted by the Department. The Department will place a condition on the State's Title I grant award and, if the matter pertains to requirements in the IDEA governing the participation of students with disabilities in Title I assessments, may place a condition on the State's grant award under Part B of IDEA. The State must provide to the Department a plan and timeline by which it will submit the revisions for peer review. The Department will host regular (e.g., quarterly) progress calls with the State to discuss the State's progress toward meeting its plan and timeline. Depending on the nature of the component and associated concerns, the Department may place the State on high-risk status and/or ask the State to enter into a compliance agreement.

If additional actions are warranted related to these outcomes, the Department has a range of actions from which to choose, depending upon the nature and extent of the issues. These include increased monitoring; placing a condition on the State's Title I grant award and, if applicable, on the State's grant award under Part B of the IDEA; placing the State on high-risk status; issuing a cease and desist order; entering into a compliance agreement with the State; withholding all or a portion of the State's Title I, Part A administrative funds; and suspending, and then withholding, all or a portion of a State's Title I, Part A programmatic funds and, if applicable, all or a portion of the State's Part B of IDEA funds. For any State with a component of its assessment system that does not meet all requirements, the Department may take additional action if the State is not making adequate progress to address the issues noted by the Department.

We know you recognize the importance of having high-quality assessments that accurately and fairly measure students' knowledge and skills. Over the past few years, States have put considerable effort into developing assessment systems aligned to the college- and career-ready academic content standards that the State adopted. Some States developed multi-step performance tasks that address higher-order, critical-thinking skills. Some have developed computer-adaptive assessments that may provide a more precise student score with fewer questions than a traditional test. These are but a few promising developments that show how States are building more robust assessment systems that provide greater value to parents and educators.

Thank you for your ongoing commitment to improving educational outcomes for all students. If you have any questions, please contact Don Peasley of my staff at: Donald.Peasley@ed.gov. I look forward to our continued partnership as we move ahead with this critical work.

Sincerely,

/s/

Ann Whalen
Senior Advisor to the Secretary
Delegated the Duties of Assistant Secretary
for Elementary and Secondary Education

cc: Council of Chief State School Officers
State Assessment Directors
State Title I Directors
State Special Education Directors