Educ –
Enforcement

November 2, 1999

Ms. Sonia Hernandez
California Department of Education
721 Capitol Mall
P.O. Box 944272
Sacramento, California 94244-2720

Dear Ms. Hernandez:

I write in response to your request for technical assistance in anticipation of California's year 2000 Integrated Review. In light of the questions raised in your letter, please allow me to take this opportunity to review and clarify California's obligations under the standards, assessment, and accountability requirements of Title I of the Elementary and Secondary Education Act. The 2000-01 school year is an important milestone for Title I implementation, as all States, including California, must have final assessment and accountability systems in place by then. As you move forward in developing and refining your systems, we would be pleased to meet with you to discuss the applicable requirements of current law and to provide technical assistance through a team of peer consultants. In addition, we will soon send you guidance for peer reviewers on Title I final assessments. We hope CDE staff will attend the workshop covering this guidance at the Improving America's Schools Conference in Salt Lake City on November 10 and 11.

Title I required States to adopt content and performance standards by the beginning of 1997-98 school year. In September 1998, the Department approved California's evidence of challenging content standards in mathematics and reading/language arts. However, California has not submitted evidence of performance standards for Department review, and in the coming weeks, we will seek clarification from you on California's progress and timeline in developing these standards. Please keep in mind that any statewide performance standards or additional content standards that California may adopt must hold *all* students to the same high academic expectations. Thus, if the State develops standards specifically applicable to students with disabilities or limited English proficient students, those standards may not set learning expectations for such students that are lower or less rigorous than the expectations applicable to other students.

In addition, Title I requires final assessment and accountability systems to be in place by the 2000-01 school year. But as you know, even before the 2000-01 school year, current law requires States to implement yearly statewide transitional assessments and to hold schools and districts accountable for students' academic progress. In using transitional assessments, note that Title I regulations make clear that such assessments must include all children in the grades being assessed. This means that students with disabilities and LEP students must be included now in assessments used for school and district accountability purposes.

Title I contains more specific requirements for the final assessments that must be in place by the 2000-01 school year. The soon-to-be-released guidance for peer reviewers on Title I final assessments explains these requirements in detail. Here I wish to call your attention to four requirements that may have particular relevance to California's evolving assessment policies and practices.

1. Alignment. Final assessments must be aligned with content and performance standards in math and reading/language arts, as well as any other subject area in which a State has adopted standards. In other words, final assessments must provide valid, accurate information about what students know and can do in each academic content area at the level of breadth, depth, and emphasis specified by State content standards. Achieving satisfactory alignment requires careful study and rigorous verification by all States, including those States that intend to use commercially developed, standardized norm-referenced tests as the centerpiece of their final assessment systems.

2. Inclusion. Final assessments must provide for the participation of all students in the grades being assessed. Title I specifically requires the inclusion of LEP students in final assessments and makes clear that States must assess LEP students, to the extent practicable, in the language and form most likely to yield accurate and reliable information on what they know and can do in subjects other than English. For each State, including California, this means that if native-language assessment of LEP students is practicable and is the form of assessment most likely to produce valid information on their academic performance, then the State *must* utilize such assessments.

Furthermore, Title I requires States to provide reasonable adaptations and accommodations for students with diverse learning needs, including LEP students and students with disabilities. If test adaptations or accommodations are reasonable, and if they are necessary to validly measure the achievement of such students against State standards, then the State *must* provide such adaptations or accommodations.

Title I thus makes clear that developing linguistically appropriate assessments and providing reasonable test adaptations and accommodations are statutory obligations that must be met by State officials through the development of uniform policies, not left to individual, discretionary decisions of local district officials.

3. Multiple measures. Final assessment systems must incorporate multiple measures of student performance, including measures that assess complex thinking skills and understanding of challenging content. This requirement is intended to produce more accurate and complete measurement of what students know and can do, thereby increasing the validity and fairness of inferences made about school and district progress. Multiple measures also help to ensure that assessment systems reflect the breadth, depth, and emphases of State content standards, thereby improving alignment. We will evaluate each State's observance of the multiple measures requirement in light of these objectives.

4. Disaggregation. Title I requires final assessment results, for public reporting

purposes, to be disaggregated within each school and school district by several demographic categories. Please note that the statutorily specified categories include major racial and ethnic groups as well as migrant status.

Although the discussion above is by no means an exhaustive treatment of Title I final assessment requirements, I hope it provides useful guidance as you continue to develop and refine California's assessment policies. Sound assessments that conform to Title I requirements will form the central foundation for school and district accountability in the 2000-01 school year. I understand that California is also in the process of designing its statewide accountability system, and we expect this system to build on final assessments that comply with Title I.

Regarding your question about the format for next spring's integrated review of California's ESEA implementation, we will continue to discuss with you the most effective means to meet both the monitoring and technical assistance functions of the review. I hope we will be able to address any questions you may have about this letter in advance of the planned spring visit by our integrated review team.

Thank you for your attention to these important issues. Please do not hesitate to call me if there is any additional help I can provide.

Sincerely,

Judith Johnson
Acting Assistant Secretary
Elementary and Secondary Education