



Standards and Assessments

Non-Regulatory Draft Guidance



March 10, 2003

DRAFT GUIDANCE

Introduction

The cornerstone of any substantive education reform lies in the creation and application of rigorous academic standards. For far too long, many children in this country have fallen victim to, in terms of President George W. Bush, "the soft bigotry of low expectations." *The No Child Left Behind Act*, signed by the President on January 8, 2002, has ushered in a new era in American public education, an era that begins with the premise that every child can learn and an era that demands that all children achieve to high standards, regardless of race, socioeconomic status, or disability. Only by holding all students to high standards and believing that all children can learn, will every child in America excel and be able to live out his or her dreams.

Under *The No Child Left Behind Act of 2001*, States will build on the work they have already begun in the area of academic standards and implement challenging academic content and student achievement standards in the core academic subjects of reading/language arts, mathematics, and science. The power of rigorous State academic standards is undeniable: they provide a clear direction for what all students should know and be able to do and establish clear expectations for schools, teachers, parents, and students.

Rigorous academic standards, however, are but one critical element to ensuring that all children attain to high levels of academic achievement. To reach our goal of high achievement for all children, we must also be able accurately and efficiently to measure whether or not students are meeting the standards of learning expected of them, diagnose problems, and offer immediate intervention. As President Bush has stated, "In order to make sure children are not simply shuffled through the system, we must measure. We must determine what needs to be corrected early, before it's too late."

Although previous federal legislation also required that States assess public school children, States were required to test only three times during a student's tenure in the K-12 educational system. This left too many intervening years in which children's academic difficulties went undiagnosed. The President and the Congress, in passing *The No Child Left Behind Act*, recognized that these intervening years without assessments were precious years during which far too many children were slipping through the cracks and being left behind. Therefore, under *No Child Left Behind*, States will enhance their existing assessment systems to include annual assessments in reading/language arts and mathematics for all public school students in grades 3 through 8 and at least once in grades 10 through 12 by the 2005-2006 school year. Additionally, by the 2007-2008 school year, all States will annually assess their students in science at least once in grades 3 through 5, once in grades 6 through 9, and once in grades 10 through 12.

This Standards and Assessment Guidance is written to assist States, districts, and schools in understanding and implementing *The No Child Left Behind Act* in the area of standards and assessments. This guidance document is one of three documents the Department is preparing on standards and assessments. In addition to this document, the Department will soon be releasing a

Technical Addendum for Standards and Assessments and a Peer Reviewer Manual for Standards and Assessments. The Technical Addendum will contain more detailed and technical discussion on many of the topics covered in this guidance document and is written primarily for State and district assessment and accountability directors. The Peer Reviewer Manual for Standards and Assessments will provide States additional details on the types of evidence and documentation that peers will review to make recommendations to the Department for the approval of State assessment systems.

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Standards and Assessments: Guidance

I. INTRODUCTION

A. GENERAL INFORMATION

A-1. What are academic standards?

Academic standards refer to statements of expectations for student learning and achievement. Academic standards are composed of both academic content standards and student academic achievement standards.

Academic Content Standards

Academic content standards specify what all students are expected to know and be able to do. Academic content standards must contain coherent and rigorous content and encourage the teaching of advanced learning.

Academic content standards should be clear and specific and give teachers, students, and parents sufficient direction to guide teaching and learning.

Additionally, academic content standards should be understandable for educators to teach the expected content in their classrooms and for students to attain to the expected high levels of achievement. Thus, academic content standards should be written in clear, jargon-free, and straightforward prose that is accessible to a wide range of audiences.

Student Academic Achievement Standards

Student academic achievement standards (called performance standards under the 1994 reauthorization of the Elementary and Secondary Education Act) are explicit definitions of what students must know and be able to do to demonstrate proficiency. Achievement standards further define content standards by connecting them to information that describes how well students are acquiring the knowledge and skills contained in academic content standards. Thus, it is essential that a State's achievement standards be aligned with its content standards.

Academic achievement standards should be conceptualized as a system that includes the following components:

- Achievement levels -- Labels for the levels of student achievement that convey the degree of student achievement in a given content area. Each achievement level encompasses a range of student achievement.

- Achievement descriptors -- Descriptions of the competencies associated with each level of achievement. Achievement descriptors describe what students at each achievement level know and can do.
- Exemplars -- Examples of student work that illustrate the range of achievement in a content area within each achievement level.
- Cut scores -- Scores on an assessment that separate one level of achievement from another.

A-2. What are the principal requirements for standards and assessments in *The No Child Left Behind Act*?

To ensure that all public school students have access to a high-quality and challenging education and become proficient in the core academic subjects of reading/language arts, mathematics, and science, States will develop and implement academic content and achievement standards in these subjects and administer annual assessments aligned to the standards. Additionally, because English language proficiency is essential for academic success, States must also administer annual assessments of English language proficiency to measure and be held accountable for limited English proficient students' progress in acquiring English. Finally, States and districts are required to participate in biennial reading and math assessments of the National Assessment of Educational Progress.

Academic Content and Student Achievement Standards

- By May 2003, as part of a State's consolidated application, States must have challenging academic content standards in reading/language arts and mathematics to cover each of grades 3-8. Additionally, as required under the 1994 ESEA, States must continue to have academic content standards for grades 10-12 in reading/language arts and mathematics.
- By the 2005-2006 school year, States must develop academic content standards in science for elementary (grades 3-5), middle (grades 6-9), and high school (grades 10-12).
- By the 2005-2006 school year, States must develop and implement student achievement standards in reading/language arts and mathematics for each of grades 3 through 8. As required under the 1994 ESEA, States must continue to have academic achievement standards for grades 10-12 in reading/language arts and mathematics.
- By the 2007-2008 school year, States must develop and implement student achievement standards in science for each of the grade spans 3-5, 6-9, and 10-12.

Assessments of Academic Standards

- By the 2005-2006 school year, States must develop and implement yearly, high-quality assessments in reading/language arts and mathematics in each of grades 3 through 8 that are aligned with a State's challenging academic content and achievement standards. The requirement for annual assessments in reading/language arts and mathematics at least once in the grade span 10-12 remains and has not changed from the 1994 ESEA reauthorization.
- By the 2007-2008 school year, States must develop and implement yearly, high-quality annual assessments in science that are aligned with a State's challenging academic content and achievement standards at least once in each of the grade spans 3-5, 6-9, and 10-12.
- A State's assessments in reading/language arts and mathematics must be used to make annual accountability determinations of how well all students in public elementary and secondary schools are learning and mastering the subject material reflected in a State's academic content and achievement standards.
- Student achievement on assessments must be included in the new State and district report cards that must be first issued beginning with the 2002-2003 school year.

Assessments of English Language Proficiency

- By the 2002-2003 school year, local school districts must administer annual assessments of English proficiency to all students with limited English proficiency.
- States must assist school districts enrolling limited English proficient students to develop the capacity to comply with this new requirement.

National Assessment of Educational Progress (NAEP)

- States must participate in State NAEP assessments in reading and mathematics at grades four and eight once every two years.
- Local educational agencies that receive Title I funds, if selected as part of the NAEP sample, must participate in the biennial State NAEP assessments in reading and mathematics at grades four and eight.
- The biennial State NAEP assessments in reading and mathematics at grades four and eight will be administered in odd-numbered years, beginning with 2003.

A-3. Has the federal government provided funds to States to develop and implement the standards and assessments required by *No Child Left Behind*?

Yes. For fiscal year 2002, Congress has appropriated \$387 million dollars for states to develop and implement the standards and assessments required by No Child Left Behind. Additionally, States may use their federal State administration funds to pay for standards and assessments. Finally, funds will be provided to cover State and district administrative costs associated with their participation in the biennial NAEP assessments in reading and mathematics. Please see Section VIII, "Federal Funds for State Standards and Assessments," for additional information about these and additional federal funds available to States for standards and assessments.

II. ACADEMIC STANDARDS

B. GENERAL INFORMATION

B-1. For what subjects must a State adopt and implement academic content and achievement standards?

States must have academic content and student achievement standards in reading/language arts and mathematics, and (beginning in the 2005-2006 school year) science. These standards must include the same knowledge and levels of achievement expected of all public school students in the State.

B-2. Do State academic standards apply to all public school children?

Yes. States must hold all public elementary and secondary school students to the same challenging academic content and achievement standards in all subjects for which it has developed standards. All students are expected to achieve to the same high levels of learning. Further, if a school district serves students under Title I in subjects for which a State has not developed academic standards, a State must develop strategies for ensuring that those students are taught the same knowledge and skills and held to the same expectations for achievement as are all other students in those subjects.

B-3. Whom must a State involve in the development of its academic standards?

A State must develop its academic standards with broad-based consultation, including local educational agencies, teachers, principals, pupil services personnel, administrators, other staff, and parents.

B-4. Does the U.S. Department of Education approve the content of a State's academic standards?

No. The U.S. Department of Education does not review or approve the quality of States' academic content and achievement standards. Instead, States submit evidence that they have adopted academic standards in the required subjects and grade levels and a description of their process for developing such standards.

As States have done under the 1994 reauthorization of the Elementary and Secondary Education Act, a State may revise any academic standard adopted before or after the enactment of the No Child Left Behind Act of 2001. A State making significant changes to its academic standards, including, for example, changes in content standards that affect the alignment between academic standards and assessments or the addition, deletion, or combination of achievement levels, must provide the Department with appropriate information

about these changes. More detailed information regarding what constitutes a significant change to a State's academic standards may be found in the forthcoming Technical Addendum for Standards and Assessments.

C. ACADEMIC CONTENT STANDARDS

C-1. What are the requirements for academic content standards for grades 3-8 in reading/language arts and mathematics?

A State's academic content standards for reading/language arts and mathematics may be grade specific or may cover more than one grade if grade-level content expectations are provided for each of grades 3 through 8.

C-2. What are the requirements for academic content standards at the high school level?

At the high school level, a State's academic content standards for reading/language arts, mathematics, and science must define the knowledge and learning that all high school students are expected to know and be able to do. High school academic content standards may be grade specific, may cover more than one grade, or may be course specific.

C-3. What are the requirements for academic content standards in science?

At the elementary and middle school levels, a State's academic content standards in science may be grade-specific or may cover more than one grade. At the high school level, State academic content standards must define the knowledge and learning that all high school students are expected to know and be able to do in science and may be grade specific, cover more than one grade, or be course specific.

C-4. What is the timeline for States to submit evidence to the U.S. Department of Education that they have adopted challenging academic content standards?

As part of its consolidated application submission, a State must submit evidence to the Department by May 1, 2003, that it has adopted challenging content standards in reading/language arts and mathematics at each grade level for grades 3 through 8, or disseminated grade-level expectations for reading/language arts and mathematics for grades 3 through 8 to LEAs and schools if the State's academic content standards cover more than one grade level.

Additionally, in its May 1, 2003, consolidated application submission, a State must provide to the Department a detailed timeline for adopting challenging academic content standards in science. No later than May 1, 2006, but as soon as

available, a State will submit evidence to the Department that the State has adopted challenging academic standards in science.

For more detailed information on the types of information States may submit as evidence for their academic content standards, please see the forthcoming Technical Addendum for Standards and Assessments.

D. ACADEMIC ACHIEVEMENT STANDARDS

D-1. Must a State have academic achievement standards for every grade and subject assessed?

Yes. A State must develop academic achievement standards for every grade and subject assessed, even if the State's academic content standards cover more than one grade.

D-2. How many levels of academic achievement standards must a State have?

A State's system of academic achievement standards must describe two levels of high achievement (proficient and advanced) that determine how well students are mastering a State's academic content standards and a third level of achievement (basic) to provide information about the progress of lower-achieving students toward mastering the proficient and advanced levels of achievement. States have the flexibility to give different names to these three levels of achievement. For example, Maine calls its achievement levels: exceeds standards, meets standards, and partially meets standards.

States also have the flexibility to have more than three levels of student academic achievement standards. For example, Louisiana reports five levels of achievement: advanced, proficient, basic, approaching basic, and unsatisfactory. However, States choosing to add additional levels must ensure that these additional levels do not result in lower expectations for students served by Title I. All students are expected to achieve to proficient or advanced levels of achievement.

D-3. What is the timeline for States implementing academic achievement standards and for States submitting such evidence to the U.S. Department of Education?

States must implement their systems of academic achievement standards for each of grades 3 through 8 in reading/language arts and mathematics by the 2005-2006 school year. States are to submit evidence of these academic achievement standards to the Department by December 2006. Additionally, in their May 1, 2003, consolidated application submissions, States must provide a detailed

timeline for meeting these deadlines.

With respect to academic achievement standards in science, States must develop achievement levels and descriptions no later than the 2005-2006 school year and their assessment scores ("cut scores") no later than the 2007-2008 school year. States are to submit evidence of their academic achievement standards for science by December 2008. In the May 1, 2003, consolidated application submission, States must provide a detailed timeline for meeting these deadlines for science academic achievement standards.

For more detailed information on the types of information States may submit as evidence for their student academic achievement standards, please see the forthcoming Technical Addendum for Standards and Assessments.

III. ACADEMIC ASSESSMENTS

E. GENERAL ISSUES

E-1. For what subjects and grades must a state develop and administer academic assessments?

The timeline for developing and administering academic assessments under No Child Left Behind unfolds in three stages:

- Through the 2004-2005 school year, a State must administer annual assessments in reading/language arts and mathematics at least once during grades 3 through 5; grades 6 through 9; and grades 10 through 12.
- Beginning no later than the 2005-2006 school year, a State must administer annual assessments in reading/language arts and mathematics in each of grades 3 through 8 and at least once in grades 10 through 12.
- Beginning no later than the 2007-2008 school year, a State must administer annual assessments in science at least once in grades 3 through 5; grades 6 through 9; and grades 10 through 12.

E-2. May a State use end-of-course tests to fulfill the requirements for assessments at the high school level?

Yes. A State may use end-of -course tests at the high school level, provided that the end-of-course assessment is for a high school course that all students are required to take to graduate from high school and provided that the assessment measures the depth and breadth of the content that the State expects all high school students to know and be able to do by the time they graduate.

E-3. What is the timeline for States submitting evidence to the U.S. Department of Education that they have developed and implemented the assessments required by No Child Left Behind?

States are to submit evidence of the required academic assessments in reading/language arts and mathematics to the Department by December 2006. Additionally, in their May 1, 2003, consolidated application submissions, States must provide a detailed timeline for meeting the statutory deadlines for implementing reading/language arts and mathematics assessments.

With respect to academic assessments in science, States are to submit evidence of their assessments by December 2008. In the May 1, 2003, consolidated application submission, States must provide a detailed timeline for meeting the

statutory deadline for science assessments.

For more detailed information on the types of information States may submit as evidence for their assessment systems, please see the forthcoming Technical Addendum for Standards and Assessments.

E-4. Are States that have not fully implemented the assessment requirements of the 1994 ESEA reauthorization required to meet all the assessment deadlines of No Child Left Behind?

Yes. States that are working under timeline waivers or compliance agreements for meeting the standards and assessments requirements of the 1994 ESEA must concurrently complete the tasks of their timeline waivers and compliance agreements on time and meet the standards and assessment requirements of No Child Left Behind on time. Section 1111 (g)(1)(B) of No Child Left Behind expressly prohibits the Department from entering into additional compliance agreements and timeline waivers or extending the deadlines of current timeline waivers and compliance agreements for meeting the requirements of the 1994 ESEA. Additionally, the Secretary must withhold 25 percent of Title I administrative funds from any State that fails to meet its deadlines for the 1994 ESEA requirements until such time as the State meets the 1994 requirements. Finally, the Secretary does not intend to grant any waivers or extensions of time to States for meeting the standards and assessment requirements of No Child Left Behind.

E-5. Must a State's assessment system include all public school students?

Yes. A State must include all public school students in the grades and subjects assessed in its assessment system. States, districts, and schools must assess all students, regardless of whether a student is to be included for reporting or accountability purposes and regardless of the amount of time the student has been enrolled in the State, district, or school. All public school students present in the State on the days on which State assessments are administered are expected to take State assessments.

E-6. If a State administers assessments in subjects other than reading/language arts, mathematics, and science, must the State include all public school students?

Yes. A State must include all public school students in all grades and in all subjects for which the State administers assessments.

F. DESIGN OF STATE ASSESSMENT SYSTEMS

F-1. What are the principal requirements for the design of a State's academic assessment system?

A State's assessment system must meet the following principal requirements:

- Be the same assessment system used to measure the achievement of all public school students in the State.
- Be designed to provide coherent information about student attainment of state standards across grades and subjects.
- Be designed to be valid and accessible for all students, including students with disabilities and students with limited English proficiency.
- Be aligned with the State's challenging academic content and student achievement standards.
- Express student results in terms of the State's student academic achievement standards.
- Be valid, reliable, and of adequate technical quality for each of the purposes for which the assessment system is used and be consistent with nationally recognized professional and technical standards.
- Involve multiple up-to-date measures of student academic achievement, including measures that assess higher-order thinking skills and understanding of challenging content.
- Objectively measure academic achievement, knowledge, and skills without evaluating or assessing personal family beliefs and attitudes.
- Enable results to be disaggregated within each State, LEA, and school by gender, each major racial and ethnic group, migrant status, students with disabilities, students with limited English proficiency, and economically disadvantaged students.
- Produce individual student reports.
- Enable itemized score analyses.

Detailed and technical information regarding each of the above requirements may be found in the forthcoming Technical Addendum for Standards and Assessments.

F-2. What is a coherent assessment system?

A State's assessment system should provide coherent information about student attainment of state standards across grades and subjects. Student achievement results should be comparable from one grade level to the next so that student

progress can be tracked from year to year. Further, as student knowledge and learning grows more sophisticated as they progress through the grades, the knowledge and skills assessed should be more sophisticated from one grade to the next. For example, a State's 5th grade math assessment should assess more challenging content than a State's 4th grade assessment and the 6th grade assessment should assess more challenging content than the 5th grade assessment.

F-3. What is alignment?

Alignment is the match between the expectations of student learning described in a State's academic standards and a State's assessments. In an aligned assessment system, State academic content standards comprise the content of the assessment. A curriculum aligned with the State's standards is necessary for students to achieve and demonstrate proficiency on a State's tests.

For there to be alignment, it is essential that an assessment measure the depth and breadth of the State academic content standards for a given grade level. Assessments that devote a disproportionate number of items to a small subset of the content and skills specified in the standards or that focus on peripheral, rather than significant content, are not well aligned.

The following dimensions are important for judging the alignment between standards and assessments:

- *Comprehensiveness*: Does the assessment reflect the full range of the standards?
- *Content and Performance Match*: Does the assessment measure what the standards state students should both know and be able to do?
- *Emphasis*: Does the assessment reflect the same degree of emphasis on the different content standards as is reflected in the standards?
- *Depth*: Does the assessment reflect the cognitive demand and depth of the standards? Is the assessment as cognitively demanding as the standards?
- *Consistency with achievement standards*: Does the assessment provide results that reflect the meaning of the different levels of achievement standards?
- *Clarity for users*: Is the alignment between the standards and assessments clear to all members of the school community?

More detailed and technical information regarding the methodology for checking alignment and the types of information States may submit to provide evidence of

alignment between standards and assessments is provided in the forthcoming Technical Addendum for Standards and Assessments.

F-4. What are State responsibilities for the validity and reliability of assessments?

A State's academic assessment system must be valid and reliable for the purposes for which the assessment system is used and it must be consistent with relevant, nationally recognized professional and technical standards for assessment. States must document the technical quality of their assessments with evidence both about the assessment instruments themselves and about how the assessment results are used. If a State's assessment system includes locally developed assessments, the State is responsible for ensuring that the local assessments meet the required technical standards. A State may require that localities collect evidence of technical quality, or the State may itself collect such evidence.

Validity

Validity is the extent to which an assessment measures what it is supposed to measure and the extent to which inferences and actions made on the basis of test scores are accurate and appropriate. For example, if a student performs well on a reading test, how confident are we that the student is a good reader? A valid standards-based assessment is aligned with the intended learning and knowledge to be measured and provides an accurate and reliable measurement of student achievement relative to the standard.

Reliability

Reliability is the degree to which the results of an assessment are dependable and consistently measure student knowledge and skills. Reliability is an indication of the consistency of scores across different tasks or items that measure the same thing, across raters, and over time. Thus, reliability may be expressed as the relationship between test items intended to measure the same learning or knowledge (item reliability), the relationship between two administrations of the same test to the same student or students (test/retest reliability), or the degree of agreement across two graders (rater reliability).

More detailed information on validity and reliability may be found in the forthcoming Technical Addendum for Standards and Assessments.

F-5. What are the different types of assessments that States may use in the design of their assessment systems?

A State may include either criterion-referenced assessments or augmented norm-referenced assessments in its assessment system. States wanting to use a norm-referenced assessment at a particular grade must augment that assessment with

additional items as necessary to measure accurately the depth and breadth of the State's academic content standards and the assessment must express student results in terms of the State's student academic achievement standards.

Additionally, a State that includes a combination of criterion and norm-referenced assessments in its assessment system must demonstrate that the system has a rational and coherent design that:

- Identifies the assessments to be used.
- Indicates the relative contribution of each assessment towards ensuring alignment with the State's academic content standards and towards determining the adequate yearly progress of each school and LEA.
- Provides information regarding the progress of students relative to the State's academic standards.

Criterion-referenced assessment: An assessment in which a student's performance is compared to a specific learning objective or achievement standard (e.g., State standards) and not the performance of other students. Criterion-referenced assessments measure how well students are achieving on specific goals or standards rather than measuring how well their performance compares to a norm group of students nationally or locally. In criterion-referenced assessments, it is possible that all of the students tested will reach a particular goal or achievement standard.

Norm-referenced assessment: An assessment where student performance is compared to the performance of a larger group (the norm group). Usually the larger group or "norm group" is a national sample representing a wide and diverse cross-section of students.

Augmented norm-referenced assessment: An assessment in which select items from a norm-referenced assessment are combined with additional items written specifically to assess State content standards not covered by a norm-referenced assessment.

F-6. Must a State's assessments be uniform statewide or may a State employ a combination of State and local assessments in its assessment system?

A State's assessment system may employ either a uniform set of assessments statewide or a combination of State and local assessments. States using a combination of State and local tests must address issues of comparability and equivalency. For example, will proficiency on one local assessment be comparable to proficiency on another local assessment? States must be able to judge equitably the performance of their schools, something that cannot be done when school performance is more a factor of the variance in local assessments

than a factor of the teaching and instruction the schools are providing their students. Additionally, States must consider how they will aggregate to the State level the results from local assessments as is required by No Child Left Behind.

States that choose to include a combination of State and local assessments will need to demonstrate that their system has a rational and coherent design that:

- Identifies the assessments to be used at the State and local levels.
- Indicates the relative contribution of each assessment towards ensuring alignment with the State's academic content standards and towards determining the adequate yearly progress of each school and LEA.
- Provides information regarding the progress of students relative to the State's academic standards.

Further, a State that includes local assessments must also:

- Establish technical criteria to ensure that each local assessment addresses the depth and breadth of the State's academic standards; is valid, reliable, and of high technical quality; expresses student results in terms of the State's academic achievement standards; and is designed to provide a coherent system across grades and subjects.
- Demonstrate that all local assessments are equivalent in their content coverage, difficulty, and quality to one another and to State assessments; have comparable validity and reliability with respect to groups of students described in section 1111(b)(2)(C)(v); and provide unbiased, rational, and consistent determinations of the annual progress of schools and LEAs within the State.
- Review and approve each local assessment to ensure that it meets or exceeds the State's technical quality for assessments.
- Be able to aggregate, with confidence, data from local assessments to determine whether the State had made adequate yearly progress.

IV. ISSUES RELATED TO SPECIAL POPULATIONS AND STANDARDS AND ASSESSMENTS

G. GENERAL ISSUES

G-1. What are a State's responsibilities for the design of its assessment system for students with disabilities, students covered under Section 504, and students with limited English proficiency?

A State's assessment system must be designed to be valid and accessible for use by the widest possible range of students, including students with disabilities, students covered under Section 504, and students with limited English proficiency. All the phases of assessment development, including test conceptualization, test construction, test tryout, test item analysis, and test revision, should take into account the wide range of various student populations in the State.

G-2. What are accommodations?

Accommodations are changes in testing materials or procedures that ensure that an assessment measures the student's knowledge and skills rather than the student's disabilities or English proficiency.

Accommodations are generally grouped into the following categories:

- Presentation (e.g., repeat directions, read aloud, use of larger bubbles, etc.)
- Response (e.g., mark answers in book, use reference aids, point, etc.)
- Setting (e.g., study carrel, special lighting, separate room, etc.)
- Timing/Scheduling (e.g., extended time, frequent breaks, etc.)

G-3. What are alternate assessments?

An alternate assessment is an assessment designed for students with disabilities who are unable to participate in a regular assessment, even when accommodations are provided. Alternate assessments are a way for all students with disabilities to participate in and benefit from assessment systems.

An alternate assessment must be aligned to the State's content and student achievement standards, must report student achievement with the same frequency and level of detail as the State's regular assessment, and must serve the same purpose as the assessment for which it is an alternate.

H. STUDENTS ELIGIBLE UNDER IDEA AND SECTION 504

H-1. Who decides which students with disabilities will receive assessment accommodations?

If the child is a child with a disability as defined by the Individuals with Disabilities Education Act (IDEA), Title I and IDEA regulations call for the student's Individualized Education Program (IEP) team to determine the accommodations needed to measure academic achievement. If the child is covered under section 504 of the Rehabilitation Act of 1973 (Section 504), Title I regulations call for the student's placement team to determine the accommodations needed to measure the academic achievement.

Decisions about assessment accommodations are to be made on the basis of individual student characteristics and needs, not on the basis of labels (such as category of disability). In determining which students require accommodations during Title I assessments, it is important to be aware of the role of accommodations in instruction and in assessment.

H-2. What assessment accommodations may be provided for students with disabilities and students covered under Section 504?

Students with disabilities and students covered under Section 504 must be provided with appropriate accommodations, when necessary, to enable participation in State assessments. States must ensure that all students with disabilities and students covered under Section 504 participate in the State assessment system. Decisions regarding accommodations are made by a student's IEP team or placement team and should be made on the basis of individual student needs, not on the basis of labels (such as category of disability).

The accommodations that students receive on State assessments should be similar to those routinely provided to students during classroom assessment. For example, if a student regularly is given extra time to complete a test or quiz or offered the opportunity to take a test in a separate room, an appropriate accommodation for that student on the State's assessments might be the provision of extra time or a separate room. Accommodations should not be introduced for the first time during an assessment.

H-3. Which students should take an alternate assessment?

The vast majority of students with disabilities should be able to participate in the

regular State assessment with appropriate accommodations, if needed. The need for alternate assessment depends on the individual needs of the child, not the category of the child's disability. Using State-established guidelines, IEP teams make the determination regarding which students will take an alternate assessment. Because alternate assessments are designed for students with significant disabilities who are unable to participate in a regular assessment, even when accommodations are provided, only a relatively small number of students should participate in alternate assessments.

Children with disabilities who take an alternate assessment must be included in the 95 percent of students who must participate in the State's assessments in order for a school, district, or State to make adequate yearly progress.

States should have guidelines to ensure that alternate assessments are used only when appropriate for students with significant disabilities and must require schools and LEAs to report the percentage of students taking an alternate assessment.

H-4. May IEP teams exempt students with disabilities or may placement teams exempt students covered under Section 504 from participating in a State's assessment system?

No. The IEP team or placement team determines how individual students participate in assessment programs, not whether they participate. The IEP team or placement team determines that an individual student should take the regular assessment with or without accommodations or that the student should take the alternate assessment. The only students with disabilities who are exempted from participation in State and district-wide assessment programs are students with disabilities convicted as adults under State law and incarcerated in adult prisons (34 CFR 300.311(b)(1)). Inclusion in assessments provides valuable information that benefits students by indicating individual progress against standards and in evaluating educational programs.

H-5. Is parental permission required for students with disabilities or students covered under Section 504 to participate in a State's assessment system?

In most States, parental permission is not required for students to participate in State and local assessment programs. Whatever rules apply to non-disabled children in a State would also apply to students with disabilities and students covered under Section 504.

H-6. What is out-of-level testing and may students with disabilities and students covered under Section 504 be tested using out-of-level testing?

“Out-of-level” testing means testing students at one grade level using tests that were designed for students at other grade levels. Most often, this involves testing at a grade lower than the student’s assigned grade level. Out-of-level testing is very often associated with lower expectations for special education students, tracking such students into lower-level curriculum with limited opportunities. Out-of-level testing may also limit student opportunities for moving to the next grade or graduating with a diploma.

Out-of-level testing is not an acceptable means for meeting either the assessment or accountability requirements of No Child Left Behind. As required by No Child Left Behind, a State's assessment system must provide appropriate accommodations so that a student covered under IDEA or Section 504 of the Rehabilitation Act of 1973 can be held to the content and achievement standards for the grade in which the student is enrolled.

I. LIMITED ENGLISH PROFICIENT (LEP) STUDENTS

I-1. What assessments are required for LEP students?

There are two assessment requirements for students with limited English proficiency (LEP).

- States must include all LEP students in their state assessment system. States may not exempt LEP students from participating in the State assessment system in their first three years of attending schools in the United States. Inclusion in the State academic assessment system must immediately begin when the student enrolls in school. No exemptions are permitted based on level of English proficiency. Inclusion of LEP students can take the form of providing appropriate linguistic accommodations and/or using an assessment in the student’s native language that is aligned to the State content and achievement standards. After three years of attending a school in the United States (except for those residing in Puerto Rico), students must be assessed in reading/language arts in English. If an LEA determines, on a case-by-case individual basis, that native language versions of academic assessments would yield more accurate and reliable information on what a student knows and can do, the LEA may assess a student in reading/language arts in the appropriate language other than English for a period that does not exceed two additional years.
- Districts must annually assess their LEP students on their English language proficiency in listening, speaking, reading, and writing. See Section N - Assessments of English Language Proficiency-for more detailed information on this requirement.

I-2. What accommodations are allowed for LEP students on a State's academic assessments?

Accommodations for limited English proficient students may include native-language assessments, extra time, small group administration, flexible scheduling, simplified instructions, and allowing the use of dictionaries. Other accommodations might include providing audio-taped instructions in the native language, allowing students to respond in either their native language or English using audiotape, and providing additional clarifying information at the end of the test booklet or throughout the test (e.g., synonyms for unclear or idiomatic words and phrases).

I-3. Must States provide for native language assessments?

To the extent practicable, States must make every effort to develop and administer native language assessments, if doing so is likely to yield the most accurate and reliable information about what those students know and can do. If the administration of native language assessments is not practicable, for example, when only a small percentage of limited-English students in the State speak a particular language, States must offer students of limited English proficiency other appropriate accommodations in order to yield accurate and reliable information on what those students know and can do in subjects others than English.

I-4. How long may States administer native language assessments in reading/language arts to LEP students?

A State must assess, using assessments written in English, the achievement of any LEP student in meeting the State's reading/language arts academic standards if the student has attended schools in the United States for three or more consecutive years. An LEA may continue, for no more than two additional consecutive years, to assess an LEP student with a native language assessment, if the LEA determines, on a case-by-case basis, that a student has not reached a level of English language proficiency sufficient to yield valid and reliable information on what the student knows and can do on reading/language arts assessments written in English.

J. MIGRANT AND OTHER MOBILE STUDENTS

J-1. Must a state include migrant and other mobile students who have not

attended a school or LEA for a full academic year in the State's assessment system?

Yes. States must include all children in their State assessments, regardless of the amount of time students have been enrolled in a school or district in the State and regardless of whether the students are to be included for reporting and accountability purposes.

J-2. Must a State include migrant students in its assessments if the migrant children are on schedule to return to their "home base" school and will participate in that State's assessment?

Yes. In this situation, some students may be tested twice if they travel between two States that test at different times. However, the ESEA, as amended by NCLB, requires a State to use the same assessment system to measure the achievement of all children. The law and regulations also require a State to test all students in the State in the grades assessed at the time of the assessment. There are no exceptions to this rule. Thus, all migrant students who are enrolled in a grade in which a State assessment is administered must be included in that assessment--regardless of the amount of time they have been enrolled in a school or their anticipated enrollment in another State.

J-3. How might States work together to ensure that migrant children who are absent for the State assessment in their "home base" State have an opportunity to take the test?

In accordance with a State's responsibility to promote interstate coordination of services for migratory children (section 1304(b)(3) of Title I, Part C), a State that receives a migratory student for a short period of time during the school year is encouraged to contact and work with the student's "home-base" State regarding the feasibility of an out-of-state administration of the "home-base" State's assessments. For example, Texas has arranged to have the Texas Assessment of Academic Skills (TAAS), a test required for high school graduation in Texas, administered to migratory students in several other States using local school personnel trained by Texas in the administration of the TAAS. Some States currently participating in this arrangement with Texas include Arkansas, Delaware, Illinois, Iowa, Missouri, Montana, Nebraska, North Dakota, and Washington.

J-4. What procedures might a State implement to ensure that assessment data are reliably disaggregated for migrant children for reporting purposes?

It is important for States to develop reliable procedures to ensure that those children who are assessed and who meet the definition of "migratory child" in

section 1309(2) of Title I, Part C are properly included in the disaggregation by migrant status. Methods such as self-reporting or teacher identification are not sufficient because of the complexity of the statutory definition of "migratory child."

An acceptable method might include a State providing each school with a list of eligible migrant children enrolled in the school. The list should contain sufficient information for the teacher or assessment proctor to properly identify and code the assessment forms for all eligible migrant children. To the extent that a State's database of student assessment information can be modified electronically, a State might also use data in its migrant student records system to code each assessment record that contains identical student identification information. Additionally, States are encouraged to cross-check the number of disaggregated assessment results for migrant students with school and grade enrollment data on migrant students maintained by the State Migrant Education Program to ensure the accounting for all students.

J-5. Should States work together to share the student assessment data for migrant students and other mobile students?

It is recommended that States coordinate with one another so that assessment data of migrant and other mobile students are available to program planners and project staff who work with these students who temporarily reside in their district or State for a short period of time. For example, receiving States that operate summer-term only programs could coordinate with a student's "home base" State to obtain academic assessment data that can be used in improving the alignment of supplemental educational services to student needs.

K. PRIVATE SCHOOL STUDENTS

K-1. Do State academic standards apply to students attending private schools?

No. A State's academic standards do not apply to private schools. They apply to all public schools and public school children in the State, including the public schools and the public school children served under Title I.

K-2. Must States include students attending private schools in their academic assessment systems?

No. States are not required to include private schools, including those whose students receive services under Title, part A, in their State academic assessment system.

If an LEA provides services to eligible private school students under Title I, part

A, the LEA, must, through timely consultation with private school officials, determine how services to eligible private school students will be academically assessed and how the results of that assessment will be used to improve those services.

K-3. May Title I funds be used to assess private school children?

Yes. Title I funds may be used to assess private school children if the assessment is being used only for Title I purposes. However, to the extent that an assessment is conducted for other purposes, it may not be paid for from Title I funds. (See Question K-2 for the consultation requirements between LEAs and private school officials regarding the assessment of private school students.)

K-4. How must States apply standards and assessments to students with disabilities placed in private schools by a public agency?

In accordance with Section 300.401(b) of the IDEA regulations, students with disabilities who are placed by a public agency in a private school as a means for providing special education and related services are entitled to an education that meets the standards that apply to education provided by the State and LEA. The State's academic standards should apply to these students, and these students should participate in the State's academic assessment system. Such students' assessment scores should be used in determining AYP for the LEAs that placed them in the private school or facility. Private schools and facilities that serve these students should have an opportunity to participate in the development and revision of State standards that apply to the students with disabilities whom they serve.

V. ASSESSMENT DATA AND REPORT CARDS

L. DISAGGREGATION OF DATA FOR REPORTING PURPOSES

L-1. For what subgroups must a State be able to disaggregate and report assessment results?

A State's assessment system must be able to disaggregate and report assessment results within the State, each LEA, and each school by:

- Gender.
- Each major racial and ethnic group.
- English proficiency status.
- Migrant status as defined in Title I, part C of the Elementary and Secondary Education Act.
- Students with disabilities as defined under section 602(3) of the Individuals with Disabilities Education Act.
- Economically disadvantaged students.

L-2. Are there instances when a State does not have to disaggregate and report assessment results for subgroups.

Yes. First, a State may not use disaggregated data for one or more subgroups to report achievement results if the number of students in those subgroups is insufficient to yield statistically reliable information. Based on sound statistical methodology, a State must determine and justify the minimum number of students sufficient to yield statistically reliable information for the purpose of reporting disaggregated assessment data. In its January 31, 2003, consolidated application submission, each State must submit to the Department the minimum number of students that the State has determined to be sufficient to yield statistically reliable information for each purpose for which disaggregated data are used and justify this determination.

Second, a State may not use disaggregated data for one or more subgroups to report achievement results if the results would reveal personally identifiable information about an individual student. To determine whether disaggregated results would reveal personally identifiable information about an individual student, a State must apply the requirements under section 444(b) of the General Education Provisions Act (the Family Educational Rights and Privacy Act of 1974).

M. ASSESSMENT REPORTS

M-1. What are student assessment reports?

Under NCLB States will build upon their existing high-quality, yearly academic assessments that produce individual student interpretive, descriptive, and diagnostic reports (section 1111(b)(3)(C)(xii)).

This report must provide information, for each student, regarding his or her achievement on academic assessments that are aligned to the State's academic content and achievement standards. These reports should allow parents, teachers, and principals to understand and address the specific academic needs of students.

An individual student report must have the following qualities:

- Provide valid and reliable information for each student on the academic content and achievement standards expected of all students.
- Display this information in a format and language that is understandable to parents, teachers, and principals.
- Deliver these reports as soon as possible after the assessment is administered.
- Provide detailed information on student achievement to the level that maintains the validity and reliability of the assessment (subject, competency, skill, etc.).

Besides these qualities, educational agencies must protect student confidentiality and apply this information only for the purposes for which it was designed.

M-2. What are itemized score analyses?

NCLB requires States to implement a set of high-quality, yearly academic assessments that enable itemized score analyses to be produced and reported. (section 1111 (b)(3)(C)(xv)) to help parents, teachers, principals, and administrators interpret test results and address the specific academic needs of students.

These analyses should provide information to improve student achievement, strengthen curriculum alignment, and identify problem areas and areas of strong performance for entire schools and demographic subgroups of students. The itemized score analyses reports do not need to release individual test items or

present information on individual test items. NCLB requires that itemized score analyses be used for the purposes for which they are valid and reliable, and be consistent with professional and technical standards. Revealing individual test items or detailed information about them may compromise the technical integrity of the assessment.

Item analysis, on the other hand, is a term for a collection of test development tools that examine the performance of test items when applied to a sample of test-takers. At a minimum, item analysis examines how difficult an item is for the sample of students and how well it discriminated between high and low scorers on the remainder of the test. Other analyses could determine if the item performs differently for different groups of students (differential item functioning) and could be used to reveal bias in a test question.

Item analysis is an important tool that can be used to demonstrate the technical quality of an assessment. However, it should not be confused with itemized score analyses, which is a reporting capability that is required under law.

VI. ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY

N. ASSESSMENTS OF ENGLISH LANGUAGE PROFICIENCY

N-1. What are the requirements for testing English language proficiency under Title I and Title III?

The requirement for testing for English proficiency is the same under both Titles I and III. Both Titles I and III require LEAs and SEAs to provide for an annual assessment of English language proficiency in the four domains of reading, writing, speaking, and listening. Title III also requires LEAs and SEAs to report student progress in English comprehension. Although Title III requires SEAs and LEAs to report a separate score for the domain of comprehension, a separate assessment instrument is not required for Title I and Title III. Comprehension can be demonstrated through reading and listening. For the measurement of reading comprehension, LEAs may report on a student's ability to read grade-level English proficiency texts with understanding. The measurement of listening comprehension includes both the student's ability to comprehend and respond in social interactions and the student's ability to understand and perform in academics.

N-2. Must an SEA use a common assessment of English language proficiency statewide or may an SEA use multiple assessments?

No. States do not need to require the use of one particular assessment by all school districts in the State. However, the use of one English language proficiency assessment will enhance the ability of the State to demonstrate progress uniformly throughout the State for reporting purposes.

If States allow multiple English language proficiency assessments throughout the State, States should:

- Set technical criteria for the assessments.
- Ensure the assessments are equivalent to one another in their content, difficulty, and quality.
- Review and approve each assessment.
- Ensure that the data from all assessments can be aggregated for comparison and reporting purposes, as well as disaggregated by English language proficiency levels and grade levels.

VII. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

O. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS

O-1. What is the National Assessment of Educational Progress (NAEP)?

The National Assessment of Educational Progress (NAEP), also known as "the Nation's Report Card," is a nationally representative and continuing assessment of what American students know and can do in various subject areas. Since 1969, NAEP has conducted assessments in reading, mathematics, science, writing, U.S. history, civics, geography, and the arts. NAEP does not provide scores for individual students or schools; instead, it offers results at the national and state level regarding subject-matter achievement, instructional experiences, and school environment for populations of students (e.g., 4th, 8th, and 12th grade students) and subgroups of these populations (e.g., Hispanic students, female students). NAEP results are based on samples of student populations tested in selected schools and districts.

O-2. What are the requirements for participation in NAEP?

Every State that receives Title I, Part A funds must participate in NAEP's biennial State academic assessments of reading and mathematics in grades four and eight. Further, all LEAs that receive Title I, Part A funds and the schools within those LEAs are required to participate in these biennial State assessments of grades four and eight reading and math if selected as part of a State's NAEP sample. State, LEA, and school participation in NAEP assessments, other than reading and mathematics assessments at grades four and eight, is voluntary.

Parents of children selected to participate in NAEP assessments must be informed before the administration of the assessment that their child may be excused from participation. The National Center for Education Statistics (NCES), which administers the NAEP assessments, will assist schools, school districts, and States in notifying parents of students selected for NAEP samples about the "opt out" provision in federal law. The manner of such notification shall be determined by the state, district, or school in which the students are enrolled. NCES will prepare and disseminate more detailed information on NAEP that is specifically designed for parents and the public.

O-3. Will the federal government provide assistance to SEAs and LEAs for their participation in NAEP assessments?

Yes. Starting in 2002, NAEP will take responsibility for the administrative support from participating States, districts, and schools. NAEP has established a Web site: <https://www.mynaep.com/default.asp> to notify schools and districts about its assessment activities. Further, NAEP supports a NAEP State Coordinator in each state who serves as the liaison between the State Education Agency and NAEP. The coordinator reviews NAEP assessment items and processes, coordinates the NAEP administration in the state, analyzes and reports NAEP data, and coordinates the use of NAEP results for policy and program planning. In addition, NAEP will establish a NAEP State Service Center to provide ongoing support, technical assistance, and training for the NAEP State Coordinators, answer information requests regarding NAEP, conduct meetings with the NAEP State Coordinators and the State Testing Directors, and maintain a NAEP Information Center.

O-4. Who takes NAEP assessments?

NAEP assesses students in both public and non-public schools in grades four, eight, and twelve. Between 60 and 120 students from a given school are selected at random to take NAEP assessments. In a State NAEP sample, approximately 2,500 students per grade and per subject participate.

O-5. Are accommodations offered for LEP students and students with disabilities during NAEP assessments?

Yes. To ensure that NAEP samples are as representative as possible and to ensure that a high percentage of sampled students can participate, NAEP allows certain accommodations for students with disabilities and for limited English proficient students.

O-6. How are NAEP assessment results reported?

NAEP data are aggregated and reported at national and state levels only. In a few special cases, data may be reported at the district level when a representative sample of the district is selected. NAEP results may not be reported for individual students and schools. All NAEP data related to individual students and their families remain confidential in accordance with federal law.

O-7. Will NAEP data be used to measure a State's adequate yearly progress?

No.

VIII. FEDERAL FUNDS FOR STATE STANDARDS AND ASSESSMENTS

P. FEDERAL FUNDS FOR STATE STANDARDS AND ASSESSMENTS

P-1. What federal funds are available for State standards and assessments?

Federal funds are available to States for the development and implementation of State standards and assessments through Section 6111 of No Child Left Behind, Grants for State Assessments and Related Activities, Section 6112, Grants for Enhanced Assessment Instruments, and through State expenditure of their consolidated State-level administration funds.

P-2. How may States use their Section 6111 Grants for State Assessments and Related Activities?

Section 6111 of the ESEA provides formula funds to States to pay for the development of the additional standards and assessments required by section 1111(b) of the No Child Left Behind Act. For fiscal year 2002, Congress appropriated \$370 million for Section 6111. The primary purpose of Section 6111 funds is for the development of the new standards and assessments required by No Child Left Behind.

If States have already developed the standards and assessments required by section 1111(b) of NCLB, States may use their section 6111 funds to pay for the administration of assessments or any of the following other activities:

- Developing challenging academic content and student achievement standards and aligned assessments in subjects for which standards and assessments are not required by NCLB.
- Developing or improving assessments of limited English proficiency to comply with section 1111(b)(7).
- Ensuring the validity and reliability of State assessments.
- Refining State assessments to ensure their continued alignment with State academic content standards and to improve the alignment of curricula and instructional materials.
- Developing multiple measures to increase the reliability and validity of State assessment systems.
- Strengthening the capacity of LEAs and schools to provide all students the

opportunity to increase educational achievement, including professional development activities aligned with State student academic achievement standards and assessments.

- Expanding the range of accommodations available to students with limited English proficiency and students with disabilities to improve the rates of inclusion of these students.
- Improving the dissemination of information on student achievement and school performance to parents and the community, including the development of information and reporting systems designed to identify best practices based on scientifically based research or to assist in linking records of student achievement, length of enrollment, and graduation over time.

P-3. What is the Section 6112 Grants for Enhanced Assessment Instruments Program?

Section 6112 of the ESEA, "Grants for Enhanced Assessment Instruments," provides competitive grants to States or consortia of States to improve the quality, validity, and reliability of State academic assessments. For fiscal year 2002, \$17 million were appropriated for these Enhanced Assessment grants.

Section 6112 requires that all States or consortia of States receiving funding meet the following absolute priorities:

- Collaborate with institutions of higher education, other research institutions, or other organizations to improve the quality, validity, and reliability of State academic assessments beyond the requirements for the assessments described in section 1111(b)(3) of the ESEA.
- Measure student academic achievement using multiple measures of student academic achievement from multiple sources.
- Chart student progress over time.
- Evaluate student academic achievement through the development of comprehensive academic assessment instruments, such as performance and technology-based academic assessments.

Enhancing assessment instruments so that they take into consideration alternatives for assessing students with disabilities and limited English proficient students is one of the pressing needs in the area of assessment. In addition, the complexity of improving assessments calls for collaborative efforts between and among states to yield approaches that can be adapted in varied contexts and for effective dissemination of results that can contribute to ongoing State efforts to improve their assessment systems. Towards those ends, for fiscal year 2002 the Secretary

established competitive preferences for section 6112 grants for applications that could advance practice in the areas of accommodations and alternate assessments for students with disabilities and/or students with limited English proficiency, for applications that demonstrated collaborative efforts between States, and for applications that included an effective plan for dissemination of results.

P-4. May States use their consolidated State-level administrative funds to pay for standards and assessments?

Yes.

P-5. May States use their State-level Title III funds for the development or purchase of English language proficiency assessments?

Yes.

