

Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act, Negotiated Rulemaking Committee

Updated for Session Three, April 18-19, 2016

Issue Paper #2

Issue: The exception for advanced mathematics assessments in 8th grade

Statutory Cite: 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)

Regulatory Cite: Proposed draft §200.5(b)

Background:

Section 1111(b)(2)(B)(i) and (v) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), maintain the requirement that a State administer the same assessments in mathematics and reading/language arts to all students in each of grades 3 through 8 and at least once in high school, and in science once in each grade span (elementary, middle, and high school). However, in recognition that many 8th grade students take an advanced mathematics course that corresponds with the assessment typically used by the State for high school accountability, section 1111(b)(2)(C) permits a State to exempt an 8th grade student taking such a course from the mathematics assessment the State administers statewide to 8th grade students. Instead, that 8th grade student would take the corresponding end-of-course assessment for the advanced course (*e.g.*, Algebra I, Geometry, Algebra II), so long as: (1) the student's results on the end-of-course assessment are included in accountability determinations for the year in which the student takes such an assessment (*i.e.*, 8th grade), and (2) the student takes another more advanced mathematics assessment in high school and the student's score on that more advanced mathematics assessment is included in accountability determinations for the student's high school. For example, an 8th grade student who takes an Algebra I course in middle school may take the corresponding high school Algebra I assessment in 8th grade, rather than the statewide 8th grade mathematics assessment. For Federal accountability purposes and for calculating participation rate, the State must use the results of the Algebra I assessment in the year in which it is given to the student (*i.e.*, 8th grade). Subsequently, the State must administer another more advanced high school level mathematics assessment (*e.g.*, an Algebra II assessment) to the student during the student's time in high school and must use the results from the more advanced assessment in high school accountability determinations.

While the No Child Left Behind Act of 2001 did not provide this flexibility to a State, the U.S. Department of Education (ED) provided a waiver to a number of States to permit flexibility similar to this new provision in the ESSA. ED approved these waivers most recently during the renewal of waivers under ESEA flexibility for the 2015-2016 school year. In order to be approved for such a waiver, the State, in its ESEA flexibility renewal request, had to “demonstrate in its renewal request how it will ensure that every student in the State has the opportunity to be prepared for and take courses at an advanced level prior to high school.”¹

¹ See page 6 of ED's ESEA flexibility renewal form, available at: www2.ed.gov/policy/elsec/guid/esea-flexibility/flex-renewal/flexrenewalform2014.doc.

Discussion Questions:

The flexibility in section 1111(b)(2)(C) encourages a State to enroll middle school students in higher-level mathematics courses, allows the State to reduce testing by not double-testing 8th grade students taking advanced coursework, and ensures that these 8th grade students take the assessments most closely aligned with their coursework, but it also raises implementation questions. For example:

- How might ED ensure that implementation of this provision ensures all students, including those from historically underserved populations, have the opportunity to access more challenging coursework in middle school and in high school in order to take advantage of this exemption?
- How might ED ensure that advanced mathematics assessments used to meet Federal accountability requirements – both in middle school and in high school – meet the technical standards for quality under Title I?

Draft changes to regulation:

Below is draft regulatory language intended to support discussions on this issue among the committee members. Blue text indicates regulatory revisions that restate the new ESSA statutory language or related technicalities (*i.e.*, renumbering). Text provided in red is offered as proposed responses to the questions above.

Session 3 Update

The language below is suggested for inclusion as paragraph (b) of §200.5. Unshaded text denotes areas of primary consideration for session 3. These sections were identified as outstanding items during session 2. Gray shaded areas are not expected to require substantial additional conversation. Underlined text has changed since session 2.

(b) Middle school mathematics exception. A State that administers an end-of-course mathematics assessment ~~(e.g., Algebra I, Geometry, Algebra II)~~ to meet the requirements under §200.5(a)(2) paragraph (a)(1)(i)(B) of this section may exempt an eighth-grade student from the mathematics assessment typically administered in eighth grade ~~8~~ under §200.5(a)(1) paragraph (a)(1)(i)(A) of this section if--

(1) The student instead takes the end-of-course mathematics assessment the State administers to high school students under §200.5(a)(2) paragraph (a)(1)(i)(B) of this section;

(2) The student's performance on the high school assessment under §200.5(a)(2) is used in the year in which the student takes the assessment for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the Act and participation in assessments under section 1111(c)(4)(E) of the Act;

(3) In high school--

Key: Black text is carried over from previous regulations. Blue text comes directly from the ESEA statute, as amended by ESSA. Red text builds on the statute. Underlined text is new in session 3. Unshaded text denotes areas of primary consideration for session 3.

(i) The student takes a State-administered end-of-course assessment or nationally recognized high school academic assessment as defined in §200.3(d) in mathematics that--

(A) Is more advanced than the assessment the State administers under ~~§200.5(a)(2)~~ paragraph (a)(1)(i)(B) of this section; and

(B) Provides for appropriate accommodations consistent with §200.6; and

(ii) The student's performance on the more advanced mathematics assessment is used for purposes of measuring academic achievement under section 1111(c)(4)(B)(i) of the Act and participation in assessments under section 1111(c)(4)(E) of the Act;

~~(4) The State submits evidence satisfactory to the Secretary in accordance with the requirements for peer review of State assessments under section 1111(a)(4) of the Act that any more advanced mathematics assessment administered under paragraph (a)(3) of this section meets the requirements in §200.2(b), except §200.2(b)(1); and~~

(45) The State describes in its State plan its strategies to ensure that all students in the State have the opportunity ~~for all students~~ to be prepared for and to take advanced mathematics coursework in middle school.

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