



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

FEB 23 2010

The Honorable Theodore R. Mitchell
President
California State Board of Education
1430 N. Street, Suite 5111
Sacramento, California 95814

The Honorable Jack O'Connell
Superintendent of Public Instruction
California Department of Education
P.O. Box 944272
Sacramento, California 94244-2720

Dear President Mitchell and Superintendent O'Connell:

Thank you for submitting evidence related to California's general science assessment and its alternate assessment based on alternate academic achievement standards in science (collectively, general and alternate science assessments), as well as its alternate assessments based on modified academic achievement standards in reading/language arts and mathematics for grades 3 through 5 and in science for grade 5 for peer review under the standards and assessment requirements of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended. We appreciate the efforts that were required to prepare for the peer reviews that occurred in March and May, 2009.

The review in March 2009 constituted the first complete peer review of California's general and alternate science assessments. Based on the results of that review, and considering the feedback of outside peer reviewers, I have determined that California's general and alternate science assessments do not yet meet all the statutory and regulatory requirements of section 1111(b)(1) and (3) of the ESEA. Specifically, I cannot approve California's general and alternate science assessments because of the lack of documentation of the approval of academic achievement descriptors for the California Alternate Performance Assessment (CAPA) in science for each of grades 5, 8, and 10, the lack of documentation of the State's standard-setting process for the CAPA, including the lack of evidence that persons knowledgeable about the State's academic content standards and special educators who are knowledgeable about students with disabilities were included in that process, and because of a number of issues with the technical quality of both the general and alternate science assessments, among other outstanding issues. The review in May 2009 was the first peer review of California's alternate assessment based on modified academic achievement standards for grades 3 through 5 in reading/language arts and mathematics and for grade 5 in science. I cannot approve these assessments due to the lack of adequate documentation related to the requirements for

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academic achievement standards, technical quality, and inclusion, among other issues. The enclosed lists provide greater detail about the evidence California must submit to the Department to demonstrate full compliance of the assessments that were reviewed in March and May 2009. In addition, I have enclosed detailed comments from the peer review teams that evaluated California's submissions, which I hope will help you in gathering the additional, required evidence.

As you know, in a letter dated February 6, 2008, former Assistant Secretary Kerri Briggs notified you that, in light of certain significant issues with California's 8th-grade mathematics assessment, California's standards and assessment system was designated *Approval Pending*. Until the issues with California's 8th-grade mathematics assessment that were identified in Dr. Briggs' February 6, 2008 letter are resolved, California's standards and assessment system will remain designated *Approval Pending* and the condition on California's Title I, Part A grant award will continue.

I urge you to continue your work on California's general and alternate science assessments and its alternate assessments based on modified academic achievement standards and to submit additional evidence regarding these assessments for peer review as soon as feasible. We have scheduled a peer review for March 22-26, 2010 and we can schedule a rolling review if you have evidence available to further evaluate these assessments.

If you have any questions or would like to discuss any of the issues addressed in this letter further, please do not hesitate to contact Dr. Grace Ross (Grace.Ross@ed.gov) of my staff.

Sincerely,



Thelma Meléndez de Santa Ana, Ph.D.

Enclosures

cc: Deborah V. H. Sigman

SUMMARY OF ADDITIONAL EVIDENCE THAT CALIFORNIA MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR CALIFORNIA'S SCIENCE STANDARDS AND ASSESSMENTS

2.0 ACADEMIC ACHIEVEMENT STANDARDS

1. Documentation of the approval of academic achievement level descriptors for the California Alternate Performance Assessment (CAPA) in science for each of grades 5, 8, and 10.
2. Documentation that the State's standard-setting process for the CAPA included persons knowledgeable about the State's academic content standards and special educators who are knowledgeable about students with disabilities.
3. A plan and documentation for ensuring the involvement of diverse stakeholders in the development of academic achievement standards, especially expertise in students with limited English proficiency (LEP) and students with disabilities.

3.0 FULL ASSESSMENT SYSTEM

1. Plan and timeline to address the higher-order thinking skills noted in the alignment study for grade 10 science.

4.0 TECHNICAL QUALITY

1. Documentation that test and item scores for the California Standards Test (CST) and CAPA science are related to outside variables as intended (e.g., scores are correlated strongly with relevant measures of academic achievement and are weakly correlated, if at all, with irrelevant characteristics, such as demographics).
2. A plan and a timeline to produce a study of the intended and unintended consequences of the CST and the CAPA.
3. Documentation that the State has determined that scores for LEP students that are based on accommodated administration circumstances will allow for valid inferences about these students' knowledge and skills and can be combined meaningfully with scores from non-accommodated administration circumstances.
4. Documentation that the State has ensured that appropriate accommodations are available to LEP students and that these accommodations are used as necessary to yield accurate and reliable information about what LEP students know and can do.

5.0 ALIGNMENT

1. Detailed plan with timelines to address the following deficiencies found in the CST alignment studies:
 - The Range of Knowledge (ROK) in the Investigation and Experimentation standard is weak in the grade 5, 8, and 10 science tests.
 - The Depth of Knowledge (DOK) in the Ecology and Physiology standard is weak in grade 10 science.
 - The Categorical concurrence criteria did not meet the criteria in the Chemistry of Living Systems and Investigation and Experimentation standards for grade 8 science and in the Investigation and Experimentation standard for grade 10 science.
2. Detailed plan with timelines to address the weak ROK in Levels I, III, IV, and V found for the CAPA science in the alignment studies.

6.0 INCLUSION

1. Evidence that the State's participation data indicate that all students in the tested grade levels or grade ranges are included in the science assessments (e.g., students with disabilities, LEP students, economically disadvantaged students, students of each major racial and ethnic group, migrant students, homeless students, etc.).
2. Evidence that the State reports separately the number and percent of students with disabilities assessed on the regular assessment without accommodations, on the regular assessment with accommodations, on an alternate assessment against grade-level standards, and, if applicable, on an alternate assessment against alternate achievement standards and/or on an alternate assessment against modified academic achievement standards.
3. Evidence that the State has documented that students with the most significant cognitive disabilities are, to the extent possible, included in the general curriculum.

7.0 REPORTING

1. Documentation that the State reports participation and assessment results for all students and for each of the required subgroups in its reports at the school, LEA, and State levels.

SUMMARY OF ADDITIONAL EVIDENCE THAT CALIFORNIA MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR CALIFORNIA'S ALTERNATE ASSESSMENT BASED ON MODIFIED ACADEMIC ACHIEVEMENT STANDARDS FOR GRADES 3 THROUGH 5

2.0 ACADEMIC ACHIEVEMENT STANDARDS

1. Documentation that the State has formally approved/adopted modified academic achievement level descriptors for reading/language arts and mathematics for grades 3-5 and for science for grade 5.
2. Documentation of an independent alignment study that demonstrates the alignment between California's grade-level academic content standards and the modified academic achievement standards. (Repeated in Section 5)
3. A plan to increase the diversity of representation on future standard-setting panels.

3.0 FULL ASSESSMENT SYSTEM

1. Documentation of the alignment of the California Modified Assessment (CMA) with the content standards and how the cognitive load differs for the California Standards Test (CST).

4.0 TECHNICAL QUALITY

1. Evidence that the State has ascertained that the CMA assessments are measuring the knowledge and skills described in its academic content standards and not knowledge, skills, or other characteristics that are not specified in the academic content standards or grade-level expectations.
2. Evidence that the State has ascertained that the CMA assessment items are tapping the intended cognitive processes and that the items and tasks are at the appropriate grade level.
3. Evidence that the State has ascertained that the scoring and reporting structures for the CMA are consistent with the sub-domain structures of its academic content standards (i.e., item interrelationships are consistent with the framework from which the test arises).
4. Evidence that the State has ascertained that test and item scores are related to outside variables as intended (e.g., scores are weakly correlated, if at all, with irrelevant characteristics, such as demographics).
5. A plan and a timeline to produce a study of the intended and unintended consequences of the CMA.
6. Evidence that the State has reported student classifications that are consistent at each cut score specified in its academic achievement standards.
7. Evidence that the State has reported evidence of generalizability for all relevant sources, such as variability of groups and variability among schools.
8. Documentation of a process for monitoring whether accommodations decisions are consistent with instructional decisions for students with disabilities and limited English proficient (LEP) students.
9. A plan to conduct a study that shows that the accommodated scores allow for valid inferences for students with disabilities and LEP students.

10. Evidence that accommodations that invalidate the CST will also invalidate the CMA.

5.0 ALIGNMENT

1. An alignment study for the CMA tests and a plan with timelines for how gaps will be addressed.
2. Assessment results expressed in terms of the achievement standards, not just scale scores or percent correct.

6.0 INCLUSION

1. Documentation of participation data for gender and the migrant subgroups.
2. Evidence that the State reports separately the number and percent of students with disabilities assessed on the regular assessment without accommodations, on the regular assessment with accommodations, on an alternate assessment against grade-level standards, and, if applicable, on an alternate assessment against alternate achievement standards and/or on an alternate assessment against modified academic achievement standards.
3. Evidence that the accommodations for the CST and CMA are comparable.
4. Evidence that the State has established and monitored implementation of clear and appropriate guidelines for developing IEPs that include goals based on content standards for the grade in which a student is enrolled.
5. Evidence that the State has ensured that students who are assessed based on modified academic achievement standards have access to the curriculum, including instruction, for the grade in which the students are enrolled.
6. Evidence that the State has documented that students with the most significant cognitive disabilities are, to the extent possible, included in the general curriculum.
7. Documentation that participation decisions for the CMA are reviewed on an annual basis.

7.0 REPORTING

1. Documentation that the State reports participation and assessment results for all students and for each of the required subgroups in its reports at the school, LEA, and State levels.
2. Copies of the final CMA reports with student, school, district and State level information.