



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable MaryEllen Elia
Commissioner
New York State Education Department
New York State Education Building
89 Washington Avenue
Albany, NY 12234

October 5, 2018

Dear Commissioner Elia:

Thank you for your participation in the U.S. Department of Education's (Department) assessment peer-review process under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB), which governed State assessments through the 2016-2017 school year. The Every Student Succeeds Act (ESSA), which governs State assessments beginning in the 2017-2018 school year, maintains the essential requirements from NCLB that each State annually administer high-quality assessments in at least reading/language arts, mathematics and science that meet nationally recognized professional and technical standards with a few additional requirements. I appreciate the efforts of the New York State Education Department (NYSED) to prepare for the peer review, which occurred in February 2018 and which was a follow up to a 2016 review.

State assessment systems provide essential information that States, districts, principals and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their children's advancement against and achievement of grade-level standards. The Department's peer review of State assessment systems is designed to provide feedback to States to support the development and administration of high-quality assessments.

External peer reviewers and Department staff evaluated NYSED's submission and found, based on the evidence received, that the components of your assessment system met many, but not all, of the statutory and regulatory requirements of section 1111(b)(1) and (3) of the ESEA, as amended by NCLB. Based on the recommendations from this peer review and our own analysis of the State's submission, I have determined the following:

- Reading/language arts and mathematics general assessments in grades 3-8 (New York State Testing Program (NYSTP)): **Substantially meets requirements of the ESEA, as amended by the NCLB and ESSA.**
- Reading/language arts and mathematics general assessments in high school (Regents Examinations): **Substantially meets requirements of the ESEA, as amended by the NCLB and ESSA.**

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The components that **substantially meet requirements** meet most of the requirements of the statute and regulations but some additional information is required. The Department expects that NYSED should be able to provide this additional information within one year. The specific list of items required for NYSED to submit is enclosed with this letter. Within 30 days of the receipt of this letter, NYSED must provide to the Department a plan and timeline by which it will submit the additional documentation. If adequate progress is not made, the Department may take additional action.

In addition, the full peer review notes from the review are enclosed. These recommendations to the Department formed the basis of the Department's determination. Please note that the peers' recommendations may differ from the Department's feedback; we encourage you to read the full peer notes for additional suggestions and recommendations for improving your assessment system beyond what is noted in the Department's feedback. Department staff will reach out to your assessment director in the next few days to discuss the peer notes and the Department's determination and to answer any questions you have.

Please note that the assessment requirements for ESEA, as amended by the NCLB, were in effect through the end of the 2016-2017 school year. The NYSED peer review was conducted under the requirements of this statute. Beginning in the 2017-2018 school year, the assessment requirements of the ESEA, as amended by the ESSA, will apply to State assessments. Given that this review began under the requirements of the ESEA as amended by the NCLB, it is important to indicate that while the NYSTP and Regents examinations meet most of the peer review guidance criteria under the NCLB, the State is still responsible to ensure that these assessments also comply with the requirements of the ESSA. Department staff members have carefully reviewed NYSED evidence and peer review recommendations in light of the updated requirements for State assessments under the ESEA, as amended by the ESSA. As a result of this additional review, I have determined that the NYSED administration of the NYSTP and Regents examinations have met the new requirements of ESEA, as amended by the ESSA.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work. I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Denise M. Joseph at: OSS.NewYork@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education

Enclosures

cc: Steven E. Katz, Director, Office of State Assessment

Critical Elements Where Additional Evidence is Needed to Meet the Requirements for New York’s Assessment System

Critical Element	Additional Evidence Needed
3.1 – Overall Validity, including Validity Based on Content	For New York State Testing Program (NYSTP): and the Regents examination: <ul style="list-style-type: none">• Evidence of the content validity for the tests (e.g., completed alignment studies for grades 3-8 and high school reading/language arts and mathematics).
3.2 – Validity Based on Cognitive Processes	For NYSTP and the Regents examination: <ul style="list-style-type: none">• Evidence that assessments tap the intended cognitive processes for the content standards they are designed to measure (e.g., completed alignment studies for grades 3-8 and high school reading and mathematics).

U. S. DEPARTMENT OF EDUCATION

Peer Review of State Assessment Systems

February 2018 State Assessment Peer Review Notes-Resubmission



U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202

Note: Peer review notes provide the combined recommendations of the individual peers to the U.S. Department of Education (Department), based on the statute and regulations, the Department's peer review guidance, and the peers' professional judgement of the evidence submitted by the State. These assessment peer review notes, however, do not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for assessment peer review. Although the peer notes inform the Secretary's consideration of each State's assessment system, the Department makes the final decision regarding whether the assessment system meets the requirements in the statute and regulations. As a result, these peer notes may not completely align with the final determination made by the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Contents

SECTION 2: ASSESSMENT SYSTEM OPERATIONS	3
2.1 – Test Design and Development (from 2016 review)	4
2.3 – Test Administration (from 2016 review).....	7
2.4 – Monitoring Test Administration (from 2016 review)	9
SECTION 3: TECHNICAL QUALITY – VALIDITY.....	10
3.1 – Overall Validity, including Validity Based on Content (from 2016 review)	10
3.2 – Validity Based on Cognitive Processes (from 2016 review)	11
4.6 – Multiple Versions of an Assessment (from 2016 review)	12
4.7 – Technical Analysis and Ongoing Maintenance (from 2016 review)	13
SECTION 5: INCLUSION OF ALL STUDENTS	14
5.2 – Procedures for including ELs (from 2016 review)	14
5.3 – Accommodations (from 2016 review)	15

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

SECTION 2: ASSESSMENT SYSTEM OPERATIONS

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
------------------	--	--

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p align="center">2.1 – Test Design and Development (from 2016 review)</p> <p>For the reading/ language arts (R/LA) and mathematics general assessments in grades 3-8 (New York State Testing Program (NYSTP)) and high school (Regents Examinations), New York State Education Department (NYSED) must provide:</p> <ul style="list-style-type: none"> Evidence in test blueprints that describe the structure of each assessment in sufficient detail to support the development of assessments that measure the full range of the State’s grade-level academic content standards, including speaking and listening. NOTE: NYSED has received a speaking and listening waiver; therefore, the U.S. Department of Education does not expect NYSED to submit additional evidence regarding speaking and listening during the period of the waiver. Evidence in test blueprints or other design documents that ensure that each assessment is tailored to the knowledge and skills included in the State’s academic content standards, reflects appropriate inclusion of challenging content, and requires complex demonstrations or applications of knowledge and skills (i.e., higher-order thinking skills, depth of knowledge levels (DOK), cognitive complexity). 	<p>In the previous review the peers requested: Test blueprints that align to the State’s grade-level academic content standards in terms of content (i.e. knowledge and cognitive process), the full range of the State’s grade-level academic content standards, balance of content, and cognitive complexity.</p> <p>and</p> <p>Documentation that the test design is tailored to the specific knowledge and skills in the State’s academic content standards (e.g., includes extended responses items that require demonstration of writing skills if the State’s reading/language arts academic content standards include writing).</p> <p>Evidence 216: Grades 3-8 ELA Test Maps to the New York State Learning Standards 2016</p> <p>Evidence 217: Grades 3-8 Mathematics Test Maps to the New York State Learning Standards 2016</p> <p>Evidence 218: Regents Exam in ELA Form Specifications</p> <p>Evidence 219: June 2015 Regents Exam in Algebra I Operational Test Map</p> <p>Evidence 220: August 2015 Regents Exam in Algebra I Operational Test Map</p> <p>Evidence 221: June 2015 Regents Exam in ELA Operational Test Map</p> <p>Evidence 222: August 2015 Regents Exam in ELA</p>	<p>Evidence presented indicates that the assessment measures the range of State’s grade-level academic content standards in terms of content. However, test maps did not provide the level of detail requested. The peers would like to see more evidence, such as contained in Evidence 218 showing cognitive complexity of items. This evidence needs to be provided for each test at each grade level.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	Operational Test Map	
Section 2.1 Summary Statement		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> Internal test blueprints including evidence that all DOK levels, cognitive complexity, and the entire range of standards are considered in the test construction at all grades. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
------------------	--	--

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>2.3 – Test Administration (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSTP) and high school (Regents Examinations), NYSED must provide:</p> <ul style="list-style-type: none"> Evidence of established procedures to ensure that all individuals responsible for administering the State’s assessments receive training on the State’s established procedures for the administration of its assessments, including test security procedures. 	<p>In the previous review the peers requested: Training materials, such as agendas, slide presentations and school test coordinator manuals and test administrator manuals, provided to participants. For technology-based assessments, training materials that include resources such as practice tests and/or other supports to ensure that test coordinators, test administrators and others involved in test administration are prepared to administer the assessments;</p> <p>and</p> <p>Documentation of the State’s procedures to ensure that all test coordinators, test administrators, and other individuals involved in test administration receive training for each test administration, such as forms for sign-in sheets or screenshots of electronic forms for tracking attendance, assurance forms, or identification of individuals responsible for tracking attendance.</p> <p>Evidence 223: Deputy and Proctor Certificate-Regents Examinations</p> <p>Evidence 224: Examination Storage Certificate-Regents Examinations</p> <p>Evidence 225: Administering & Proctoring NYS Assessments 2017, Center for Instruction, Technology & Innovation (CiTi) (formerly Oswego Board of Cooperative Educational Services)</p> <p>Evidence 226: Nassau BOCES Test Training Schedule</p>	<p>Evidence is provided of established training procedures for individuals responsible administering the State’s assessments.</p> <p>The peers did not find documentation of the State’s rules or procedures to ensure that all test coordinators, test administrators, and other individuals involved in test administration receive training such as attendance logs or policy requiring participation. Training is evident, but additional evidence of tracking attendance of assessment administrators is needed.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p>Evidence 227: Nassau BOCES Public 2017-2018 Testing Coordinator List</p> <p>Evidence 228: Nassau BOCES Regents Testing Meeting for Component Districts</p> <p>Evidence 229: New York City Department of Education (NYCDOE) Test Coordinators Meeting Spring 2017</p>	
Section 2.3 Summary Statement		
<p><u>X</u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> The peers did not find documentation of the State’s rules or procedures to ensure that all test coordinators, test administrators, and other individuals involved in test administration receive training such as attendance logs or policy requiring participation. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element—REVIEWED BY DEPARTMENT STAFF ONLY	Evidence —REVIEWED BY DEPARTMENT STAFF ONLY(Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence — REVIEWED BY DEPARTMENT STAFF ONLY
<p align="center">2.4 – Monitoring Test Administration (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSTP) and high school (Regents Examinations), NYSED must provide:</p> <ul style="list-style-type: none"> • Evidence of the process used for selecting the sample of schools monitored by NYSED staff. • Evidence of the process used for selecting the sample of schools monitored by district partners. • Evidence that the samples selected for monitoring are adequate to ensure that test administration procedures are implemented with fidelity 	<p>In the previous review the peers requested:</p> <ul style="list-style-type: none"> • Evidence of the process used for selecting the sample of schools monitored by SED staff • Evidence of the process used for selecting the sample of schools monitored by district partners. • Evidence that the samples selected for monitoring are adequate to ensure that test administration procedures are implemented with fidelity. <p>Evidence 230: Internal NYSED Memo Criteria Used to Select Schools for Monitoring Visits During Test Administrations</p> <p>Evidence 231: REQUEST FOR PROPOSAL (RFP) # 17-019 Erasure Analysis</p> <p>Evidence 232: NYC Department of Education Test Administration Handbook-High Schools 2016-17</p>	<p>NYSED provided criteria for selecting schools in Document 230, which satisfies the first and second requests.</p> <p>Document 231 is a RFP to help select schools in the future based on an erasure analysis. After the analysis is conducted then there will be a process to identify schools most in need of monitoring and further investigation; however no evidence of samples selection was found to ensure that test administration procedures are currently implemented with fidelity. USDE staff would like to see the erasure analysis study when completed.</p> <p>Document 232 clearly outlines the procedures for testing in NCYDOE but this handbook only describes the testing administration and procedures for high schools only. USDE staff would like to see the testing administration and procedures for grades 3-8.</p>
<p>Section 2.4 Summary Statement—REVIEWED BY DEPARTMENT STAFF ONLY</p>		
<p><u>X</u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • USDE staff would like to see the testing administration and procedures for grades 3-8 • USDE staff would like to see the erasure analysis study when completed 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

SECTION 3: TECHNICAL QUALITY – VALIDITY

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>3.1 – Overall Validity, including Validity Based on Content (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSTP) and high school (Regents Examinations), NYSED must provide:</p> <ul style="list-style-type: none"> Evidence of adequate alignment between the State’s assessments and the academic content standards the assessments are designed to measure in terms of content (i.e., knowledge and process), the full range of the State’s academic content standards, balance of content, and cognitive complexity (e.g., an independent alignment study of test forms to evaluate these claims). 	<p>In the previous review the peers requested: Report of results of an independent alignment study that is technically sound (i.e., method and process, appropriate units of analysis, clear criteria) and documents adequate alignment, specifically that:</p> <ul style="list-style-type: none"> Each assessment is aligned to its test blueprint, and each blueprint is aligned to the full range of State’s academic content standards; or Each assessment is aligned to the full range of the State’s academic content standards, and the procedures the State follows to ensure such alignment during test development; <p>Evidence 233: HumRRO Description of Review Process</p> <p>Evidence 234: Proposal to Conduct Alignment Studies for Regents Examinations</p> <p>Evidence 235: Request for Preparation of Contract Form, Extension of C012450</p>	<p>Submit the alignment studies when completed.</p>
<p>Section 3.1 Summary Statement</p> <p><u>X</u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> Completed alignment studies for grades 3-8 and high school reading and mathematics. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>3.2 – Validity Based on Cognitive Processes (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSTP) and high school (Regents Examinations), NYSED must provide:</p> <ul style="list-style-type: none"> • Evidence that documents how the tests measure the intended cognitive processes appropriate for each grade level as represented in the State’s academic content standards, such as: • Results of cognitive labs exploring student performance on items that show the items require complex demonstrations or applications of knowledge and skills; OR • Reports of expert judgment of items that show the items require complex demonstrations or applications of knowledge and skills; OR • Empirical evidence that shows the relationships of items intended to require complex demonstrations or applications of knowledge and skills to other measures that require similar levels of cognitive complexity in the content area (e.g., teacher ratings of student performance, student performance on performance tasks or external assessments of the same knowledge and skills); OR • An independent alignment study of test forms that documents the cognitive complexity and processes of the tests. 	<p>In the previous review the peers requested: Validity evidence based on cognitive processes that show levels of validity generally consistent with expectations of current professional standards, such as an independent alignment study of test forms that documents the cognitive complexity and processes of the test.</p> <p>Evidence 234: Proposal to Conduct Alignment Study for Regents Examinations</p> <p>Evidence 235: Request for Preparation of Contract Form, Extension of C012450</p>	<p>Submit the alignment studies when completed.</p>
<p>Section 3.2 Summary Statement</p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Completed alignment studies for grades 3-8 and high school reading and mathematics. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p align="center">4.6 – Multiple Versions of an Assessment (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSTP) and high school (Regents Examinations), NYSED must provide:</p> <ul style="list-style-type: none"> Evidence of comparability of the meaning and interpretations of assessment results across the translated language versions and English versions for all tests. 	<p>In the previous review the peers requested: Report of results of a comparability study of different versions of the assessments that is technically sound and documents evidence of comparability generally consistent with expectations of current professional standards.</p> <p>Evidence 236: Information on New York State’s Translation Process for the Regents Examination in Algebra I</p>	<p>Design and implement a comparability study. The reliability coefficients, average scale scores by subgroup and the factor analysis provided in Evidence 236 does not meet the expectations of current professional standards.</p>
<p>Section 4.6 Summary Statement</p>		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> The result of a comparability study of different versions of the assessments that is technically sound and informs results such as a differential item functioning analysis (DIF) or other cross mode analysis. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p align="center">4.7 – Technical Analysis and Ongoing Maintenance (from 2016 review)</p> <p>The State has a system for monitoring and maintaining, and improving as needed, the quality of its assessment system, including clear and technically sound criteria for the analyses of all of the assessments in its assessment system (i.e., general assessments and alternate assessments).</p>	<p>Evidence 234: Proposal to Conduct Alignment Study for Regents Examinations</p> <p>Evidence 235: Request for Preparation of Contract Form, Extension of C012450</p> <p>Evidence 241: December 2016 TAC agenda</p>	<p>no additional evidence required</p>
<p>Section 4.7 Summary Statement</p>		
<p>_x_ No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

SECTION 5: INCLUSION OF ALL STUDENTS

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>5.2 – Procedures for including ELs (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSSTP) and high school (Regents Examinations), NYSED must provide: Evidence of guidance regarding selection of appropriate accommodations for English learners (e.g., guidance that addresses whether an English learner should be assessed with accommodation(s)).</p> <ul style="list-style-type: none"> • Evidence of information on accessibility tools and features available to all students and assessment accommodations available for English learners. 	<p>In the previous review the peers requested: Documentation of procedures for determining student eligibility for accommodations and guidance on selection of appropriate accommodations for English learners</p> <p style="text-align: center;">and</p> <p>Guidance in key documents that indicates all accommodation decisions must be based on individual student needs and provides suggestions regarding what types of accommodations may be most appropriate for students with various levels of proficiency in their first language and English.</p> <p>Evidence 237: NYSED Regional Bilingual Education Resource Network (RBERN) Website</p> <p>Evidence 238: Internal NYSED Memo, <i>Provision of Guidance on Whether ELLs/MLLs Should Receive Accommodations on State Assessments</i></p> <p>Evidence 239: Training Documents--Selection of Appropriate Accommodations for ELLs/MLLs</p> <p>Evidence 240: <i>Testing Accommodations for Students With Disabilities Guide, January 2018 DRAFT</i></p>	<p>Sufficient evidence was provided to meet the requirements of this section.</p>
<p>Section 5.2 Summary Statement</p> <p><input checked="" type="checkbox"/> No additional evidence is required:</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR New York Resubmission

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>5.3 – Accommodations (from 2016 review)</p> <p>For the R/LA and mathematics general assessments in grades 3-8 (NYSTP) and high school (Regents Examinations), NYSED must provide:</p> <ul style="list-style-type: none"> Evidence that the State has determined that the accommodations it provides (i) are appropriate and effective for meeting the individual student’s need(s) to participate in the assessments, (ii) do not alter the construct being assessed, and (iii) allow meaningful interpretations of results and comparison of scores for students who need and receive accommodations and students who do not need and do not receive accommodations. 	<p>In the previous review the peers requested: Description of the reasonable and appropriate bases for the set of accommodations offered on assessments, such as a literature review, empirical research, recommendations by advocacy and professional organizations, and/or consultations with the State’s TAC, as documented in a section on test design and development in the technical report for the assessments.</p> <p>Evidence 240: <i>Testing Accommodations for Students With Disabilities Guide, January 2018 DRAFT</i></p> <p>Evidence 241: December 2016 TAC agenda</p> <p>Evidence 242: <i>Memo Changes in Allowable Testing Accommodations on Grades 3-8 ELA</i></p> <p>Evidence 243: Quality Indicator Review and Resource Guides for Literacy</p> <p>Evidence 244: NYSED Press Release State Education Department Submits ESSA Plan to USDE</p>	<p>The evidence provided is insufficient to show that providing accommodations does not change the construct or difficulty of the tests.</p>
<p>Section 5.3 Summary Statement</p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> The result of a comparability study of the accommodated versions and non-accommodated version of the assessments that is technically sound and informs results such as a differential item functioning analysis (DIF) or other cross mode analysis. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.