



## 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

July 1, 2019

Dear Commissioner Elia:

Thank you for your participation in the U.S. Department of Education's (the Department) assessment peer review process under Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). I appreciate the efforts of the New York State Education Department (NYSED) to prepare for the English language proficiency (ELP) peer review, which occurred in April 2019. Specifically, NYSED submitted evidence regarding the New York State English as a Second Language Achievement Test (NYSESLAT), the State's general ELP assessment.

The ESEA and its implementing regulations require a State to ensure that its local education agencies (LEAs) provide an annual ELP assessment of all English learners (ELs) in grades K-12 in schools served by the State (ESEA section 1111(b)(2)(G); 34 CFR § 200.6(h)). Specifically, the ESEA requires a State to develop a uniform statewide ELP assessment to measure ELP of all ELs in the State, including ELs with disabilities, and to provide an alternate ELP assessment (AELPA) for ELs who are students with the most significant cognitive disabilities who cannot participate in the regular ELP assessment even with accommodations (ESEA section 1111(b)(2)(G); 34 CFR § 200.6(h)(1), (5)). The ESEA and its implementing regulations require that a State's ELP assessments, including the AELPA, be aligned with the State's ELP standards, provide valid and reliable measures of the State's ELP standards, and be of adequate technical quality (ESEA section 1111(b)(2)(G); 34 CFR §§ 200.2(b)(2), (b)(4), (b)(5), 200.6(h)(2)).

External peer reviewers and Department staff carefully evaluated NYSED's submission and the Department found, based on the evidence received, that this component of your assessment system met some, but not all of the statutory and regulatory requirements of the ESEA. Based on the recommendations from this peer review and our own analysis of the State's submission, I have determined the following:

- General ELP assessment (NYSESLAT): **Partially meets requirements of the ESEA, as amended by ESSA.**

An assessment that partially meets requirements does not meet a number of the requirements of the statute and regulations and NYSED will need to provide substantial additional information to demonstrate it meets the requirements. The Department realizes that this was the first time your State was required to provide its

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ELP assessment for peer review and recognizes that it may take some time to address all of the required items. The specific list of items required for NYSED to submit is enclosed with this letter.

I also note that NYSED did not submit evidence for an alternate ELP assessment for ELs with significant cognitive disabilities who are unable to take the regular ELP assessment. Within 30 days, NYSED must provide a plan and timeline for submitting all required documentation for the NYSESLAT for peer review and the development and administration of an alternate ELP assessment, including when this required assessment will be submitted for peer review. Resubmission should occur once all necessary evidence is complete (rather than in multiple submissions). The Department is placing a condition on NYSED's Title I, Part A grant award. The condition shall remain until NYSED's ELP and alternate ELP assessments have been determined to meet all requirements. If adequate progress is not made, the Department may take additional action.

Additionally, the Office of Special Education and Rehabilitative Services (OSERS) will monitor progress on matters pertaining to requirements in the Individuals with Disabilities Education Act (IDEA) related to the participation of students with disabilities in Title I assessments. In particular, OSERS will monitor progress against critical elements 1.4, 4.2, 5.3, and 5.4. Insufficient progress to address such matters may lead OSERS to place a condition on NYSED's fiscal year 2020 IDEA Part B grant award.

The full peer review notes from the review are enclosed. These recommendations to the Department formed the basis of our 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.

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 my staff at: [NewYork.OESE@ed.gov](mailto:NewYork.OESE@ed.gov) and [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov)

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

Enclosures

cc: Steve Katz, Assistant Commissioner for Assessment

## Critical Elements Where Additional Evidence is Needed to Meet the Requirements for New York’s Use of the NYSESLAT as an English Language Proficiency Assessment

Critical Element	Additional Evidence Needed
<b>1.1 – State Adoption of ELP Standards for All English Learners (ELs)</b>	For the New York State English as a Second Language Achievement Test (NYSESLAT): <ul style="list-style-type: none"> <li>Evidence of a formal adoption of K-12 English language proficiency (ELP) standards for all ELs in public schools in the State (e.g., evidence of State board meeting minutes that specifically describes the adoption).</li> </ul>
<b>1.2 – Coherent and Progressive ELP Standards that Correspond to the State’s Academic Content Standards</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>Evidence that the ELP standards contain language proficiency expectations that reflect the language needed for ELs to acquire and demonstrate their achievement of the knowledge and skills identified in the State’s academic content standards appropriate to each grade-level/grade-band in at least reading/language arts (R/LA), mathematics, and science (e.g., an alignment study that incorporates a review of the correspondence of ELP standards to the academic content standards in mathematics and science in addition to R/LA; or alternatively demonstrates how the framework for the ELP standards is related to the language of the academic content standards).</li> </ul>
<b>1.3 – Required ELP Assessments</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>Evidence that the State includes ELs with significant cognitive disabilities in statewide ELP assessment, either through the general ELP assessment or an alternate ELP assessment (AELPA). If the State does not have an AELPA, it should provide a timeline for when it plans to implement one.</li> </ul>
<b>1.4 – Policies for Including All ELs in ELP Assessments</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>As noted in critical element 1.3, evidence that the State has policies that include ELs with significant cognitive disabilities in statewide ELP assessment, either through the general ELP assessment or an AELPA.</li> </ul>
<b>2.1 – Test Design and Development</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>Evidence of test blueprints that describe the structure of the NYSESLAT in sufficient detail to support the development of assessments that measure the depth of the State’s ELP standards.</li> <li>Evidence that the NYSESLAT is tailored to the knowledge and skills included in the State’s ELP standards and reflects appropriate inclusion of the range of complexity found in the standards.</li> </ul>
<b>2.2 – Item Development</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>Evidence that the NYSESLAT uses sound procedures to develop and select items to assess ELP based on the State’s ELP standards in terms on content and language processes, for example, <ul style="list-style-type: none"> <li>Information about the qualifications if item writers and item reviewers, especially in terms of experience with students with disabilities, ELs and specific academic content (R/LA, mathematics, and science).</li> <li>Information about how principles of accessibility are incorporated into item design and development.</li> <li>Information that supports how NYSESLAT items elicit the intended response processes for ELP assessments.</li> </ul> </li> </ul>
<b>3.1 – Overall Validity, including Validity Based on Content</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>Evidence that the State’s ELP assessments measure the knowledge and skills specified in the State’s ELP standards, specifically: <ul style="list-style-type: none"> <li>Documentation of adequate alignment between the State’s ELP assessment and the ELP standards the assessment is designed to measure in terms of the depth and breadth of the State’s ELP standards; and</li> </ul> </li> </ul>

Critical Element	Additional Evidence Needed
	<ul style="list-style-type: none"> <li>○ Documentation of alignment (as defined) between the State’s ELP standards and the language demands implied by, or explicitly stated in, the State’s academic content standards (R/LA, mathematics, and science).</li> </ul>
<b>3.2 – Validity Based on Linguistic Processes</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence that the NYSESLAT taps the intended language processes appropriate for each grade level/grade-band as represented in the State’s ELP standards (e.g., cognitive labs of ELs; demonstration of the experience that item writers have working with ELs at target grade bands; expert reviews of item characteristics and item appropriateness).</li> </ul>
<b>3.3 – Validity Based on Internal Structure</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence that the scoring and reporting structures of its assessments are consistent with the sub-domain structures of the State’s ELP standards on which the intended interpretations and uses of results are based (e.g., evidence showing correlations among the domains of the NYSESLAT and a plan that addresses possible mis-fit of items on the kindergarten form of the assessment).</li> </ul>
<b>3.4 – Validity Based on Relationships with Other Variables</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence that the State’s assessment scores are related as expected with other variables (e.g., for grades 5 and above, that the proficient level on NYSESLAT is related to the likelihood of meeting proficiency on the NYSED R/LA test, when compared to non-EL students).</li> </ul>
<b>4.1 – Reliability</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Reliability evidence for the NYSESLAT assessments, including domain sub-tests, including: <ul style="list-style-type: none"> <li>○ Evidence of improved exact agreement in scoring of the writing assessments.</li> <li>○ Evidence of inter-rater reliability in scoring of the speaking assessments.</li> <li>○ Consistency and accuracy of estimates in categorical classification decisions for the cut scores at all achievement levels based on the assessment results.</li> </ul> </li> </ul>
<b>4.2 – Fairness and accessibility</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence that the State has taken reasonable and appropriate steps to ensure that the NYSESLAT is accessible to all EL students and fair across student groups, including ELs with disabilities, in the design, development, and analysis, specifically: <ul style="list-style-type: none"> <li>○ Information about the qualifications of item writers and item reviewers, especially in terms of experience with students with disabilities and ELs (as noted in critical element 2.2).</li> <li>○ Information about how principles of accessibility are incorporated into item design and development (as noted in critical element 2.2).</li> </ul> </li> </ul>
<b>4.3 – Full Performance Continuum</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence that the assessment (through its composite score) provides an adequately precise estimate of student performance across the full performance continuum for ELP assessments (e.g., evidence of the conditional standard error of measure and test characteristic curve (TCC) for the NYSESLAT composite scores).</li> </ul>
<b>4.4 – Scoring</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence of standardized scoring procedures and protocols for the NYSESLAT, including domain sub-tests, that are designed to produce reliable and meaningful results, including: <ul style="list-style-type: none"> <li>○ Evidence of improved exact agreement in scoring of the writing assessments.</li> <li>○ Evidence of inter-rater reliability in scoring of the speaking assessments.</li> </ul> </li> </ul>
<b>4.5 – Multiple Assessment Forms</b>	<p>For the NYSESLAT:</p> <ul style="list-style-type: none"> <li>● Evidence that the State ensures that all NYSESLAT forms adequately represent the State’s ELP standards and yield consistent score interpretations such that the forms are comparable within and across settings (e.g., evidence that the equating is based on anchor items that reflect the difficulty and the content across forms).</li> </ul>

Critical Element	Additional Evidence Needed
<b>4.6 – Multiple Versions of an Assessment</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>• Evidence that the NYSESLAT Braille versions in kindergarten and grades 1-2:               <ul style="list-style-type: none"> <li>○ Followed a design and development process to support comparable interpretations of results for students tested across the versions of the assessments.</li> <li>○ Documented adequate evidence of comparability of the meaning and interpretations of the assessment results.</li> </ul> </li> </ul>
<b>5.3 – Accommodations</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>• Evidence that it makes available appropriate accommodations and ensures that its ELP assessments are accessible to ELs with disabilities, specifically ELs with significant cognitive disabilities.</li> <li>• Evidence that certain accommodations it allows on the NYSESLAT do not alter the construct being assessed, and 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 (e.g. use of American Sign Language on the listening test; use of read-aloud on the reading test; reading the listening text on the listening test; use of scribes on the writing test).</li> </ul>
<b>5.4 – Monitoring Test Administration for Special Populations</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>• Evidence that NYSED monitors NYSESLAT test administration in its LEAs and schools to ensure that appropriate assessments, with or without accommodations, are selected for all ELs with disabilities so that they are appropriately included in ELP assessments and receive accommodations that are:               <ul style="list-style-type: none"> <li>○ Appropriate for addressing a student’s disability or language needs for each assessment administered.</li> <li>○ Consistent with accommodations provided to the students during instruction and/or practice.</li> </ul> </li> </ul>
<b>6.2 – Achievement Standards-Setting</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>• Evidence that NYSED used a technically sound method and process that involved panelists with appropriate experience and expertise for setting ELP achievement standards for the NYSESLAT (e.g., provide a full copy of the NYSESLAT standards setting report).</li> </ul>
<b>6.3 – Challenging and Aligned ELP Achievement Standards</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>• Evidence that the NYSESLAT assessment results are expressed in terms that are clearly aligned with the State’s ELP standards and its ELP performance-level descriptors (e.g. performance level descriptors for the composite scores; and evidence of how the performance levels in score reports are aligned to ELP performance level descriptors and ELP standards).</li> </ul>
<b>6.4 – Reporting</b>	For the NYSESLAT: <ul style="list-style-type: none"> <li>• Evidence that its reporting of NYSESLAT results facilitates appropriate, credible, and defensible interpretations and uses of NYSESLAT score results by parents, educators, State officials, policymakers and other stakeholders, and the public (e.g., interpretive guides for using the scores).</li> </ul>

U. S. DEPARTMENT OF EDUCATION

# Peer Review of State Assessment Systems

## April State ELP Assessment Peer Review Notes



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

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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.

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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**

**SECTION 1: STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS**

**Critical Element 1.1 – State Adoption of ELP Standards for All English Learners**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b><i>For English language proficiency (ELP) standards:</i></b> The State formally adopted K-12 ELP standards for all ELs in public schools in the State.</p>	<p>Evidence of adoption of ELP standards</p> <p>Evidence #001: Summary of the January 2015 Meeting of the Board of Regents</p> <p>Evidence #002: New York State Deputy Education Commissioner for Curriculum Memorandum-February 2013</p> <p>Evidence #003: New York State Office of Bilingual Education and World Language, (memorandum) August 2015, p 1</p> <p>Evidence #004: New York State Bilingual Common Core Initiative Theoretical Foundations</p> <p>Evidence #005: Teachers Guide to Implement the Bilingual Common Core Progressions</p> <p>Documentation that states that the State’s ELP standards apply to EL students in the schools served by the State educational agency (K-12).</p> <p>Evidence #006: Blueprint for English Language Learner/Multilingual Learner Success, p 3</p> <p>Evidence #007: NYSED Regulations of the Commissioner 154-2</p> <ul style="list-style-type: none"> <li>• Services for English Language Learners</li> <li>o Section 154-2.13(a): Scope of Subpart and applicability, p 1</li> <li>o Section 154-2.3 (d): Program Requirements,</li> </ul>	<p>The State needs to explain the process for the adoption of the K-12 ELP standards. Peers were unable to locate evidence of the adoption. The PowerPoint presentation that cites “release” does not meet the requirement.</p> <p>Evidence was sufficient that the K-12 ELP standards apply to all students (Evidence 007).</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	p 15  Evidence #008: School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018 • General Information about the NYSESLAT, pp 1-2	
<b>Section 1.1 Summary Statement</b>		
<input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale: <ul style="list-style-type: none"> <li>• Evidence of the State’s adoption of the K-12 ELP standards, the process the State followed and the citation of adoption.</li> </ul>		

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**

**Critical Element 1.2 – Coherent and Progressive ELP Standards that Correspond to the State’s Academic Content Standards**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b>For ELP standards:</b> The ELP standards:</p> <ul style="list-style-type: none"> <li>• are derived from the four domains of speaking, listening, reading, and writing;</li> <li>• address the different proficiency levels of ELs; and</li> </ul> <p>align to the State academic content standards (see definition<sup>1</sup>). The ELP standards must contain language proficiency expectations that reflect the language needed for ELs to acquire and demonstrate their achievement of the knowledge and skills identified in the State’s academic content standards appropriate to each grade-level/grade-band in at least reading/language arts, mathematics, and science.</p>	<p>Evidence that State’s ELP standards are appropriate and correspond to the State’s academic content standards.</p> <p>AND</p> <p>Documentation that the four language domains (speaking, listening, reading, and writing), separately and/or in an integrated fashion, are included in the standards.</p> <p>AND</p> <p>Demonstration of a strong correspondence or linkage between the State’s academic content standards and the State’s ELP standards.</p> <p>AND</p> <p>A detailed description of the strategies the State used to ensure that its ELP standards adequately specify English language knowledge and skills...</p> <p style="padding-left: 40px;">Evidence #004: New York State Bilingual Common Core Initiative Theoretical Foundations</p> <p style="padding-left: 40px;">Evidence #005: Teachers Guide to Implement the Bilingual Common Core Progressions</p> <p style="padding-left: 40px;">Evidence #009: Webinette 3_New York State Learning Standards, Progressions, and Linguistic Demands</p>	<p>The State provided evidence (004) that the K-12 ELP standards include the four domains (speaking, listening, writing, and reading) and the proficiency standards (Evidence 005).</p> <p>The peers could not identify evidence of how the K-12 ELP standards correspond to the language of mathematics and science. Although the vendor’s proposal includes a requirement to measure the language of the content standards (Evidence 019, p. 55), this is not evidence that the standards correspond to academic content standards.</p> <p>The peers recommend that the State incorporate a review of the correspondence of K-12 ELP standards to the academic content standards in the alignment study or show how the framework for the K-12 ELP standards is related to the language of the academic content standards.</p>

<sup>1</sup> see page 24 of “*A State’s Guide to the U.S. Department of Education’s Assessment Peer Review Process*”, September 24, 2018 available at: [www.ed.gov/admins/lead/account/saa.html](http://www.ed.gov/admins/lead/account/saa.html)

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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p>Evidence #010: New York State Bilingual Common Core Initiative (website)</p> <p>Evidence #011: New Language Arts Progression Common Core Standard 1 Grade 7</p> <p>Evidence #012: New Language Arts Progression Common Core Standard 8 Grade 7</p> <p>Reports of external independent reviews of the State’s ELP standards, summaries of reviews by educators in the State, or other documentation.</p> <p>Evidence #013: Bilingual Progressions</p> <p>Development Internal Document</p> <p>Evidence #154: TAC Agenda November 2013 Evidence #155: Presentation to the TAC November 2013, p 4</p>	
<b>Section 1.2 Summary Statement</b>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>Evidence of the correspondence of the K-12 ELP standards to mathematics and science.</li> </ul>		

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**

**Critical Element 1.3 – Required Assessments**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State’s assessment system includes an <i>annual general and alternate ELP assessment</i> (aligned with State ELP standards) administered to:</p> <ul style="list-style-type: none"> <li>All ELs in grades K-12.</li> </ul>	<p><b>State’s assessment system includes and annual general ELP assessment.</b></p> <p>Evidence #007: <i>NYSED Regulations of the Commissioner 154.2</i></p> <ul style="list-style-type: none"> <li>Section 154-2.3 (a): Initial and Reentry Process and Determination of English Proficiency, p 8</li> <li>Section 154-2.3 (l): Annual Assessment, p 31</li> <li>Section 154-2.3 (m): Exit criteria, p 31               <ul style="list-style-type: none"> <li>(i) p 31</li> <li>(ii) p 21</li> </ul> </li> </ul> <p>Evidence #060: <i>Letter to the Bureau Chief Iowa</i></p> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>Students to Be Tested               <ul style="list-style-type: none"> <li>Students with Disabilities, p 7</li> </ul> </li> <li>Testing Accommodations               <ul style="list-style-type: none"> <li>Students with and IEP or 504 Plan (pp 9-11)</li> </ul> </li> <li>Appendix C: Testing Accommodations Categories (pp 39-40)</li> </ul> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p>	<p>State’s evidence establishes that the State’s assessment system includes a general ELP assessment that should be administered to that all ELs in grades K-12.</p> <p>States acknowledges that it does not administer an alternate ELP assessment (AELPA) for ELs with significant cognitive disabilities who cannot take the general ELP assessment, even with accommodations.</p> <p>The State has not submitted an AELPA for ELs with significant cognitive disabilities for this peer review.</p> <p>The State did provide some evidence that it plans to participate in a multi-State collaboration to develop and AELPA. However the State provided no evidence of a timeline for this effort.</p>
<p><b>Section 1.3 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>evidence that the State includes ELs with significant cognitive disabilities in Statewide ELP assessment, either through the general ELP assessment or an alternate ELP assessment (AELPA).</li> </ul>		

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**

**Critical Element 1.4 – Policies for Including All Students in Assessments**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<ul style="list-style-type: none"> <li>The State has policies that require the inclusion <i>of all public elementary and secondary ELs in the State’s ELP assessment</i>, including ELs with disabilities.</li> </ul>	<p><b>Policies require the inclusion of all public elementary and secondary ELs in the State’s ELP assessment, including ELs with disabilities.</b></p> <p>Evidence #008: <i>School Administrator’s Manual for the New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <ul style="list-style-type: none"> <li>Students to be Tested, p 5                             <ul style="list-style-type: none"> <li>Students with Disabilities, p 7</li> </ul> </li> </ul> <p>Evidence #007: <i>NYSED Regulations of the Commissioner 154.2</i></p> <ul style="list-style-type: none"> <li>Section 154-2.3 (m): Exit criteria, p 31</li> </ul>	<p>State’s evidence establishes that the State’s assessment system includes all ELs in grades K-12, including ELs with disabilities. The exception (as noted in critical element 1.3) is that ELs with significant cognitive disabilities that cannot take the general ELP assessment do not have an alternate ELP assessment (AELPA) available.</p> <p>The State will need to provide evidence that is including these ELs in Statewide ELP assessment, either through the general ELP assessment or an AELPA.</p> <p>The State has not submitted an alternate ELP assessment (AELPA) for ELs with significant cognitive disabilities for this peer review.</p> <p>The State did provide some evidence that it plans to participate in a multi-State collaboration to develop an AELPA. However the State provided no evidence of a timeline for this effort.</p>
<p><b>Section 1.4 Summary Statement</b></p>		
<p>X As also noted in critical element 1.3, the following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>evidence that the State includes ELs with significant cognitive disabilities in Statewide ELP assessment, either through the general ELP assessment or an alternate ELP assessment (AELPA).</li> </ul>		

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**

**Critical Element 1.5 – Meaningful Consultation in the Development of Challenging State Standards and Assessments**

(Note: this is a new requirement under ESSA, so it does not apply to standards and assessments adopted prior to the passage of ESSA (December 2015)).

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>If the State has developed or amended challenging <i>ELP</i> standards and assessments, the State has conducted meaningful and timely consultation with:</p> <ul style="list-style-type: none"> <li>• State leaders, including the Governor, members of the State legislature and State board of education (if the State has a State board of education).</li> <li>• Local educational agencies (including those located in rural areas).</li> <li>• Representatives of Indian tribes located in the State.</li> <li>• Teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents.</li> </ul>	<p>Not Applicable</p>	<p>The State noted that the NY ELP standards were adopted prior to December 2015. Therefore, the State did not provide evidence for this critical element, as these criteria only apply to standards and assessments adopted after the passage of the ESSA in December, 2015.</p> <p>Department staff note that while the current ELP standards are not subject to this critical element, if significant revisions are made to the ELP standards, then there is an expectation that the State provide evidence of meaningful consultation in those revisions.</p>
<p><b>Section 1.5 Summary Statement</b></p>		
<p>X__ No additional evidence is required, since the current ELP standards were adopted prior to the passage of the ESSA. However, if significant revisions are made to the ELP standards, then there is an expectation that the State provide evidence of meaningful consultation in those revisions.</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

**SECTION 2: ASSESSMENT SYSTEM OPERATIONS**

**Critical Element 2.1 – Test Design and Development**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State’s test design and test development process is well-suited for the content, is technically sound, aligns the assessments to <b>the depth and breadth of the State’s ELP standards</b>, and includes:</p> <ul style="list-style-type: none"> <li>• Statement(s) of the purposes of the assessments and the intended interpretations and uses of results;</li> <li>• Test blueprints that describe the structure of each assessment in sufficient detail to support the development of assessments that are technically sound, measure the depth and breadth of <b>the State’s ELP standards</b>, and support the intended interpretations and uses of the results.</li> <li>• Processes to ensure that the ELP assessment is tailored to the knowledge and skills included in <b>the State’s ELP standards</b> and reflects appropriate inclusion of the range of complexity found in the standards.</li> <li>• If the State administers computer-adaptive assessments, the item pool and item selection procedures adequately support the test design and intended uses and interpretations of results.</li> <li>• If the State administers a computer-adaptive assessment, it makes proficiency determinations with respect to the grade in which the</li> </ul>	<p><b>Statement of Purpose</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 1: Introduction, pp 3-5</li> </ul> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• General Information about the NYSESLAT, p 1 MISSING</li> </ul> <p>Evidence #016: <i>Webinette 2 Overview of the NYSESLAT</i></p> <p>Evidence #017: <i>NYSESLAT Parent Information Brochure</i></p> <p>Evidence #018: <i>Understanding NYSESLAT Score Report</i></p> <p><b>Test Blueprints that describe the structure of the ELP assessment in sufficient detail and intended interpretations and uses of the results.</b></p> <p><b>AND</b></p> <p><b>Test Blueprints that align to the states grade-band ELP standards in terms of content, full range of grade-band standards and balance of content and documentation that the test design is tailored to specific knowledge and linguistic skills reflecting academic language complexity appropriate for each grade-band.</b></p> <p><b>AND</b></p>	<p>Evidence 21 (Table 4) shows the coverage of the targets of measurement across the different grade clusters and domains (breadth). Peers were unable to locate how the assessed targets of measurement address the different K-12 ELP performance level descriptors by domain and grade clusters (depth).</p> <p>The peers were unable to locate how the assessment is tailored to the knowledge and skills included in the State’s ELP standards and reflects appropriate inclusion of the range of complexity found in the standards (related to the depth comment above).</p> <p>In Evidence 15 (Appendix A), item level information is provided; however, it does not address the actual design in the aggregate (e.g. how many items on reading cover PLD 2).</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.

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<p>student is enrolled and uses that determination for all reporting. If the State administers a content assessment that includes portfolios, such assessment may be partially administered through a portfolio but may not be <i>entirely</i> administered through a portfolio.</p>	<p><b>Documentation that the test design is tailored to the specific knowledge and skills in the State’s ELP standards.</b></p> <p><b>AND</b></p> <p><b>Documentation of the approaches the State uses to include challenging content and complex demonstrations or applications of knowledge and skills.</b></p> <p>Evidence #019: <i>Contract C012056 with vendor MetriTech, Inc. “Provide New York State English as a Second Language Test (NYSESLAT)”</i></p> <ul style="list-style-type: none"> <li>• Appendix D, Work Plan             <ul style="list-style-type: none"> <li>○ Section 1.5: Test Specifications and NYSESLAT Test Development                 <ul style="list-style-type: none"> <li>▪ Key Principles for this Exam p 55</li> <li>▪ Test Blueprint pp 57-58</li> </ul> </li> </ul> </li> </ul> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• New York State Learning Standards and New Language Arts Progressions (p 1)</li> </ul> <p>Evidence #020: <i>Introduction to the 2006 NYSESLAT Item Maps, February 2007 Memorandum</i></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 2: Test Design and Development             <ul style="list-style-type: none"> <li>○ Section 2.1 Test Blueprint and Specifications pp 7-11</li> <li>○ Section 2.3 Item Development and Review pp 15-16</li> <li>○ Section 2.5 Test Construction pp 17-19</li> </ul> </li> <li>• Chapter 6: Validity             <ul style="list-style-type: none"> <li>○ Section 6.1 Content Validity</li> </ul> </li> </ul>	
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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.

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	<ul style="list-style-type: none"> <li>• Appendix A, Tables A1-A5 Item Maps, pp305-373, “Test Information for Kindergarten; Grade Band 1-2; Grade Band 3-4; Grade Band 5-6; Grade Band 7-8; Grade Band 9-12”</li> <li>• Appendix B, Item Level Statistics, pp 374-385</li> </ul> <p>Evidence #021: <i>New York State English as a Second Language Achievement Test (NYSESLAT): 2016 Test Specifications</i></p> <p>Evidence #022: <i>Passage and Item Writing Guidelines 2018-2019</i></p> <p>The NYSESLAT is only offered as a paper-based assessment.</p>	
<p><b>Section 2.1 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence of how the depth and range of the ELP levels are addressed across different clusters, domains, and targets of measurement.</li> </ul>		

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.

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**Critical Element 2.2 – Item Development**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State uses reasonable and technically sound procedures to develop and select items to:</p> <ul style="list-style-type: none"> <li>Assess student English language proficiency based on the <i>State’s ELP standards</i> in terms of content and language processes.</li> </ul>	<p>Description of the process the State uses to ensure that item types are tailored for assessing ELP standards.</p> <p>AND</p> <p>Description of the process the State uses to ensure that item types are tailored for assessing the ELP standards in terms of language demand and linguistic processes.</p> <p>AND</p> <p>Samples of item specifications that detail the ELP standards to be tested, item type, intended linguistic complexity, intended level of difficulty, accessibility tools and features and response format.</p> <p>AND</p> <p>Description or examples of instructions provided to item writers and reviewers</p> <p>AND</p> <p>Documentation of procedures to review items for alignment to ELP standards, intended levels of linguistic complexity, intended levels of difficulty, construct-irrelevant variance, and consistency with item specifications.</p> <p>AND</p> <p>Description of procedures to evaluate the quality of items and select items for operational use, including evidence of reviews of pilot and field test data.</p> <p>AND</p> <p>Evidence that the items elicit the intended response processes, such as cognitive labs or interaction</p>	<p>The peers were unable to locate evidence of the item writers’ and reviewers’ qualifications, particularly with students with disabilities, English learners and content areas.</p> <p>The peers could not find evidence that principles of accessibility were incorporated into item design and development.</p> <p>The peers were unable to find evidence of whether the items elicited the intended response processes for English language proficiency assessments.</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.

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	<p><b>studies (e.g., for ELP assessments, studies which include a targeted sample of ELs, such as students who speak different home languages, and those who have attained a range of proficiency in the home language).</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 2: Test Design and Development             <ul style="list-style-type: none"> <li>○ Section 2.3 Item Development and Review, pp 15-16</li> <li>○ Section 2.3 Field Test, pp 16-17</li> <li>○ Section 2.5 Test Construction, pp 17-18                 <ul style="list-style-type: none"> <li>▪ Selecting new items, p 17</li> <li>▪ Psychometric review, pp 18-19</li> <li>▪ Review by NYSED, p 19</li> </ul> </li> </ul> </li> <li>• Appendix A, Tables A1-A5 Item Maps, pp305-373, “Test Information for Kindergarten; Grade Band 1-2; Grade Band 3-4; Grade Band 5-6; Grade Band 7-8; Grade Band 9-12”</li> </ul> <p>Evidence #022: <i>NYSESLAT Passage and Item Writing Guidelines 2018-2019</i></p> <p>Evidence #023: <i>NYSESLAT Passage and Item Writing Training</i></p> <p>Evidence #024: <i>Passage and Item Review Guidelines for ELL specialists</i></p> <p>Evidence #025: <i>Passage and Item Review Guidelines for Content specialists</i></p> <p>Evidence #027: <i>NYSESLAT ELL Review Checklist for Listening, Reading and Writing</i></p> <p>Evidence #028: <i>NYSESLAT Content Review Checklist for Listening, Reading and Writing</i></p>	
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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.

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	<p>Evidence #029: <i>Content Review Checklist for Passages</i></p> <p>Evidence #030: <i>NYSESLAT Educator Review Guidelines</i></p> <p>Evidence #031: <i>NYSESLAT Field Test Technical Report 2017</i></p> <p>Evidence #032: <i>NYSESLAT 2018 Writing Range Finding Final Report</i></p> <p>Evidence #019: <i>Contract C012056 with vendor MetriTech, Inc. "Provide New York State English as a Second Language Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>• Section 2.2.1 Test Development and Field Testing             <ul style="list-style-type: none"> <li>○ Section A-3, Item Review: Teacher Committees (1.5.4 B), pp 127-130.</li> </ul> </li> <li>• Appendix D, Work Plan             <ul style="list-style-type: none"> <li>○ Section 1.5: Test Specifications and NYSESLAT Test Development                 <ul style="list-style-type: none"> <li>▪ Key Principles for this Exam p 55</li> <li>▪ Test Blueprint pp 57-58</li> </ul> </li> </ul> </li> </ul> <p><b>Documentation that items are developed by individuals with expertise in the development of English language proficiency, experience as educators of ELs, and experience and expertise with ELs who students with disabilities are as well as with ELs from a variety of sub-populations in the State.</b></p> <p>Evidence #033: <i>New York State Education Department Teacher Participation Opportunities (website)</i></p> <p>Evidence #034: <i>New York State Education Department Educator Involvement Opportunities for the NYSESLAT (website)</i></p> <p>Evidence #035: <i>NYSESLAT Item Writer requirements</i></p>	
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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.

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	<p>Evidence #036: NYSESLAT 2018 Item Writer and Reviewer Educator Background and Experience</p> <p>Evidence #037: NYSESLAT Passage and Item Educator Review Participants October 2018</p> <p>Evidence #038: NYSESLAT Final Eyes Presentation for Educators</p> <p>Evidence #039: NYSESLAT Final Eyes Review Checklist for Educators</p>	
<b>Section 2.2 Summary Statement</b>		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence that the participants in item development and review have the necessary education level and experience. Evidence that accessibility was considered during item development. Evidence that the items elicit the intended response processes.</li> </ul>		

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**

**Critical Element 2.3 – Test Administration**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>The State implements policies and procedures for standardized test administration; specifically, the State:</p> <ul style="list-style-type: none"> <li>• Has established and communicates to educators clear, thorough and consistent standardized procedures for the administration of its assessments, including administration with accommodations;</li> <li>• Has established procedures to ensure that general and special education teachers, paraprofessionals, teachers of ELs, specialized instructional support personnel, and other appropriate staff receive necessary training to administer assessments and know how to administer assessments, including, as necessary, alternate assessments, and know how to make use of appropriate accommodations during assessments for all students with disabilities;</li> <li>• If the State administers technology-based assessments, the State has defined technology and other related requirements, included technology-based test administration in its standardized procedures for test administration, and established contingency plans to address possible technology challenges during test administration.</li> </ul>	<p><b>Test coordinator manuals, test administrator manuals and/or other key documents that the State provides to districts, schools, and teachers that address standardized test administration for and any accessibility tools and features available for the assessments.</b></p> <p><b>AND</b></p> <p><b>Instructions on the use of accommodations allowed by the State that addresses each accommodation.</b></p> <p><b>AND</b></p> <p><b>Evidence that the State provides key documents regarding test administration to district and school test coordinators and administrators.</b></p> <p><b>AND</b></p> <p><b>Evidence of the state’s process for documenting modifications or disruptions of standardized test administration procedures.</b></p> <p><i>Evidence #008: School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Introduction, p 1</li> <li>• Testing Accommodations, p 9</li> <li>• Appendix C: Testing Accommodations for Students with Disabilities, pp 39-40</li> <li>• After Testing             <ul style="list-style-type: none"> <li>○ Reporting Irregularities and Misadministrations, pp 26-27</li> <li>○ Completing the Scoring Process, pp 25-26</li> </ul> </li> <li>• Appendix K: Certificates             <ul style="list-style-type: none"> <li>○ Examination Storage Certificate, p 61</li> <li>○ Deputy and Proctor Certificate, p 63</li> </ul> </li> </ul>	<p>The peers did not locate evidence that training of all administrators occurred to ensure standardization.</p> <p>The peers did not locate evidence that all scorers were trained and qualified as accurate raters. There was evidence that writing training materials are available, but the peers did not find evidence of the use of those materials in training sessions.</p> <p>The peers did not locate evidence that administrators received training in providing and administering accommodations.</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.

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	<ul style="list-style-type: none"> <li>○ Exam Scoring Certificate, p 65</li> </ul> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p> <ul style="list-style-type: none"> <li>• Appendix J: Allowable Testing Accommodations Across New York State’s Testing Programs, pp i-ii</li> <li>• Section II: Learn About Testing Accommodations, p 5</li> <li>• Section IV: Implementing Testing Accommodations, p 17</li> </ul> <p>Evidence #040: <i>Procedures for Requesting, Shipping, and Storing of Materials for the Spring 2017 Administration of the New York State English as a Second Language Achievement Test (memorandum)</i></p> <p>Evidence #041: <i>NYSESLAT Assessment Memorandum #16 NYC 2017_2018</i></p> <p>Evidence #042: <i>2017 NYSESLAT Enhancements</i></p> <p><b>Schedules for training sessions for different groups of individuals involved in test administration.</b></p> <p><b>AND</b></p> <p><b>Training materials such as agendas, slide presentations, and school test coordinator manuals and test administrator manuals provided to participants.</b></p> <p><b>AND</b></p> <p><b>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.</b></p> <p>Evidence #043: <i>NYSESLAT Trainings 2017-18</i></p>	
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	<p>Evidence #044: <i>NYSED Bilingual Report - 2015-2017</i> (p 7)</p> <p>Evidence #045: <i>2016 NYSESLAT Grade Band 7-8 Session 1 Directions for Administration</i></p> <p>Evidence #046: <i>2016 NYSESLAT Grade Band 7-8 Session 2 Directions for Administration</i></p> <p>Evidence #047: <i>2016 NYSESLAT Grade Band 7-8 Session 3 Directions for Administration</i></p> <p>Evidence #048: <i>2016 NYSESLAT Grade Band 7-8 Speaking Directions for Administration</i></p> <p>Evidence #049: <i>Professional Development Workshop on Testing Accommodations brochure</i></p> <p>Evidence #050: <i>NYSESLAT Testing Practices and Procedures 2019</i></p> <p><b>For test items scored by examiners (e.g., speaking items), training materials that include agendas, training presentations, and evidence of opportunities for scorer practice, including rubrics, exemplars, and practice item response sets to ensure that staff involved in scoring these items are prepared to do so with fidelity.</b></p> <p>Evidence #051: <i>New York State English as a Second Language achievement Test (NYSESLAT) Resources (website)</i></p> <p>Evidence #052: <i>New York State English as a Second Language Achievement Test (NYSESLAT) Turnkey Training Materials (website)</i></p> <p>Evidence #053: <i>NYSESLAT Turnkey Training for Writing 1</i></p> <p>Evidence #054: <i>NYSESLAT Turnkey Training for Writing 2</i></p>	
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	<p>Evidence #055: NYSESLAT Turnkey Training for Writing 3</p> <p>Evidence #056: NYSESLAT Turnkey Training for Speaking 1</p> <p>Evidence #057: NYSESLAT Turnkey Training for Speaking 2</p> <p>Evidence #058: NYSESLAT Turnkey Training Eastern Suffolk BOCES</p> <p>Evidence #059: NYSESLAT Turnkey Training Eastern Suffolk BOCES AGENDA</p>	
<p><b>Section 2.3 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>Evidence that all administrators were trained in administering the test, scoring (as relevant), or providing accommodations.</li> </ul>		

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**

**Critical Element 2.4 – Monitoring Test Administration**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State adequately monitors the administration of its State assessments to ensure that standardized test administration procedures are implemented with fidelity across districts and schools. Monitoring of test administration should be demonstrated for all assessments in the State system: the general ELP assessments and the AELPA.</p>	<p>Evidence #061: <i>Test Security Unit Update presentation to Board of Regents September 2014</i></p> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Instructions for Administering the Test, pp 17-23</li> <li>• Reporting Irregularities of Misadministrations, pp 26-27</li> <li>• Appendix K:               <ul style="list-style-type: none"> <li>○ Examination Storage Certificate, p 61</li> <li>○ Deputy and Proctor Certificate, p 63</li> <li>○ Secure Materials Tracking Log, p 67</li> </ul> </li> </ul> <p>Evidence #062: <i>NYSESLAT Monitoring Checklist</i></p> <p>Evidence #063: <i>NYSESLAT Reported Misadministration 2018</i></p> <p>Evidence #064: <i>NYSESLAT Potential Misadministrations 2018_Redacted</i></p> <p>Evidence #065: <i>2019 Monitoring Plan</i></p> <p>Evidence #026: <i>2019 NYSESLAT Monitoring Letter</i></p>	<p>The State provided direct evidence that monitoring the ELP assessment had occurred in the 2018 administration. Protocol forms were provided. Roles and responsibilities of staff involved in monitoring were demonstrated.</p> <p>Overall, there was adequate evidence that monitoring of the ELP assessments was occurring to ensure that standardized administration procedures were being implemented with fidelity across districts and schools. Staff would suggest that the State consider making the observation site selection process more transparent, and document this process for internal use.</p>
<p><b>Section 2.4 Summary Statement</b></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**

**Critical Element 2.5 – Test Security**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>The State has implemented and documented an appropriate set of policies and procedures to prevent test irregularities and ensure the integrity of test results through:</p> <ul style="list-style-type: none"> <li>• Prevention of any assessment irregularities, including maintaining the security of test materials (both during test development and at time of test administration), proper test preparation guidelines and administration procedures, incident-reporting procedures, consequences for confirmed violations of test security, and requirements for annual training at the district and school levels for all individuals involved in test administration;</li> <li>• Detection of test irregularities;</li> <li>• Remediation following any test security incidents involving any of the State’s assessments;</li> <li>• Investigation of alleged or factual test irregularities.</li> <li>• Application of test security procedures to the general ELP assessments and the AELPA.</li> </ul>	<p>State Test Security Handbook</p> <p>AND</p> <p>State security plan, or excerpts from the State’s assessment contracts or other materials that show expectations, rules and procedures for reducing security threats and risks and protecting test materials during item development, test construction, materials production, distribution, and test administration.</p> <p>AND</p> <p>Description of security features for storage of test materials (i.e., items, tests, student response documents, features related to the secure test administration technology system, if applicable).</p> <p>AND</p> <p>Key documents, such as test coordinator manuals or test administration manuals that include detailed security procedures for before, during, and after test administration.</p> <p>AND</p> <p>Documented procedures for tracking the chain of custody of secure materials and for maintaining the security of test materials at all states, including distribution, storage, administration, and transfer of data.</p> <p>AND</p> <p>Documented procedures for mitigating the likelihood of unauthorized communication, assistance, or recording of test materials.</p> <p>AND</p>	<p>The peers noted there are materials that specify security procedures (e.g. Evidence 008, 050, 069), but the peers did not locate evidence of any required training delivery for security nor outcomes of investigations on an annual basis (Evidence 061 is dated 2014).</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**

	<p><b>Specific test security instructions for accommodations providers.</b></p> <p><b>AND</b></p> <p><b>Documentation of established consequences for confirmed violations of test security.</b></p> <p><b>AND</b></p> <p><b>Key documents such as policy memos, listserv messages, test coordinator manuals, and test administration manuals that document that the state communicates its test security policies, including consequences for violation, to all individuals involved in test administration.</b></p> <p><b>AND</b></p> <p><b>Newsletters, listserv messages, test coordinator manuals, test administrator manuals, and/or other key documents from the State that clearly state the annual test security training is required at the district and school levels for all staff involved in test administration.</b></p> <p><i>Evidence #008: School Administrator's Manual, New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations, pp 8 - 11</li> <li>• Test Security, p 12</li> <li>• Before Testing             <ul style="list-style-type: none"> <li>○ Orientation of Test Examiners, p 15</li> <li>○ Notification of Parents, p 16</li> <li>○ Inventory Test Materials, p 13</li> </ul> </li> <li>• Instructions for Administering the Test             <ul style="list-style-type: none"> <li>○ Use of Communications Device, pp 17-18</li> <li>○ Proctoring, p 21</li> <li>○ Aid to Students, p 21</li> <li>○ Unauthorized materials, p 22</li> <li>○ Student Cheating, p 22</li> </ul> </li> </ul>	
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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**

	<ul style="list-style-type: none"> <li>○ Temporary Absence from that Testing Room, p 22</li> <li>○ Emergency Evacuation of a School Building, p 23</li> <li>● Returning Test Materials, pp 30-34</li> <li>● Appendix K             <ul style="list-style-type: none"> <li>○ Test Storage Certificate, p 61</li> <li>○ Deputy and Proctor Certificate, p63</li> </ul> </li> <li>● Appendix L             <ul style="list-style-type: none"> <li>○ Secure Materials Tracking Log, p 67</li> </ul> </li> <li>● After Testing             <ul style="list-style-type: none"> <li>○ Reporting Irregularities and/or Misadministrations, pp 26</li> </ul> </li> </ul> <p>Evidence #019: <i>Contract C012056 with vendor MetrTech, Inc. "Provide New York State English as a Second Language Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>● Appendix D: Work Plan             <ul style="list-style-type: none"> <li>○ Section C-6: Security, pp 81-90.</li> </ul> </li> </ul> <p>Evidence #040: <i>Procedures for Requesting, Shipping, and Storing of Materials for the Spring 2017 Administration of the New York State English as a Second Language Achievement Test (memorandum)</i></p> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation</i></p> <ul style="list-style-type: none"> <li>● Appendix F: Test Read, p v</li> </ul> <p>Evidence #066: <i>Report Educator Test Fraud (website cover sheet to Incident Report Form)</i></p> <p>Evidence #067: <i>Test Security Incident Report Form</i></p> <p><b>Summary results or reports of internal or independent monitoring, audit, or evaluation of the State's test security policies, procedures, and practices, if any.</b></p>	
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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**

	<p>Evidence #068: <i>NYSESLAT Test Administration Irregularities Report 2012 – 2018</i></p> <p>Evidence #063: <i>NYSESLAT Reported Misadministration 2018</i></p> <p>Evidence #064: <i>NYSESLAT Potential Misadministrations 2018_Redacted</i></p> <p>Evidence #065: <i>2019 Monitoring Plan</i></p> <p>Evidence #026: <i>2019 NYSESLAT Monitoring Letter</i></p> <p><b>Evidence submitted under Critical Element 2.3—Test Administration that shows the State’s test administration training covers the relevant aspects of the State’s test security policies.</b></p> <p>Evidence #045: <i>2016 NYSESLAT Grade Band 7-8 Session 1 Directions for Administration</i></p> <p>Evidence #046: <i>2016 NYSESLAT Grade Band 7-8 Session 2 Directions for Administration</i></p> <p>Evidence #047: <i>2016 NYSESLAT Grade Band 7-8 Session 3 Directions for Administration</i></p> <p>Evidence #048: <i>2016 NYSESLAT Grade Band 7-8 Speaking Directions for Administration</i></p> <p><b>Evidence submitted under Critical Element 2.3—Test Administration that shows procedures for ensuring that all individuals involved in test administration receive annual test security training.</b></p> <p>Evidence #069: <i>Test Security Unit Guidance Tips for Ethical Testing</i></p>	
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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**

	<p>Evidence #050: <i>NYSESLAT Testing Practices and Procedures 2019</i></p> <p><b>Documentation that all State assessments are addressed with regard to test security in State policies and procedures.</b></p> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <ul style="list-style-type: none"> <li>• Before Testing             <ul style="list-style-type: none"> <li>○ Orientation of Test Examiners, p 15</li> <li>○ Notification of Parents, p 16</li> <li>○ Inventory Test Materials, p 13</li> </ul> </li> <li>• Instructions for Administering the Test             <ul style="list-style-type: none"> <li>○ Use of Communications Device, pp 17-18</li> <li>○ Proctoring, p 21</li> <li>○ Aid to Students, p 21</li> <li>○ Unauthorized materials, p 22</li> <li>○ Student Cheating, p 22</li> </ul> </li> <li>• After Testing             <ul style="list-style-type: none"> <li>○ Reporting Irregularities and/or Misadministrations, pp 26</li> </ul> </li> </ul> <p>Evidence #070: <i>Submission to Board of Regents-Findings and Recommendations of the Independent Review of the Department’s Test Integrity Policies and Procedures</i></p>	
<b>Section 2.5 Summary Statement</b>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence of annual training for security procedures and the reporting of results of investigations after 2014.</li> </ul>		

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**

**Critical Element 2.6 – Systems for Protecting Data Integrity and Privacy**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>The State has policies and procedures in place to protect the integrity and confidentiality of its test materials, test-related data, and personally identifiable information, specifically:</p> <ul style="list-style-type: none"> <li>• To protect the integrity of its test-related data in test administration, scoring, storage and use of results;</li> <li>• To secure student-level assessment data and protect student privacy and confidentiality, including guidelines for districts and schools;</li> <li>• To protect personally identifiable information about any individual student in reporting, including defining the minimum number of students necessary to allow reporting of scores for all students and student groups.</li> </ul>	<p>State security plan, or excerpts from the State’s assessment contracts or other materials that show expectations, rules and procedures for reducing security threats and risks and protecting test materials and related data.</p> <p>AND</p> <p>Description of security features for storage of test materials and related data.</p> <p>AND</p> <p>Rules and procedures for secure transfer of student-level assessment data in and out of the State’s data management and reporting systems.</p> <p>AND</p> <p>Policies and procedures for allowing only secure, authorized access to the State’s student-level data files.</p> <p>AND</p> <p>Training requirements and materials for State staff, contractors and vendors, and others related to data integrity and appropriate handling of personally identifiable information.</p> <p>AND</p> <p>Policies and procedures to ensure that aggregate or de-identified data intended for public release do not inadvertently disclose any personally identifiable information.</p> <p>AND</p> <p>Documentation that the above policies and procedures are clearly communicated to all relevant personnel.</p>	<p>Evidence acceptable.</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**

	<p><b>AND</b></p> <p><b>Rules and procedures for ensuring that data released by third parties are reviewed for adherence to State Statistical Disclosure Limitation (SDL) rules and do not reveal PII.</b></p> <p><b>AND</b></p> <p><b>State operations manual or other documentation that clearly states the State’s SDL rules for determining whether data are reported for a group of students or a student group.</b></p> <p><b>AND</b></p> <p><b>State operations manual or other document that describes how the states rules for protecting PII are implemented.</b></p> <p><i>Evidence #071: Information and Reporting Security Data Transfer Protocols (internal document)</i></p> <p><i>Evidence #072: Identity Verification and Authorization to Access or Disclose Confidential Education Information Regarding Pre-School, Elementary, Secondary, and Post-Secondary Education (form)</i></p> <p><i>Evidence #073: NYS ESEA Flexibility Request</i></p> <ul style="list-style-type: none"> <li>• Monitoring, Reporting, and Corrective Action—To Ensure That Measures Are Valid and Implementation Is Consistent with SEA Guidelines, pp 191-193</li> </ul> <p><i>Evidence #019: Contract C012056 with vendor MetriTech, Inc. “Development of New York State English as a Second Language Achievement Test”</i></p> <ul style="list-style-type: none"> <li>• Appendix D: Work Plan             <ul style="list-style-type: none"> <li>○ Section C-6: Security, p 54</li> <li>○ Attachment C: Security Guidelines for the NYSESLAT , p 81</li> </ul> </li> </ul>	
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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**

	<ul style="list-style-type: none"> <li>○ Attachment D: Non-Disclosure Agreement, pp 82-83</li> <li>• Evidence #074: <i>Additional Data Security Provisions</i></li> </ul> <p>Evidence #075: <i>Contract C013776 with vendor MetrTech, Inc. "Provide New York State English as a Second Language Achievement Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>• Appendix R: Data Security and Privacy Plan</li> <li>• Appendix S: Parents Bill of Rights for Data Privacy and Security</li> <li>• Appendix S-1: Attachment to Parents' Bill of Rights for Contracts Involving Disclosure of Certain Personally Identifiable Information</li> </ul> <p>Evidence #008: <i>School Administrator's Manual New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <ul style="list-style-type: none"> <li>• Safeguarding Exam Materials, pp 12-15</li> </ul> <p>Evidence #076: <i>New York State Student Information Repository System (SIRS) Manual, 2017-2018</i></p> <ul style="list-style-type: none"> <li>• Chapter 1: What is SIRS?, pp 7-9</li> <li>• Appendix IV: Selected Federal and State Reporting Requirements, pp 280 - 284</li> </ul> <p>Evidence #077: <i>New York State Student Identification System (NYSSIS) Users Guide, Version 7.0</i></p> <p>Evidence #078: <i>Privacy-Student Confidentiality Issues (website)</i></p>	
<p><b>Section 2.6 Summary Statement</b></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

SECTION 3: TECHNICAL QUALITY – VALIDITY

Critical Element 3.1 – Overall Validity, Including Validity Based on Content

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate overall validity evidence for its assessments consistent with nationally recognized professional and technical testing standards. The State’s validity evidence includes evidence that:</p> <p><b>The State’s ELP assessments</b> measure the knowledge and skills specified in the State’s ELP standards, including:</p> <ul style="list-style-type: none"> <li>• Documentation of adequate alignment between the State’s ELP assessment and the ELP standards the assessment is designed to measure in terms of language knowledge and skills, the depth and breadth of the State’s ELP standards, across all proficiency levels, domains, and modalities identified therein;</li> <li>• Documentation of alignment (as defined) between the State’s ELP standards and the language demands implied by, or explicitly stated in, the State’s academic content standards;</li> <li>• If the State administers an AELPA aligned with alternate ELP achievement standards, the assessment shows adequate linkage to the State’s ELP standards in terms of content match (i.e., no unrelated content) and that the breadth of content and linguistic complexity</li> </ul>	<p><b>Chapter on validity in the technical report for the State’s assessment.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 1: Introduction               <ul style="list-style-type: none"> <li>○ Section 1.2 Rationale and Purpose, p 4</li> </ul> </li> <li>• Chapter 2: Blueprint and Specifications, pp 7-11</li> <li>• Chapter 6: Validity               <ul style="list-style-type: none"> <li>○ Section 6.1 Content Validity, pp 51-52</li> <li>○ Section 6.2 Internal Structure, pp 52-56</li> <li>○ Section 6.2 External Structure, pp 56-57</li> </ul> </li> </ul> <p><b>Other validity evidence, in addition to that outlined in critical elements 3.1 through 3.4, that is necessary to document adequate validity evidence for the assessments.</b></p> <p>Evidence #075: <i>Contract C013776 with vendor MetriTech, Inc. “Provide New York State English as a Second Language Achievement Test (NYSESLAT)”</i></p> <ul style="list-style-type: none"> <li>• Alignment Studies, pp 58-59</li> <li>• Section A: Test Development Requirements and Guidelines               <ul style="list-style-type: none"> <li>○ Development of Alignment Plan and Training Materials</li> </ul> </li> </ul> <p><b>Validity evidence based on the assessment content that shows levels of validity generally consistent with expectations of current professional standards.</b></p> <p>Evidence #079: <i>New York State English as a Second Language Achievement Test (NYSESLAT): 2017 Test Specifications</i></p>	<p>The peers did not locate evidence of the methodology for the planned alignment study, attending to alignment of the test to the K-12 ELP standards in breadth and depth (linguistic complexity).</p> <p>The peers did not locate evidence of the methodology for the planned study of correspondence between the State’s ELP standards and the language demands implied by, or explicitly stated in, the State’s academic content standards</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**

<p>determined in test design is appropriate for ELs who are students with the most significant cognitive disabilities.</p>	<p>Evidence #080: <i>Performance Level Descriptions, NYSESLAT Reading</i></p> <p>Evidence #081: <i>Performance Level Descriptions, NYSESLAT Speaking</i></p> <p>Evidence #082: <i>Performance Level Descriptions, NYSESLAT Listening</i></p> <p>Evidence #083: <i>Performance Level Descriptions, NYSESLAT Writing</i></p> <p><b>Description of a systematic process and timeline the State will implement to address any gaps or weaknesses identified in the alignment studies.</b></p> <p>Evidence #019: <i>Contract C012056 with vendor MetriTech, Inc. "Provide New York State English as a Second Language Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>• Section A-2: Development of Items (1.5.4 A), pp 15-23</li> <li>• Section A-3: Item Review: Teacher Committees (1.5.4 B), pp 127-130.</li> <li>• Appendix D, Work Plan             <ul style="list-style-type: none"> <li>○ Section 1.5: Test Specifications and NYSESLAT Test Development                 <ul style="list-style-type: none"> <li>▪ Key Principles for this Exam p 55</li> </ul> </li> </ul> </li> </ul> <p>Test Blueprint pp 57-58</p>	
<p><b>Section 3.1 Summary Statement</b></p>		
<p><u>  X  </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence of the methodology for the alignment study and for the study of the correspondence between the K-12 ELP standards and academic content standards.</li> </ul>		

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.

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**Critical Element 3.2 – Validity Based on Linguistic Processes**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that its assessments tap <i>the intended language processes</i> appropriate for each grade level/grade-band as represented in the State’s ELP standards.</p>	<p>Validity evidence based on linguistic processes that show levels of validity generally consistent with expectations of current professional standards such as:</p> <ul style="list-style-type: none"> <li>• results of cognitive labs exploring student performance on items that show the items require targeted demonstrations or applications of linguistic knowledge and skills</li> <li>• reports of expert judgement of items that show the items require targeted demonstrations or applications of knowledge or skills</li> </ul> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 2: Test Design and Development               <ul style="list-style-type: none"> <li>○ Section 2.3 Item Development and Review, pp 15-16</li> <li>○ Section 2.3 Field Test, pp 16-17</li> <li>○ Section 2.5 Test Construction, pp 17-18                   <ul style="list-style-type: none"> <li>▪ Selecting new items, p 17</li> <li>▪ Psychometric review, pp 18-19</li> <li>▪ Review by NYSED, p 19</li> </ul> </li> </ul> </li> <li>• Appendix A, Tables A1-A5 Item Maps, pp305-373, “Test Information for Kindergarten; Grade Band 1-2; Grade Band 3-4; Grade Band 5-6; Grade Band 7-8; Grade Band 9-12”</li> </ul> <p>Evidence #022: <i>NYSESLAT Passage and Item Writing Guidelines 2018-2019</i></p> <p>Evidence #023: <i>NYSESLAT Passage and Item Writing Training</i></p> <p>Evidence #024: <i>Passage and Item Review Guidelines for ELL specialists</i></p>	<p>The peers did not locate sufficient evidence that the assessments tap the intended language processes appropriate for each grade level/grade band. The item development evidence provides some support for this element, but more evidence is needed.</p> <p>The peers did not locate sufficient evidence that item writers have experience with the English Learner students in the grade levels/grade bands.</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**

	<p>Evidence #025: <i>Passage and Item Review Guidelines for Content specialists</i></p> <p>Evidence #026: <i>NYSESLAT ELL Passage and Content Review Criteria</i></p> <p>Evidence #028: <i>NYSESLAT Content Review Checklist for Listening, Reading and Writing</i></p> <p>Evidence #030: <i>NYSESLAT Educator Review Guidelines</i></p> <p>Evidence #031: <i>NYSESLAT Field Test Technical Report 2017</i></p> <p>Evidence #032: <i>NYSESLAT 2018 Writing Range Finding Final Report</i></p> <p>Evidence #075: <i>Contract C013776 with vendor MetriTech, Inc. "Provide New York State English as a Second Language Achievement Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>• Alignment Studies, pp 58-59</li> <li>• Section A: Test Development Requirements and Guidelines             <ul style="list-style-type: none"> <li>○ Development of Alignment Plan and Training Materials</li> </ul> </li> </ul> <p><b>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 linguistic proficiency.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 6: Validity             <ul style="list-style-type: none"> <li>○ Section 6.3 External Structure</li> </ul> </li> </ul>	
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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**

	<ul style="list-style-type: none"> <li>▪ Relationship with the New York State English Language Arts (ELA) test (Grades 3-8), (pp 57-61)</li> <li>▪ Relationship with the New York State Regents Comprehensive Examination in English (Grades 10-12) (pp 62-64)</li> <li>▪ Relationship with New York State Regents Examination in English Language Arts (Common Core) (Grades 10-12) (pp 65-68)</li> </ul>	
<p><b>Section 3.2 Summary Statement</b></p>		
<p><u>  X  </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Additional evidence is needed that shows the assessments tap the intended language processes appropriate for each grade level/grade band for the ELP standards. Examples may include cognitive labs, expert review of item characteristics, and appropriateness. Additional evidence is needed of the item writers' capacity to address the intended cognitive processes required at the grade level/grade band. Examples may include experiences of the item writers working with ELs in the relevant grade level/grade band or more information on the training and guidance provided in test development guidelines focused on specific grade bands and proficiency levels.</li> </ul>		

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**

**Critical Element 3.3 – Validity Based on Internal Structure**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that the scoring and reporting structures of its assessments are consistent with the sub-domain structures of the State’s <b>ELP standards</b> on which the intended interpretations and uses of results are based.</p>	<p><b>Reports of analyses of the internal structure of the assessments that show the extent to which the interrelationships among sub-scores are consistent with the State’s ELP standards for all EL students.</b></p> <p>Evidence #076: <i>New York State English as a Second Language Achievement Test 2017 Test Specifications</i></p> <ul style="list-style-type: none"> <li>• Appendix A: Proposed Breakdown of ToMs by Year, pp 11-12</li> </ul> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 4: Classical Item-Level Statistics               <ul style="list-style-type: none"> <li>○ Differential Item Functioning, pp 28-30</li> </ul> </li> <li>• Chapter 5: Reliability               <ul style="list-style-type: none"> <li>○ Section 5.2: Standard Error of Measurement Based on Classical Test Theory pp 35-36</li> <li>○ Section 5.6: Accuracy and Consistency of Performance Level Classifications, pp 48-50</li> </ul> </li> <li>• Chapter 7: Calibration and Scaling               <ul style="list-style-type: none"> <li>○ Section 7.5: Evidence of Model Fit, pp 75</li> </ul> </li> <li>• Appendix B: Item-Level Statistics, pp 374-385</li> <li>• Appendix C: IRT Statistics, pp 385-397</li> <li>• Appendix H: DIF Statistics, pp 443-445</li> </ul> <p><b>Reports of analyses that show the dimensionality of the assessment is consistent with the structure of the State’s ELP standards and the intended interpretations of results.</b></p> <p>Evidence #015: <i>The Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 6: Validity</li> </ul>	<p>The peers did not locate research evidence that the correlations between the domains are as expected. A resource for such evidence might be <a href="https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2009066.pdf">https://ies.ed.gov/ncee/edlabs/regions/northeast/pdf/REL_2009066.pdf</a></p> <p>The peers noted the kindergarten form of the test has several misfitting items, especially in reading and writing.</p> <p>Note: Given that the state does not provide overall scores based on fewer than four domain scores, there is an assumption that accommodated forms do not affect the underlying structure of the composite as it relates to the domains. Given the broad number of accommodations provided for the ELP test (e.g. ASL for the listening test, text-to-speech for the reading test), clear definitions of the construct assessed should be provided.</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.

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	<ul style="list-style-type: none"> <li>○ Section 6.2: Internal Structure, pp 52-56</li> <li>• Chapter 7: Calibration and Scaling             <ul style="list-style-type: none"> <li>○ Section 7.5: Evidence of Model Fit, p 75</li> </ul> </li> <li>• Appendix B: Item-Level Statistics, pp 374-385)</li> <li>• Appendix C: IRT Statistics, pp 386-397</li> </ul> <p><b>Evidence that ancillary constructs needed for success on the assessments do not provide inappropriate barriers for measuring an EL’s English proficiency, such as evidence from cognitive labs or documentation of item development and review procedures.</b></p> <p>Evidence #019: <i>Contract C012427 with vendor MetriTech, Inc. “Elementary, Intermediate (Middle) Level, and High School New York State English as a Second Language Achievement Test (NYSESLAT)”</i></p> <ul style="list-style-type: none"> <li>• Section A: Test Development and Field Testing             <ul style="list-style-type: none"> <li>○ Section A-1                 <ul style="list-style-type: none"> <li>▪ Parameters for Items (1.5.2 B), p 107</li> <li>▪ Item Development Requirements and Guidelines (1.5.3 C), pp 109-111</li> </ul> </li> <li>○ Section A-3                 <ul style="list-style-type: none"> <li>▪ Item Review: Teacher Committees (1.5.4 B), p 127)</li> <li>▪ Item Review: Content Review and Final Eyes Committees (1.5.4 C), pp 127 - 130</li> </ul> </li> </ul> </li> </ul> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Test Design and Development             <ul style="list-style-type: none"> <li>○ Item Development and Review, pp 15-16</li> </ul> </li> </ul> <p>Evidence #022: <i>NYSESLAT Passage and Item Writing Guidelines 2018-2019</i></p>	
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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**

	<p>Evidence #023: <i>NYSESLAT Passage and Item Writing Training</i></p> <p>Evidence #024: <i>Passage and Item Review Guidelines for ELL</i></p> <p>Evidence #025: <i>Passage and Item Review Guidelines for Content Specialists</i></p> <p>Evidence #028: <i>NYSESLAT Content Review Checklist for Listening, Reading and Writing</i></p> <p>Evidence #029: <i>NYSESLAT Content Review Checklist for Passages</i></p> <p>Evidence #030: <i>NYSESLAT Educator Review Guidelines</i></p> <p><b>Reports of differential item functioning (DIF) analyses that show whether particular items function differently for relevant student groups.</b></p> <p>Evidence #016: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 4: Classical Item-Level Statistics             <ul style="list-style-type: none"> <li>○ Section 4.2: Differential Item Functioning (DIF), pp 28-34</li> </ul> </li> </ul> <p>Evidence #031: <i>NYSESLAT Field Test Technical Report 2017</i></p> <ul style="list-style-type: none"> <li>• Chapter 4: Statistical Results for the 2017 Field Tests             <ul style="list-style-type: none"> <li>○ Section 4.4: Differential Item Functioning (DIF) Analysis, pp 58-127</li> </ul> </li> </ul> <p><b>Reports of analyses of the internal structure of any sub-test (e.g., reading, writing, etc.) and the overall ELP assessment (i.e., all sub-tests</b></p>	
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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**

	<p><b>together) that show the extent to which the interrelationships among sub-scores are consistent with the representation and claims in the State’s ELP standards and/or test specifications; empirical evidence such as studies using exploratory and confirmatory factor analysis, regression analyses, covariance structural models; results of other studies showing an appropriate pattern of association.</b></p> <p>Evidence 084: <i>NYSESLAT 2018 Technical Supplement</i>, pp 2-5</p> <p><b>Reports of analyses that show the State’s chosen approach to computing an overall ELP composite score is defensible and appropriate given the ELP assessment’s structure and intended uses. The approach could be compensatory or conjunctive or a combination, but the State has documented the rationale.</b></p> <p>Evidence #085: <i>NYSED TAC Agenda and Documents (MetriTech)_Nov 2014</i></p> <p>Evidence #086: <i>November 2014 TAC Agenda and Key Take Aways</i></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 7: Calibration and Scaling             <ul style="list-style-type: none"> <li>○ Section 7.1: Item Response Model and Rationale for Use, p 69</li> <li>○ Section 7.7: Scale Transformation Process, pp 100 - 104</li> </ul> </li> </ul> <p><b>Reports of analyses of the validity of any composite score that is not generated or derived from all four required domains/components</b></p>	
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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

	<p><b>(speaking, listening, reading and writing) and any weighting of domains/components.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 7: Calibration and Scaling             <ul style="list-style-type: none"> <li>○ Section 7.7: Scale Transformation Process, p 101</li> </ul> </li> </ul>	
<p><b>Section 3.3 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• A description of why the correlations between the domains of the assessments are as expected. A plan for addressing the misfit of the items on the kindergarten form is needed.</li> </ul>		

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**

**Critical Element 3.4 – Validity Based on Relations to Other Variables**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that the State’s assessment scores are related as expected with other variables.</p>	<p><b>Reports of analyses that demonstrate positive correlations between ELP assessment results and external measures that assess similar constructs.</b></p> <p><b>AND</b></p> <p><b>Reports of analyses that demonstrate convergent relationships between ELP assessment results and other assessments that measure similar and different constructs, such as academic content assessments in reading/language arts and in other content areas.</b></p> <p><b>AND</b></p> <p><b>Studies showing that the EL students who are proficient on the ELP assessment have English proficiency that allows them to acquire and demonstrate their achievement of knowledge and skills identified in the State’s academic content standards appropriate to each grade-level/grade-band in at least reading/language arts, mathematics, and science.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 6: Validity             <ul style="list-style-type: none"> <li>○ Section 6.3 External Structure                 <ul style="list-style-type: none"> <li>▪ Relationship with the New York State English Language Arts (ELA) test (Grades 3-8), (pp 57-61)</li> <li>▪ Relationship with the New York State Regents Comprehensive Examination in English (Grades 10-12) (pp 62-64)</li> <li>▪ Relationship with New York State Regents Examination in English Language Arts (Common Core) (Grades 10-12) (pp 65-68)</li> </ul> </li> </ul> </li> </ul>	<p>The peers concluded the evidence comparing attaining Commanding on the ELP assessment and meeting proficiency on the ELA test did not support the claim that EL students who are proficient on the ELP assessment have the requisite English proficiency that allows them to acquire and demonstrate their achievement of knowledge and skills identified in the State’s academic content standards beyond grade 4 (e.g. In grade three, 45.96 of the students at Commanding were proficient on the ELA assessment, in contrast to grade 7 where 5.39% of the students at Commanding were proficient on the ELA assessment).</p> <p>If Commanding on the ELP assessment is preparing students for the academic content standards, we would expect a comparable percentage of students at Commanding would meet proficiency on the ELA assessment as the non-EL population. Evidence 87 (page 2) shows the percentage of students at the proficient level on the ELA assessment is 45 percent in 2018. This result does not support the validity of the cut scores.</p> <p>The peers had difficulty determining the proportions of students at the Commanding level and scoring proficient on the ELA high school exam (College Ready v. Pass; Grade level tested).</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**

	<p>Evidence #087: <i>State Education Department Releases Spring 2018 Grades 3-8 ELA and Math Assessment Results</i>, pp 5-6</p> <p>Evidence #088: <i>High School Exam pass rates for former EL Students and All Students</i></p> <p><b>Evidence of coherence between the placement assessment and the summative assessment (e.g., the proficiency level of the student based on the initial identification assessment is coherent with the proficiency level of the summative test).</b></p> <p>Evidence #089: <i>New York State Identification Test for English Language Learners (NYSITELL) 2018 Edition Description</i> (p 1; p3; p 5)</p>	
<p><b>Section 3.4 Summary Statement</b></p>		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence that the ELP assessment results are related as expected to other variables. Evidence that students at the Commanding level are performing as expected on the ELA test beyond grade 4 to support the validity of the inferences based on the cut score.</li> </ul>		

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**

**SECTION 4: TECHNICAL QUALITY – OTHER**

**Critical Element 4.1 – Reliability**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate reliability evidence for its assessments for the following measures of reliability for the State’s student population overall and each student group consistent with nationally recognized professional and technical testing standards. If the State’s assessments are implemented in multiple States, measures of reliability for the assessment overall and each student group consistent with nationally recognized professional and technical testing standards, including:</p> <ul style="list-style-type: none"> <li>• Test reliability of the State’s assessments estimated for its student population (<i>for ELP assessments, including any domain or component sub-tests, as applicable</i>);</li> <li>• Overall and conditional standard error of measurement of the State’s assessments, including any domain or component sub-tests, as applicable;</li> <li>• Consistency and accuracy of estimates in categorical classification decisions for the cut scores, achievement levels or proficiency levels based on the assessment results;</li> <li>• For computer-adaptive tests, evidence that the assessments produce test forms with adequately</li> </ul>	<p><b>Results of analyses for alternate-form or, test-retest internal consistency reliability statistics, as appropriate, for each assessment</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Section 5.1: Internal Consistency Reliability, p 35</li> </ul> <p><b>A chapter on reliability in the technical report.</b></p> <p><b>AND</b></p> <p><b>Report of standard errors of measurement and conditional standard errors of measurement in terms of one or more coefficients or IRT-based test information functions at each cut score. Estimates should also be provided for any domain or component sub-tests that have cut scores.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 5: Reliability, pp 35-50 <ul style="list-style-type: none"> <li>○ Sections 5.2-5.4: Standard Error of Measurement (SEM), pp 35-41</li> </ul> </li> <li>• Chapter 7: Calibration and Scaling <ul style="list-style-type: none"> <li>○ Section 7.2: Description of the Calibration Sample and Process, pp 69-72</li> <li>○ Section 7.5: Evidence of Model Fit, p 75</li> <li>○ Section 7.6: Test Characteristic Curves (TCCs) and Conditional Standard Error of Measurement Curves (CSEM), pp 76- 100</li> <li>○ Section 7.7: The Scale Transformation Process, p 101 <ul style="list-style-type: none"> <li>▪ Scale Transformation Tables, pp 102-104</li> </ul> </li> </ul> </li> </ul>	<p>The peers noted that the percent exact agreement for scoring the writing assessment is well below industry standard, and there is no evidence of inter-rater reliability for speaking.</p> <p>The peers did not locate evidence of the proficiency level classification consistency/accuracy statistics other than Commanding.</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>precise estimates of <i>an EL's English proficiency</i>.</p>	<p>Results of estimates of decision consistency and accuracy for the categorical decisions (e.g., classification of proficiency levels) based on the results of the assessments.</p> <p><b>AND</b></p> <p>Information about the impact of the characteristics of any domain or component sub-test scores on the overall decision reliability of the assessment.</p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>Section 5.6: Accuracy and Consistency of Performance Level Classifications pp 48-50</li> </ul>	
<p><b>Section 4.1 Summary Statement</b></p>		
<p><u>  X  </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>Evidence of inter-rater reliability for speaking and the classification consistency/accuracy for levels other than Commanding. Evidence of improvement in the inter-rater agreement for writing is needed.</li> </ul>		

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**

**Critical Element 4.2 – Fairness and Accessibility**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><i>For all State ELP assessments,</i> assessments should be developed, to the extent practicable, using the principles of universal design for learning (UDL) (see definition<sup>2</sup>).</p> <p><i>For ELP assessments,</i> the State has taken reasonable and appropriate steps to ensure that its assessments are accessible to all EL students and fair across student groups, including ELs with disabilities, in their design, development, and analysis.</p>	<p>Documentation describing approaches used in the design and development of the State’s assessments.</p> <p>AND</p> <p>Documentation of the approaches used for developing items.</p> <p>AND</p> <p>Documentation of procedures used for maximizing accessibility of items during the development process, such as guidelines for accessibility and accessibility tools and features included in item specifications.</p> <p>AND</p> <p>Description or examples of instructions provided to item writers and reviewers that address writing accessible items, available accessibility tools and features, and reviewing items for accessibility.</p> <p>AND</p> <p>Documentation of procedures for developing and reviewing items in alternative formats or substitute items and for ensuring these items conform with item specifications.</p> <p>AND</p> <p>Documentation of routine bias and sensitivity training for item writers and reviewers.</p> <p>AND</p>	<p>The peers could not find evidence that principles of accessibility were incorporated into item design, development and review. The peers could not find evidence that individuals with expertise in educating students with disabilities were involved in the design, development and review. (See 2.1 and 2.2)</p>

<sup>2</sup> see page 28 of “*A State’s Guide to the U.S. Department of Education’s Assessment Peer Review Process*”, September 24, 2018 available at: [www.ed.gov/admins/lead/account/saa.html](http://www.ed.gov/admins/lead/account/saa.html)

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**

	<p><b>Documentation that experts in language assessment, and in the assessment of ELs and students with disabilities, including ELs with hearing and visual impairments, were involved in item development and review.</b></p> <p><b>AND</b></p> <p><b>Descriptions of the processes used to write, review, and evaluate items for bias and sensitivity.</b></p> <p><b>AND</b></p> <p><b>Description of processes to evaluate items for bias during pilot and field testing.</b></p> <p><b>AND</b></p> <p><b>Documentation of steps the State has taken in the Analysis of its assessments, such as results of empirical analyses that identify possible bias or inconsistent interpretations of results across student groups.</b></p> <p><i>Evidence #015: Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 2: Test Design and Development             <ul style="list-style-type: none"> <li>○ Section 2.3: Item Development and Review, pp 15-16                 <ul style="list-style-type: none"> <li>▪ Detection of Bias, p16</li> </ul> </li> <li>○ Psychometric Review, pp 18-19</li> </ul> </li> <li>• Appendix H: Items Flagged for DIF, pp 443-445</li> </ul> <p><i>Evidence #023: NYSESLAT Passage and Item Writing Training</i></p> <p><i>Evidence #022: Passage and Item Writing Guidelines 2018-2019</i></p> <ul style="list-style-type: none"> <li>• Passage Writing, p 4</li> <li>• Issues of Bias and Sensitivity, p 9</li> <li>• Appendix F: Passage and Item Writing Checklist, pp 66-67</li> </ul>	
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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**

	<p>Evidence #027: NYSESLAT ELL Review Checklist for Listening, Reading, and Writing</p> <p>Evidence #028: NYSESLAT Content Review Checklist for Listening, Reading, and Writing</p> <p>Evidence #019: Contract C012056 with vendor MetriTech, Inc. “Provide New York State English as a Second Language Achievement Test”</p> <ul style="list-style-type: none"> <li>• Appendix D: Work Plan             <ul style="list-style-type: none"> <li>○ Attachment A: Specifications for Transcribing the NYSESLAT into Braille</li> <li>○ Attachment B: Specifications for Large Type Item 1.5.4(B): Item Review</li> <li>○ Item review, pp 60-61</li> </ul> </li> <li>• Section A-2: Test Development, pp117-118</li> <li>• Section A-1: Item Review Checklists, pp 110-111</li> </ul> <p>Evidence #034: New York State Education Department Educator Involvement Opportunities for the NYSESLAT (website)</p> <p><b>Evidence submitted under Critical Elements 2.1 – Test Design and Development and Critical Element 2.2 – Item Development.</b></p> <p>Evidence #015: Technical Report, New York State English as a Second Language Achievement Test, 2016</p> <ul style="list-style-type: none"> <li>• Chapter 2: Test Design and Development             <ul style="list-style-type: none"> <li>○ Section 2.3 Item Development and Review pp 15-16</li> <li>○ Section 2.5 Test Construction pp 17-19</li> </ul> </li> </ul> <p>Evidence #022: NYESLAT Passage and Item Writing Guidelines 2018-2019</p> <p>Evidence #024: Passage and Item Review Guidelines for ELL specialists</p>	
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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

	<p>Evidence #031: NYSESLAT <i>Field Test Technical Report 2017</i></p> <p>Evidence #032: NYSESLAT <i>2018 Writing Range Finding Final Report</i></p> <p>Evidence #033: <i>New York State Education Department Teacher Participation Opportunities (website)</i></p>	
<b>Section 4.2 Summary Statement</b>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence that accessibility principles were included in the design, development and review of the items/assessments and in the qualifications of the persons involved in the processes.</li> </ul>		

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**

**Critical Element 4.3 – Full Performance Continuum**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has ensured that each assessment provides an adequately precise estimate of student performance across the full performance continuum for <b>ELP assessments</b>, including performance for EL students with high and low levels of English language proficiency and with different proficiency profiles across the domains of speaking, listening, reading, and writing.</p>	<p><b>Description of the distribution of linguistic complexity and item difficulty indices that demonstrate the items included in each assessment adequately over the full performance continuum specified in the ELP standards.</b></p> <p>Evidence #022: <i>Passage and Item Writing Guidelines 2018-2019</i></p> <ul style="list-style-type: none"> <li>• Passage Complexity, p 4</li> <li>• Quantitative Measures of Text Complexity, pp 5-6</li> <li>• Qualitative Measures of Passage Complexity, pp 5-8</li> </ul> <p>Evidence #080: <i>NYSESLAT Performance Level Descriptions Listening</i></p> <p>Evidence #081: <i>NYSESLAT Performance Level Descriptions Reading</i></p> <p>Evidence #082: <i>NYSESLAT Performance Level Description Speaking</i></p> <p>Evidence #083: <i>NYSESLAT Performance Level Description, Writing</i></p> <p>Evidence #021: <i>New York State English as a Second Language Achievement Test (NYSESLAT) 2016 Test Specifications</i></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Appendix A: Item Maps, pp 305-373</li> <li>• Chapter 7: Calibration and Scaling               <ul style="list-style-type: none"> <li>○ Section 7.6: Test Characteristic Curves (TCCs) and Conditional Standard Error of Measurement Curves (CSEM) for 2015 and 2016, pp 76-100</li> </ul> </li> <li>• Appendix C: IRT Statistics, pp 386-397</li> </ul>	<p>The peers did not find evidence of the CSEM for the overall score. Given the use of the composite score for the proficiency determination, the CSEM and the TCC for the composite is needed. Overlaying cuts scores on the CSEM curves allows appropriate interpretation of how the test addresses the full continuum of English language proficiency.</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**

	<p>Evidence #027: NYSESLAT ELL Review Checklist for Listening, Reading and Writing</p> <p>Evidence #090: NYSESLAT ELL Speaking Reviewer Checklist</p> <p><b>For tests based on Item Response Theory (IRT), analysis of test information functions (TIF) and ability estimates for each assessment and/or sub-test students at different performance levels across the full performance continuum or a pool information function across the full performance continuum.</b></p> <p><b>AND</b></p> <p><b>Table of conditional standard errors of measurement at various points along the score range for the overall assessment and, for ELP assessments, any domain or component sub-tests.</b></p> <p>Evidence #091: <i>New York State English as a Second Language Achievement Test (NYSESLAT) Fall 2015 Field Test Technical Report</i></p> <ul style="list-style-type: none"> <li>• Chapter 4: Statistical Results for the 2015 Field Tests             <ul style="list-style-type: none"> <li>○ Section 4.3 Item Response Theory Analyses and Item Calibrations, pp 57-97</li> </ul> </li> </ul>	
<p><b>Section 4.3 Summary Statement</b></p>		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence that the assessment provides an adequately precise estimate of student performance across the full performance continuum for the composite score.</li> </ul>		

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**

**Critical Element 4.4 – Scoring**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has established and documented standardized scoring procedures and protocols for its assessments (and <i>for ELP assessments, any applicable domain or component sub-tests</i>) that are designed to produce reliable and meaningful results, facilitate valid score interpretations, and report assessment results in terms of the State’s <i>ELP standards</i>.</p> <p><i>For ELP assessments</i>, if an English learner has a disability that precludes assessment of the student in one or more of the required domains/components (listening, speaking, reading, and writing) such that there are no appropriate accommodations for the affected domain(s)/component(s), the State must provide a description of how it will ensure that the student is assessed in the remaining domain(s)/component(s) in which it is possible to assess the student, and a description of how this will occur.<sup>3</sup></p>	<p><b>A chapter on scoring in the technical report.</b></p> <p><b>AND</b></p> <p><b>Procedures for constructing scales used for reporting scores and the rationale for these procedures.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 3: Scoring, pp 20-24</li> <li>• Section 7: Calibration and Scaling, pp 68-104</li> </ul> <p>Evidence #086: <i>November 2014 TAC Agenda and Key Take Aways</i>, (p 5)</p> <p><b>Procedures for combining scores to produce any composite scores that are reported and used, and the rationale for these procedures.</b></p> <p>Evidence #085: <i>NYSED TAC Agenda and Documents (MetriTech)_Nov 2014</i></p> <p>Evidence #086: <i>November 2014 TAC Agenda and Key Take Aways</i></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 7: Calibration and Scaling             <ul style="list-style-type: none"> <li>○ Section 7.1: Item Response Model and Rationale for Use, p 69</li> <li>○ Section 7.7: Scale Transformation Process, pp 100 - 104</li> </ul> </li> </ul>	<p>The peers did not find evidence that the scores on the ELP assessment for students with accommodations that are typically thought to affect the construct (e.g. text-to-speech on the reading test and ASL for the listening test) have equivalent meaning as scores from students without accommodations.</p> <p>The peers did not find evidence of inter-rater reliability for scoring the speaking test.</p> <p>See Element 4.1 for comments on constructed response scoring.</p>

<sup>3</sup> See full reference in regulation, 34 CFR § 200.6(h)(4)(ii) (online at [https://www.ecfr.gov/cgi-bin/text-idx?SID=07e168e9e7a6c5931b4549cc15547ee9&mc=true&node=se34.1.200\\_16&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=07e168e9e7a6c5931b4549cc15547ee9&mc=true&node=se34.1.200_16&rgn=div8) )

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**

	<p><b>If the State uses a vertical reporting scale, procedures for linking and equating across grade-spans and/or test forms; and procedures for examining the stability of the vertical scale over time.</b></p> <p><b>AND</b></p> <p><b>Scale, measurement error, and descriptions of test scores.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 5: Reliability, pp 35 - 50</li> <li>• Chapter 7: Calibration and Scaling             <ul style="list-style-type: none"> <li>○ Test Characteristic Curves, pp 76 - 100</li> </ul> </li> <li>• Chapter 8: Establishing NYSESLAT Performance Levels             <ul style="list-style-type: none"> <li>○ Section 8.4: Cut Scores, p 107</li> <li>○ Section 8.5: Threshold Regions, p 108</li> </ul> </li> <li>• Appendix D: NYSESLAT Modality Raw Score-to-Scale Score and Scale Score Conversion, pp 398-403</li> </ul> <p><b>Evidence that the scoring of constructed-response items includes adequate procedures and criteria for ensuring and documenting inter-rater reliability (e.g., clear scoring rubrics, adequate training for and qualifying of raters, evaluation of inter-rater reliability, and documentation of quality control procedures)</b></p> <p>Evidence #008: <i>School Administrator's Manual New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <ul style="list-style-type: none"> <li>• After Testing, pp 24-25</li> <li>• Appendix K: Certificates             <ul style="list-style-type: none"> <li>○ Exam Scoring Certificate, p 65</li> </ul> </li> </ul> <p>Evidence #092: <i>Writing Scoring Guide, New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p>	
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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**

	<p>Evidence #093: <i>Speaking Scoring Guide, New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <p>Evidence #008: <i>School Administrator’s Manual New York State English as a Second Language Achievement Test (NYSESLAT) 2018</i></p> <ul style="list-style-type: none"> <li>• Appendix K: Exam Scoring Certificate, p 65</li> </ul> <p>Evidence #019: <i>Contract C012056 with vendor MetriTech, Inc. “Provide New York State English as a Second Language Test (NYSESLAT)”</i></p> <ul style="list-style-type: none"> <li>• Section 2.2.1 Test Development and Field Testing             <ul style="list-style-type: none"> <li>○ Field Test Scoring pp 147-139</li> </ul> </li> </ul> <p>Evidence #094: <i>MetriTech Scoring Training Overview</i></p> <ul style="list-style-type: none"> <li>• Scorer Reports, p 5-6</li> </ul> <p><b>Results of inter-rater reliability of scores on constructed-response items.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Section 5.5: Inter-Rater Reliability, pp 42-50</li> </ul> <p>Evidence #096: <i>Correlations between Field Test and Operational Speaking Items</i></p> <p><b>Documentation that the system produces student results in terms of the State’s academic achievement standards</b></p> <p>Evidence #095: <i>Overview of the 2015 NYSESLAT</i></p> <p>Evidence #080: <i>NYSESLAT Performance Level Descriptions, Listening</i></p>	
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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**

	<p>Evidence #081: NYSESLAT Performance Level Descriptions, Reading          Evidence #082: NYSESLAT Performance Level Descriptions, Speaking</p> <p>Evidence #083: NYSESLAT Performance Level Descriptions, Writing</p> <p><b>Documentation that the State has rules for invalidating test results when necessary and appropriate procedures for implementing these rules.</b></p> <p>Evidence #066: Report Educator Test Fraud (website cover sheet to Incident Report Form)</p> <p>Evidence #067: Test Security Incident Report Form</p> <p>Evidence #008: School Administrator's Manual New York State English as a Second Language Achievement Test (NYSESLAT) 2018</p> <ul style="list-style-type: none"> <li>• Reporting Irregularities or Misadministrations, p 26</li> <li>• Mandatory Reporting of Testing Improprieties by Adults, p 27</li> <li>• Coding of Invalid Tests, p 28</li> </ul> <p><b>Documentation that the State has procedures and rules for creating composite scores or making decisions for students who are unable to participate in certain parts of the ELP assessments due to their disability (e.g., a nonverbal EL who, because of an identified disability, cannot take the speaking portion of the assessment).</b></p> <p><b>AND</b></p>	
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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**

	<p><b>Documentation for the necessity of excluding items for some students who cannot be assessed on those items, even with accommodations.</b></p> <p><b>AND</b></p> <p><b>Documentation of the rationale for assessment structure for students who cannot be assessed in a particular domain (e.g., hearing or vision impairments).</b></p> <p>Evidence #008: <i>School Administrator's Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations             <ul style="list-style-type: none"> <li>○ Students with and IEP or 504 Plan (pp 9-11)</li> </ul> </li> <li>• Appendix C: Testing Accommodations Categories (pp 39-40)</li> </ul> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p>	
<p><b>Section 4.4 Summary Statement</b></p>		
<p><u>  X  </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence that the accommodations do not interfere with the meaning of an accommodated student’s score. Evidence of inter-rater reliability for the speaking test (see 4.1).</li> </ul>		

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**

**Critical Element 4.5 – Multiple Assessment Forms**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State administers multiple forms of <i>ELP assessments</i> within or across grade-spans, ELP levels, or school years, the State ensures that all forms adequately represent the State’s <i>ELP standards</i> and yield consistent score interpretations such that the forms are comparable within and across settings.</p>	<p><b>Documentation of technically sound equating procedures and results within an academic year, such as a section of a technical report for the assessments that provides detailed technical information on the method used to establish linkages and on the accuracy of equating functions.</b></p> <p><b>AND</b></p> <p><b>Documentation of year-to-year equating procedures and results, such as a section of a technical report for assessments that provides detailed technical information on the method used to establish linkages and on the accuracy of equating functions.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 2: Test Design and Development               <ul style="list-style-type: none"> <li>○ Section 2.3 Item Development and</li> </ul> </li> <li>• Chapter 7: Calibration and Scaling               <ul style="list-style-type: none"> <li>○ Section 7.2 Description of the Calibration Sample and Process, p 73</li> <li>○ Section 7.3: Linking the 2016 IRT Parameters onto the Underlying Rasch Scale, p 73</li> </ul> </li> </ul>	<p>The peers did not find an equating design that included the characteristics of the anchor items in terms of content and difficulty and the equivalence of these items over time.</p> <p>Note: The peers were unable to reconcile the distribution of p-values as presented in Table 15 (page 27) with the values presented in Appendix C. The peers were curious whether anchor items reflect the full continuum of performance and content.</p>
<p><b>Section 4.4 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> <u>X</u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence the equating is based on anchor items that reflect the difficulty and the content across forms.</li> </ul>		

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**

**Critical Element 4.6 – Multiple Versions of an Assessment**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State administers any of its assessments in multiple versions within a subject area (e.g., online versus paper-based delivery), grade level, or school year, the State:</p> <ul style="list-style-type: none"> <li>• Followed a design and development process to support comparable interpretations of results for students tested across the versions of the assessments;</li> <li>• Documented adequate evidence of comparability of the meaning and interpretations of the assessment results.</li> </ul>	<p><b>Documentation that the State followed a design and development process to support comparable interpretations of results across different versions of the assessment (e.g. technology-based and paper-based assessments, assessments in English and native language(s))</b></p> <p>The NYSESLAT is only offered in a paper-based format.</p> <p>Evidence #019: <i>Contract C012056 with vendor MetriTech, Inc. "Provide New York State English as a Second Language Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>• Appendix D: Work Plan               <ul style="list-style-type: none"> <li>○ Attachment A: Specifications for Transcribing the NYSESLAT into Braille, p 79</li> <li>○ Attachment B: Specifications for Large Type, p 80</li> <li>○ Braille and Large-print, pp 63 - 64</li> <li>○ Subcontractor Role, p 381</li> </ul> </li> </ul> <p><b>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</b></p> <p>Evidence #097: <i>The Summary of Accommodation Use and Performance Level on the 2018 NYSESLAT</i></p>	<p>Peers did not find evidence for the support of comparable interpretations of results and the comparability of meaning for students measured by the K, 1-2 Braille checklist.</p>
<p><b>Section 4.6 Summary Statement</b></p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence of comparable meaning of scores and interpretations of the Braille Checklist for K and grades 1-2 to non-Brailled ELP test scores at K and grades 1-2.</li> </ul>		

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**

**Critical Element 4.7 – Technical Analysis and Ongoing Maintenance**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State:</p> <ul style="list-style-type: none"> <li>• Has a system for monitoring, 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), and</li> <li>• Evidence of adequate technical quality is made public, including on the State’s website.</li> </ul>	<p>Sections from the State’s assessment contract that specify the State’s expectations for analyses to provide evidence of validity, reliability, and fairness; for independent studies of alignment and comparability, as appropriate; and for requirements for technical reports for the assessments and the content of such reports applicable to each administration of the assessment.</p> <p><b>AND</b></p> <p>The most recent technical reports for the State’s assessments that present technical analyses of the State’s assessments.</p> <p>Evidence #019: <i>Contract C012056 with vendor MetriTech, Inc. “Provide New York State English as a Second Language Test (NYSESLAT)”</i></p> <ul style="list-style-type: none"> <li>• Analysis of Field Tests, pp 63-64</li> <li>• Field Test Technical Report, p 62</li> <li>• Operational Test Technical Report, p 118</li> <li>• Attachment G: Technical Manual Outline for NYSESLAT, pp 89-90</li> </ul> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <p><b>Documentation of the alignment of the State’s assessments to the State’s ELP standards (e.g., evidence submitted under Critical Element 3.1 – Overall Validity, Including Validity Based on Content).</b></p> <p><b>AND</b></p>	<p>Evidence is acceptable.</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**

	<p><b>Evidence that the State has established and implemented clear criteria for the analysis of its assessment system (see above).</b></p> <p>Evidence #075: <i>Contract C013776 with vendor MetriTech, Inc. "Provide New York State English as a Second Language Achievement Test (NYSESLAT)"</i></p> <ul style="list-style-type: none"> <li>• Alignment Studies, pp 58-59</li> <li>• Section A: Test Development Requirements and Guidelines             <ul style="list-style-type: none"> <li>○ Development of Alignment Plan and Training Materials</li> </ul> </li> </ul> <p><b>Documentation of regular internal and external technical review of components of the State's assessment system, such as State Board of Education minutes, minutes from TAC meetings, and documentation of roles and responsibilities of TAC members.</b></p> <p><b>AND</b></p> <p><b>Outline of a deliberate cycle for reviewing and updating the State's ELP standards and assessments (e.g., provides for logical transitions such that the assessments are aligned to the standards on which instruction is based in the relevant school year).</b></p> <p>Evidence #098: <i>Technical Advisory Committee (TAC) Guidelines</i></p> <p>Evidence #099: <i>March 2015 TAC Meeting Notes</i></p> <p>Evidence #100 - <i>March 2015 Presentation to TAC NYSESLAT Field Test Results</i></p> <p>Evidence #101: <i>December 2016 TAC Meeting Notes</i></p>	
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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**

	<p>Evidence #102: <i>Relationship of the NYSESLAT to the English Language Arts Assessment – Presentation to the TAC December 2016</i></p> <p><b>Evidence the State has made information about the technical quality of the assessment system publicly available, including posting such documents on a State website (provide screenshots of web pages where reports are posted), such as: Technical reports for assessments; Electronic copies of peer review outcome letters received; Other memoranda or reports that address technical quality of the assessments.</b></p> <p>Evidence #103: <i>Screenshot of NYSESLAT Technical Report Postings</i></p> <p>Evidence #104: <i>Frequently Asked Questions about the NYSESLAT</i></p>	
<p><b>Section 4.7 Summary Statement</b></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

SECTION 5: INCLUSION OF ALL STUDENTS

**Critical Element 5.1 – Procedures for Including Students with Disabilities**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has in place procedures to ensure the inclusion of all public elementary and secondary school students<sup>4</sup> with disabilities in the State’s assessment system. Decisions about how to assess students with disabilities must be made by a student’s IEP Team under IDEA, the placement team under Section 504, or the individual or team designated by a district to make that decision under Title II of the ADA, as applicable, based on each student’s individual abilities and needs.</p> <ul style="list-style-type: none"> <li>• <b>For ELP assessments</b>, policies that require the inclusion of an EL with a disability that precludes assessment of the student in one or more of the required domains (speaking, listening, reading, and writing) such that there are no appropriate accommodations for the affected component (the State must assess the student’s English language proficiency based on the remaining components in which it is possible to assess the student).</li> </ul>	<p><b>Documentation that the State has in place procedures to ensure the inclusion of all students with disabilities, such as:</b></p> <ul style="list-style-type: none"> <li>• <b>Information for IEP Teams and IEP templates for children with disabilities in tested grades.</b></li> </ul> <p>Evidence #105: <i>The Role of the Committee on Special Education in Relation to the Common Core Learning Standards (memorandum) June 2014</i></p> <p>Evidence #106: <i>Guide to Quality Individualized Education Program (IEP) Development and Implementation</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations, pp 47 – 48</li> <li>• Participation in State and District-wide Assessments, p 53</li> </ul> <p>Evidence #107: <i>Questions and Answers on Individualized Education Program (IEP) Development, the State’s Model IEP Form, and Related Requirements</i></p> <p>Evidence #108: <i>Questions and Answers on IEP Form - Testing Accommodations (webpage)</i></p> <ul style="list-style-type: none"> <li>• <b>Training materials for IEP teams</b></li> </ul> <p>Evidence #109: <i>Individualized Education Program (IEP) Powerpoint Module #1</i></p> <p>Evidence #110: <i>Individualized Education Program (IEP) Powerpoint Module #2</i></p>	<p>Evidence is acceptable.</p>

<sup>4</sup> For ELP peer review, this refers to ELs with disabilities.

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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p>Evidence #111: <i>Individualized Education Program (IEP) Powerpoint Module #3</i></p> <p>Evidence #112: <i>Developing a Quality Individualized Education Program (IEP) Training Brochure</i></p> <p>Evidence #113: <i>Testing Accommodations Training Brochure</i></p> <ul style="list-style-type: none"> <li>• <b>Accommodations manuals</b></li> </ul> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p> <ul style="list-style-type: none"> <li>• <b>Test administration manuals</b></li> </ul> <p>Evidence #008: <i>School Administrator's Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Students to Be Tested               <ul style="list-style-type: none"> <li>○ Students with Disabilities, pp 7-11</li> </ul> </li> <li>• Appendix C: Testing Accommodations Categories, pp 39-40</li> </ul> <p>Evidence #045: <i>Grades 7-8 Listening/Reading/Writing Session 1 Directions for Administration</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations for Students with IEPs and 504 Plans, p 5</li> <li>• Use of Mathematics Spatial Boards with Large Type or Braille Editions, p 8</li> <li>• Use of Calculators and Other Devices, p 8</li> </ul> <p>Evidence #008: <i>School Administrator's Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Test Format Change Requests, pp 10-11</li> </ul> <ul style="list-style-type: none"> <li>• <b>Participation guidelines for IEP teams</b></li> </ul>	

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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p><b>AND</b></p> <ul style="list-style-type: none"> <li>• <b>Guidelines for determining whether to assess a student with a disability on the general assessment or without accommodation(s), the general assessment with accommodations(s)</b></li> </ul> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Students to Be Tested                             <ul style="list-style-type: none"> <li>○ Students with Disabilities, p 7</li> </ul> </li> </ul> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p> <ul style="list-style-type: none"> <li>• Section II: Learn About Testing Accommodations (p 5)</li> <li>• Section III: Recommending Appropriate Testing Accommodations (pp 9-13)</li> </ul> <p>Evidence #114: <i>NYSED Regulations of the Commissioner 200.4 Procedures for referral, evaluation, individualized education program (IEP) development, placement and review</i></p> <ul style="list-style-type: none"> <li>• NYSED Regulations of the Commissioner 200.4 (d)(2)(vi) Testing Accommodations, p 48</li> </ul> <p><b>Documents outlining requirements for assessing Els with disabilities who cannot be assessed in all four domains.</b></p> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations                             <ul style="list-style-type: none"> <li>○ Students with and IEP or 504 Plan (pp 9-11)</li> </ul> </li> <li>• Appendix C: Testing Accommodations Categories</li> </ul>	

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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<b>Section 5.1 Summary Statement</b>		
X No additional evidence is required.		

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**

**Critical Element 5.2 – DOES NOT APPLY to ELP Assessment Peer Review**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<ul style="list-style-type: none"> <li>Note: This critical element does not apply to ELP assessments, as the requirements only apply to the inclusion of ELs in <b>academic assessments</b>.</li> </ul>		
<p><b>Section 5.2 Summary Statement</b></p>		
<p>N/A for this assessment.</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**

**Critical Element 5.3 – Accommodations**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<p>The State makes available appropriate accommodations and ensures that its assessments are accessible to students with disabilities and ELs, including ELs with disabilities. Specifically, the State:</p> <ul style="list-style-type: none"> <li>• Ensures that appropriate accommodations are available for ELs;</li> <li>• Has determined that the accommodations it provides (1) are appropriate and effective for meeting the individual student’s need(s) to participate in the assessments, (2) do not alter the construct being assessed, and (3) 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;</li> <li>• Has a process to individually review and allow exceptional requests for a small number of students who require accommodations beyond those routinely allowed.</li> <li>• Ensures that accommodations for all required assessments do not deny students with disabilities or ELs the opportunity to participate in the assessment and any benefits from participation in the assessment.</li> </ul>	<p><b>Policies that demonstrate that all students who participate in an assessment with allowable accommodations receive the same benefits as students who participate without those accommodations.</b></p> <p><b>AND</b></p> <p><b>Lists of accommodations available for children with disabilities under IDEA, students covered by Section 504 and Title II of the ADA, and ELs that are appropriate and effective for addressing barrier(s) faced by individual students and appropriate for the assessment mode such as lists of types of available accommodations in an accommodations manual, test coordinators manual, or test administrators manual.</b></p> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p> <ul style="list-style-type: none"> <li>• Section II: Learning about Testing Accommodations, pp 5-6</li> <li>• Appendix C: Examples of Student Characteristics and Possible Testing Accommodations</li> <li>• Appendix D: Examples of Testing Accommodations for Special Populations: Blind or Visually Impaired</li> <li>• Appendix E: Examples of Testing Accommodations for Special Populations: Deaf or Hard of Hearing</li> <li>• Appendix A: Testing Accommodations Questions and Answers, pp i - xiv</li> </ul> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Students to Be Tested <ul style="list-style-type: none"> <li>○ ELLs/MLLs with Disabilities, p 7</li> </ul> </li> </ul>	<p>The peers did not find evidence of best practice information, research results, and/or a theoretical rationale for justifying the extent of allowable EL accommodations, e.g., signing the listening test, written responses to the speaking test, scribed responses to the writing test, and read-aloud on the reading test and others (e.g. reading the listening text).</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<ul style="list-style-type: none"> <li>• Testing Accommodations                             <ul style="list-style-type: none"> <li>○ Students with an IEP or 504 Plan: pp 9-11</li> </ul> </li> <li>• Appendix C: Testing Accommodations Categories, pp 39 – 40</li> </ul> <p>Evidence #115: <i>Change in Allowable Testing Accommodations on the New York English as a Second Language Achievement Test (memorandum)</i></p> <p>Evidence #116: <i>Testing Accommodations for Students with Disabilities and English Language Learners (memorandum)</i></p> <p><b>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.</b></p> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p> <ul style="list-style-type: none"> <li>• Additional Resources, p 21</li> </ul> <p>Evidence #117: <i>TAC Agenda, March 2016</i></p> <p>Evidence #118: <i>TAC Agenda, December 2016</i></p> <p><b>For accommodations not commonly used in large-scale State assessments, not commonly used in the manner adopted for the State’s assessment system, or newly developed accommodations, reports of studies, data analyses, or other evidence that indicate that scores based on accommodated and non-</b></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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p>accommodated administrations can be meaningfully compared.</p> <p><b>AND</b></p> <p><b>A summary of the frequency of use of each accommodation on the State’s assessments by student characteristics</b></p> <p><i>Evidence #097: Summary of Accommodation use and Performance Level on the 2018 NYSESLAT</i></p> <p><b>Evidence that the State has a process to review and approve requests for assessment accommodations beyond those routinely allowed, such as documentation of the State’s process as communicated to district and school test coordinators and test administrators</b></p> <p><i>Evidence #008: School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations               <ul style="list-style-type: none"> <li>○ Students who incur disabilities shortly before test administration, p 8</li> </ul> </li> </ul> <p><i>Evidence #119: Mediation Services for Special Education (website)</i></p> <p><i>Evidence #120: Request for Special Education Mediation (website)</i></p> <p><i>Evidence #121: New York State Complaint Procedures - Sample Complaint Form (website)</i></p> <p><b>Evidence that the State has a process to review and approve requests for ELs to participate in only a</b></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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<p>subset of the ELP domains/components on the ELP assessment.</p> <p>Evidence #008: <i>School Administrator's Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations               <ul style="list-style-type: none"> <li>○ Students with and IEP or 504 Plan (pp 9-11)</li> <li>○ Appendix C: Testing Accommodations Categories (pp 39-40)</li> </ul> </li> </ul>	
<b>Section 5.3 Summary Statement</b>		
<p><u>  X  </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence the accommodations provided (1) do not alter the construct being assessed, and (2) 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.</li> </ul>		

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**

**Critical Element 5.4 – Monitoring Test Administration for Special Populations**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State monitors test administration in its districts and schools to ensure that appropriate assessments, with or without accommodations, are selected for all students with disabilities and ELs so that they are appropriately included in assessments and receive accommodations that are:</p> <ul style="list-style-type: none"> <li>• Consistent with the State’s policies for accommodations;</li> <li>• Appropriate for addressing a student’s disability or language needs for each assessment administered;</li> <li>• Consistent with accommodations provided to the students during instruction and/or practice;</li> <li>• Consistent with the assessment accommodations identified by a student’s IEP Team under IDEA, placement team convened under Section 504; or for students covered by Title II of the ADA, the individual or team designated by a district to make these decisions; or another process for an EL;</li> <li>• Administered with fidelity to test administration procedures;</li> <li>• Monitored for administrations of all required ELP assessments, and AELPA.</li> </ul>	<p><b>Description of procedures the State uses to monitor that accommodations selected for students with disabilities, and ELs are appropriate.</b></p> <p><b>AND</b></p> <p><b>The State’s written procedures for monitoring the use of accommodations during test administration, such as information provided to districts; instructions and protocols for State, district and school staff; and schedules for monitoring.</b></p> <p><b>AND</b></p> <p><b>Summary of results of monitoring for the most recent year of test administration in the State.</b></p> <p>Evidence #014: <i>Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</i></p> <ul style="list-style-type: none"> <li>• Section III: Recommending Appropriate Testing Accommodations, p 10</li> <li>• Section IV: Implementing Testing Accommodations, p 17</li> </ul> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Testing Accommodations, p 9</li> </ul> <p>Evidence #062: <i>NYSESLAT Monitoring Checklist</i></p> <p>Evidence #063: <i>NYSESLAT Reported Misadministration 2018</i></p> <p>Evidence #064: <i>NYSESLAT Potential Misadministrations 2018_Redacted</i></p> <p>Evidence #065 <i>2019 Monitoring Plan</i></p>	<p>The peers did not locate evidence of a description of the procedures used to monitor the appropriate selection, provision and administration of accommodations (this would include who conducts the monitoring, the frequency, summary reports, and follow-up with schools).</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<p>Evidence #026: <i>2019 NYSESLAT monitoring letter</i></p> <p><b>Description of procedures the State uses to monitor that students with disabilities are placed by IEP Teams in the appropriate assessment.</b></p> <p>Evidence #023: <i>Regulations of the Commissioner Section 200.4</i></p> <p>Evidence #106: <i>Guide to Quality Individualized Education Program (IEP) Development and Implementation</i></p>	
<b>Section 5.4 Summary Statement</b>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• Evidence of the process and outcomes of accommodations monitoring.</li> </ul>		

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

**SECTION 6: ELP ACHIEVEMENT STANDARDS AND REPORTING**

**Critical Element 6.1 – State Adoption of ELP Achievement Standards for All Students**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b>For ELP standards:</b></p> <ul style="list-style-type: none"> <li>• The State adopted ELP achievement standards that address the different proficiency levels of ELs;</li> <li>• If the State has developed alternate ELP achievement standards, it has adopted them only for ELs who are students with the most significant cognitive disabilities who cannot participate in the regular ELP assessment even with appropriate accommodations.</li> </ul>	<p>Evidence that the State has adopted ELP achievement standards for all ELs in grades K-12.</p> <p><b>AND</b></p> <p>Evidence that the ELP achievement standards apply to all public elementary and secondary school students in the State.</p> <p>Evidence #122: <i>Summary of the January 2015 Meeting of the Board of Regents</i></p> <ul style="list-style-type: none"> <li>• Attachment I; p 19</li> </ul> <p>Evidence #002: <i>New York English as a Second Language Achievement Test-Memorandum-February 2013</i></p> <p>Evidence #006: <i>Blueprint for ELL Success</i>, p 3</p> <p>Evidence #007: <i>NYSED Regulations of the Commissioner 154-2</i></p> <ul style="list-style-type: none"> <li>• Services for English Language Learners               <ul style="list-style-type: none"> <li>○ Section 154-2.13(a): Scope of Subpart and applicability, p 1</li> <li>○ Section 154-2.3 (d): Program Requirements, p 15</li> </ul> </li> </ul> <p><b>Evidence that the ELP achievement standards (1) address the different proficiency levels of ELs; and (2) have achievement scores (“cut scores”) or other procedures used to differentiate among ELP achievement levels.</b></p> <p>Evidence #007: <i>NYSED Regulations of the Commissioner 154-2</i></p>	<p>Evidence is acceptable.</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<ul style="list-style-type: none"> <li>• Section 154-2.13 (h): Provision of Program, pp 23-27</li> </ul> <p>Evidence #080: NYSESLAT Performance Level Descriptions <i>Listening</i></p> <p>Evidence #081: NYSESLAT Performance Level Descriptions <i>Reading</i></p> <p>Evidence #082: NYSESLAT Performance Level Descriptions <i>Speaking</i></p> <p>Evidence #083: NYSESLAT Performance Level Descriptions <i>Writing</i></p> <p>Evidence #123: NYSESLAT Determining and English Language Learner's (ELL) English Language Proficiency Level (2018) memorandum</p>	
<b>Section 6.1 Summary Statement</b>		
X No additional evidence is required.		

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

**Critical Element 6.2 – ELP Achievement Standards Setting**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State used a technically sound method and process that involved panelists with appropriate experience and expertise for setting:</p> <ul style="list-style-type: none"> <li>• <b><i>ELP achievement standards and, as applicable, alternate ELP achievement standards</i></b>, such that:               <ul style="list-style-type: none"> <li>○ Cut scores are developed for every grade/grade band, content domain/language domain, and/or composite for which proficiency-level scores are reported.</li> </ul> </li> </ul>	<p>A description of the standards-setting method and process used by the State:</p> <ul style="list-style-type: none"> <li>• A description of the process for selecting panelists;</li> <li>• The rationale for the method selected</li> <li>• Documentation that the method used for setting cut scores allowed panelists to apply their knowledge and experience in a reasonable manner and supported the establishment of reasonable and defensible cut scores;</li> <li>• Documentation of the process used for setting cut scores and developing performance-level descriptors aligned to the State’s ELP standards;</li> <li>• A description of the process for selecting panelists;</li> <li>• A summary of statistical descriptions and analyses that provides evidence of the reliability of the cut scores and the validity of recommended interpretations;</li> <li>• A technical report providing a description of the method used, the diversity of the panelists involved and their qualifications, quality control procedures, the use of impact data, and panelist evaluation results.</li> </ul> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 8: Establishing NYSESLAT Performance Levels, pp 105-130               <ul style="list-style-type: none"> <li>○ Section 8.11 Impact Data, p 119</li> <li>○ Section 8.14 Final Performance Level Cut Points, pp 121-130</li> </ul> </li> </ul>	<p>The State did not provide a full standard setting report. The peers could not evaluate this element.</p> <p>Note: The full standard setting report typically includes the details of the process (e.g. power points, the qualifications of the panelists, impact data, evaluations, how final cut scores were derived).</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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<ul style="list-style-type: none"> <li>• Chapter 6: Validity               <ul style="list-style-type: none"> <li>○ Section 6.3: External Structure, pp 56-67</li> </ul> </li> </ul> <p>Documentation that the standards-setting panels consisted of panelists with appropriate experience and expertise, including:</p> <ul style="list-style-type: none"> <li>• EL acquisition experts with experience teaching the State’s ELP standards in the tested grades.</li> <li>• Individuals with experience and expertise teaching ELs with disabilities in the State;</li> <li>• Individuals with experience teaching the State’s academic content standards;</li> <li>• As appropriate, individuals from IHEs and individuals knowledgeable about EL acquisition and the education of Els.</li> </ul> <p><b>AND</b></p> <p><b>Participant rosters or sign-in sheets.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Appendix I: Participants in 2016 Standard Setting</li> </ul> <p>Evidence #034: <i>New York State Education Department Teacher Participation Opportunities for NYSESLAT (website)</i></p> <p>Evidence - #124: <i>NYSESLAT Recruitment Letter 2016 Standard Setting</i></p> <p>Evidence #125: <i>Standard Setting Educator Participants 2016</i></p> <p>Evidence #126: <i>Participant Check in List and NDA Forms_Part 1</i></p> <p>Evidence #127: <i>Participant Check in List and NDA Forms_Part 2</i></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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<p>Evidence of a plan to research and monitor the validity of the ELP achievement standards (e.g., an EL who achieves proficiency on the ELP assessment has the same probability of passing academic content assessments as a non-EL, but the proficiency level is not set so high that it prevents ELs from being reclassified when it is appropriate).</p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 6: Validity               <ul style="list-style-type: none"> <li>○ Section 6.3 External Structure                   <ul style="list-style-type: none"> <li>▪ Relationship with the New York State English Language Arts (ELA) test (Grades 3-8), (pp 57-61)</li> <li>▪ Relationship with the New York State Regents Comprehensive Examination in English (Grades 10-12) (pp 62-64)</li> <li>▪ Relationship with New York State Regents Examination in English Language Arts (Common Core) (Grades 10-12) (pp 65-68)</li> </ul> </li> </ul> </li> </ul>	
<b>Section 6.2 Summary Statement</b>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> <li>• A standard setting report that meets industry standards and details a technically sound methodology and processes.</li> </ul>		

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**

**Critical Element 6.3 –Aligned ELP Achievement Standards**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><b>For ELP achievement standards:</b> The State has ensured that ELP assessment results are expressed in terms that are clearly aligned with the State’s ELP standards, and its ELP performance-level descriptors.</p> <p>If the State has adopted alternate ELP achievement standards for ELs who are students with the most significant cognitive disabilities, the alternate ELP achievement standards should be linked to the State’s grade-level/grade-band ELP standards, and should reflect professional judgment of the highest ELP achievement standards possible for ELs who are students with the most significant cognitive disabilities.</p>	<p>The State’s ELP standards were used as a main reference in writing performance level descriptors.</p> <p>AND</p> <p>The process of setting cut scores used, as a main reference, performance level descriptors that reflect the State’s ELP standards.</p> <p>AND</p> <p>The State’s cut scores were set and performance level descriptors written to reflect the depth and breadth of the State’s ELP standards for each grade or grade band:</p> <ul style="list-style-type: none"> <li>• A description of steps taken to vertically articulate the performance level descriptors with and across grades/grade band.</li> <li>• The State’s standards-setting process documents that the proficient level represents the level of English proficiency at which it is reasonable to conclude that language no longer is an appreciable barrier to access to the curriculum, yet that proficient score is not so high as to preclude a student from exiting EL status who no longer has such a language barrier.</li> </ul> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 1: Introduction, pp 3 – 5</li> <li>• Chapter 8: Establishing NYSESLAT Performance Levels, pp 105 - 130               <ul style="list-style-type: none"> <li>○ Section 8.8: Standard Setting Process, pp 113 – 115</li> </ul> </li> </ul>	<p>The peers did not find evidence of the development of the performance descriptors for the composite score and how the performance levels in the score reports are aligned to the ELP performance level descriptors and ELP standards.</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<p>Evidence #128: <i>Invitation Letter for New York State Education Department's Performance Level Descriptors (PLDs) Committee Review Meeting</i></p> <p>Evidence #129: <i>Agenda for New York State Education Department's Performance Level Descriptors (PLDs) Committee Review Meeting</i></p> <p>Evidence #130: <i>Development of PLDs Day 1 – 2014</i></p> <p>Evidence #131: <i>Development of PLDs Day 2 – 2014</i></p> <p>Evidence #132: <i>Development of PLDs Day 3 – 2014</i></p> <p>Evidence #133: <i>Standard Setting Presentation 2016</i></p> <p>Evidence #079: <i>New York State English as a Second Language Achievement Test (NYSESLAT): 2017 Test Specifications</i></p> <p>Evidence #080: <i>Performance Level Descriptions NYSESLAT Reading</i></p> <p>Evidence #081: <i>Performance Level Descriptions NYSESLAT Speaking</i></p> <p>Evidence #082: <i>Performance Level Descriptions, NYSESLAT Listening</i></p> <p>Evidence #083: <i>Performance Level Descriptions NYSESLAT Writing</i></p>	

**Section 6.3 Summary Statement**

The following additional evidence is needed/provide brief rationale:

- Evidence of the development of the performance level descriptors for the composite score and how they relate to the standard setting.

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

**Critical Element 6.4 – Reporting**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State reports its assessment results for all students assessed, and the reporting facilitates timely, appropriate, credible, and defensible interpretations and uses of those results by parents, educators, State officials, policymakers and other stakeholders, and the public.</p> <p>The State reports to the public its assessment results on <i>English language proficiency for all ELs including the number and percentage of ELs attaining ELP</i>.</p> <p>For the <i>ELP assessment</i>, the State provides coherent and timely information about each student’s attainment of the State’s ELP standards to parents that:</p> <ul style="list-style-type: none"> <li>• Reports the <i>ELs’ English proficiency</i> in terms of the State’s grade level/grade-band ELP standards (including performance-level descriptors);</li> <li>• Are provided in an understandable and uniform format;</li> <li>• Are, to the extent practicable, written in a language that parents and guardians can understand or, if it is not practicable to provide written translations to a parent or guardian with limited English proficiency, are orally translated for such parent or guardian;</li> </ul>	<p>Evidence that the State reports to the public the English language proficiency for all ELs (including the number and percentage of ELs attaining ELP) after each test administration.</p> <p>AND</p> <p>State report(s) of assessment results (e.g. a State report card)</p> <p>AND</p> <p>Appropriate interpretive documents provided in or with the State report(s) that addresses appropriate uses and limitations of the data (e.g., when comparisons across student groups of different sizes are and are not appropriate).</p> <p>AND</p> <p>Written materials and other documentation such as interpretive guides from the State and from eligible entities.</p> <p>AND</p> <p>Evidence that the State’s reporting system includes supporting information to facilitate accurate interpretation of data for those who will receive and use its reports, such as information about the content and structure of assessments, intended purposes and uses of scores, and how the assessments are related to its ELP standards</p> <p>AND</p> <p>Instructions for districts, schools, and teachers for access to assessment results, such as an electronic database of results;</p>	<p>Although the state provides aggregated and disaggregated score reports, the peers were unable to locate interpretive guides or materials that address appropriate uses and limitations of the test scores, notwithstanding Evidences 150 and 151.</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
<ul style="list-style-type: none"> <li>Upon request by a parent who is an individual with a disability as defined by the ADA, as amended, are provided in an alternative format accessible to that parent.</li> </ul>	<p>Evidence #134: <i>2018 NY STATE Report Card NYSESLAT</i></p> <p>Evidence #135: <i>New York State Report Card NYSESLAT Glossary and Guide Release</i></p> <p>Evidence #136: <i>2017-2018 Tested Not Tested Confirmation Report – District Detail</i></p> <p>Evidence #137: <i>2017-2018 Tested Not Tested Confirmation Report - Student Detail</i></p> <p>Evidence #138: <i>SIRS 301 Tested Not Tested Confirmation Report Guide</i></p> <p>Evidence #031: <i>Assessment 101: An Educator’s Guide to Quality Practices EngageNY (website)</i></p> <p>Evidence #139: <i>Downloads_NYSED Data Site</i></p> <p>Evidence #140: <i>Release of 2017 NYSESLAT Answer Keys and Report Restrictions (memorandum) August 2017</i></p> <p>Evidence #123: <i>NYSESLAT—Determining an English Language Learner’s (ELL) English Language Proficiency Level (memorandum) August 2018</i></p> <p>Evidence #141: <i>Downloads for Data-Driven Instruction (website)</i></p> <p><b>Examples of reports of assessment results at the classroom, school, district and State levels provided to teachers, principals, and administrators that include itemized score analyses, results according to proficiency levels, performance level descriptors, and, as appropriate, other analyses that go beyond the total score (e.g., analysis of results by strand/domain/component)</b></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**

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p><b>AND</b></p> <p><b>Instructions for teachers, principals, and administrators on the appropriate interpretations and uses of results for students tested that include: the purpose and content of the assessments; assistance in interpreting the results; appropriate uses and limitations of the data; and information to allow use of the assessment results appropriately for addressing the specific academic needs of students, student groups, schools and districts.</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 1: Introduction, pp 3-6</li> </ul> <p>Evidence #142: <i>NYSESLAT Instructional Report Sample 1</i></p> <p>Evidence #143: <i>NYSESLAT Instructional Report Sample 2</i></p> <p><b>Timeline that shows results are reported to districts, schools, and teachers in time to allow for the use of the results in planning for the following school year</b></p> <p><b>AND</b></p> <p><b>Timeline adhering to the need for the prompt release of assessment results that shows when individual student reports are delivered to districts and schools</b></p> <p>Evidence #123: <i>NYSESLAT—Determining an English Language Learner’s (ELL) English Language Proficiency Level (memorandum) August 2018</i></p> <p>Evidence #144: <i>Level 1 Call Notes for NYSESLAT Release</i></p> <p><b>Templates or sample individual student reports for each assessment and grade level (if the individual student reports are substantially the same across grades, the State may choose to submit a sample of</b></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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<p>the reports, such as individual student reports for both subjects for grades 3, 7, and high school and provide narrative explaining that they are not substantively different) for reporting student performance that:</p> <p><b>AND</b></p> <p>Display information in a uniform format and use simple language that is free of jargon and understandable to parents, teachers, and principals</p> <p><b>AND</b></p> <p>Examples of the interpretive information that accompanies individual student reports, either integrated with the report or a separate page(s), including cautions related to the reliability of the reported scores</p> <p><b>AND</b></p> <p>Samples of individual student reports in other languages and/or in alternative formats, as applicable.</p> <p><b>AND</b></p> <p>Key documents, such as a cover memo that accompanies individual student reports delivered to districts and schools, listserv messages to district and school test coordinators, or other meaningful communication to districts and schools that include the expectation that individual student reports be delivered to teachers and principals and corresponding expectations for timely delivery to parents (e.g., within 30 days of receipt).</p> <p><b>AND</b></p> <p>For ELP assessments, evidence that schools report the results of ELP assessments to parents of ELs</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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<p><b>(e.g., the annual parent notice to parents of ELs required under section 1112(e)(3)).</b></p> <p>Evidence #145: <i>NYSESLAT Student Report Sample</i></p> <p>Evidence #146: <i>NYSESLAT Student Report Sample, Spanish</i></p> <p>Evidence #147: <i>SIRS 503 Score Report - NYSESLAT</i></p> <p>Evidence #018: <i>Understanding NYSESLAT Score Report</i></p> <p>Evidence #148: <i>Parent Guides to ELL Assessment (website)</i></p> <p>Evidence #149: <i>NYSESLAT Score Report Samples and Understanding Reports—translations (website)</i></p> <p>Evidence #008: <i>School Administrator’s Manual, New York State English as a Second Language Achievement Test, 2018</i></p> <ul style="list-style-type: none"> <li>• Reporting of NYSESLAT Results, p 35</li> </ul> <p><b>Documentation of the use of ELP test scores to make educationally sound placement decisions</b></p> <p>Evidence #150: <i>ENL Units of Study Table for Grades 9 – 12</i></p> <p>Evidence #151: <i>ENL Units of Study Table for Grades K – 8</i></p> <p><b>Reports showing positive rates of English language development/acquisition when placed appropriately in English language instruction educational programs</b></p> <p>Evidence #015: <i>Technical Report, New York State English as a Second Language Achievement Test, 2016</i></p> <ul style="list-style-type: none"> <li>• Chapter 6: Validity</li> </ul>	

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**

<b>Critical Element</b>	<b>Evidence (Record document and page # for future reference)</b>	<b>Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence</b>
	<ul style="list-style-type: none"> <li>○ Section 6.3.1: Relationship with the New York State English Language Arts (ELA) test (Grades 3-8), pp 57-61</li> <li>○ Section 6.3.2: Relationship with the New York State Regents Comprehensive Examination in English (Grades 10-12), pp 62-37</li> </ul> <p>Evidence #152: <i>Understanding the NYS Accountability System Under ESSA_2018-19</i></p> <ul style="list-style-type: none"> <li>● 23. How is an English Language Proficiency (ELP) determined? pp 23-30</li> </ul> <p>Evidence #153: <i>ELL Accountability Status by School 2018-19</i></p> <ul style="list-style-type: none"> <li>● “English Language Proficiency Level” <ul style="list-style-type: none"> <li>○ Column L: Elementary and Middle Schools</li> <li>○ Column M: High Schools</li> </ul> </li> </ul> <p><b>Information about the included ELP standards domains and validity of any composite scores reported that are not based on all four domains</b>  Not applicable as composite scores are not reported for the NYSESLAT.</p>	
<b>Section 6.4 Summary Statement</b>		
<input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale: <ul style="list-style-type: none"> <li>● An interpretive guide or materials that provide appropriate uses and interpretations of the test scores.</li> </ul>		

**SECTION 7: DOES NOT APPLY TO ELP ASSESSMENT PEER REVIEW**

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.