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

Updated for Session Two, April 6-8, 2016

Issue Paper #1

<u>Issue</u>: Computer-adaptive tests (CATs)

<u>Statutory Citations</u>: 1111(b)(2)(J) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)

<u>Regulatory Citation</u>: Proposed updates to §§200.2 and 200.6

<u>Background</u>:
Computer-adaptive tests (CATs) are tests that use a student's responses on an exam to determine subsequent questions. Because it adjusts the difficulty of test questions during an exam, a CAT is likely to provide a more precise measure of a student's knowledge and skills with fewer questions or items, as compared with a "fixed-form" (*i.e.*, non-adaptive) assessment, particularly for students who perform well above or below their peers. CATs also can produce similarly valid and reliable scores as a fixed-form test using fewer questions, which can reduce the time needed to take the tests. However, one concern about CATs is that, due to their adaptive nature, participating students are not assessed on the same set of questions or items. Examples of current CATs include the Graduate Record Examination (GRE) and the Smarter Balanced Assessment Consortium assessments.

Neither the statute nor regulations of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), addressed CATs, but the U.S. Department of Education (ED) has permitted States to use CATs approved through its Title I assessment peer review process (*i.e.*, the State demonstrated compliance with all applicable assessment requirements). Oregon, for example, has used an approved CAT to meet statewide assessment requirements under the ESEA.

Section 1111(b)(2)(J) of the ESEA, as amended by the Every Student Succeeds Act (ESSA), specifically recognizes a State's authority to administer a CAT, provided it meets all statutory requirements for assessments used for ESEA accountability purposes. Section (b)(2)(J)(i)(II) requires that CATs used as general assessments "measure, at a minimum, each student's academic proficiency based on the challenging State academic standards for the student's grade level and growth toward such standards" and allows for CATs to include "items above or below the student's grade level," which may be included in addition to grade-level proficiency scores for accountability determinations. A State may also develop CATs that are used as the alternate assessment aligned to alternate academic achievement standards for students with the most significant cognitive disabilities and for measuring the English language proficiency of English learners.

<u>Discussion Questions</u>:
The new statutory language regarding CATs in section 1111(b)(2)(J) highlights States' available options with respect to CATs; at the same time, this new language raises several questions regarding reporting and transparency including:

- Is the statute sufficiently clear that CATs must meet the same requirements that apply to other types of assessments, like reporting grade-level academic achievement? If a CAT captures, for example, information about the growth of a 5th-grade student who started the year well below grade level (*e.g.*, growing from reading at the 3rd-grade to the 4th-grade level over the course of a year), how would a State both credit the school for the student's learning, while reporting that the student did not master the 5th-grade content and is still behind?
- Over time, could a focus exclusively on student growth, without also considering student achievement at grade level, lead to chronic underperformance at grade level and to a student graduating from high school without the knowledge and skills the student needs for college or a career despite consistently improving each year?
- If a State chooses to use a CAT for an alternate assessment aligned to alternate academic achievement standards for a student with the most significant cognitive disabilities, how would the CAT measure whether the student is achieving at the student's enrolled grade level while it also measures the student's achievement against alternate academic achievement standards?

Draft changes to regulation:
Below is draft regulatory language intended to support discussions on this issue among the committee members. This draft text would be incorporated into the existing regulations under 34 C.F.R. §200.2 – State responsibilities for assessment. Blue text indicates regulatory language that restates the ESSA statutory language. Text provided in red is offered as proposed responses to the questions above.

Session 2 Update
The language below is suggested for inclusion in §200.2.

(c)(1) At its discretion, a State may administer the assessments required under this section in the form of computer-adaptive assessments if such assessments meet ~~all~~ the requirements of section 1111(b)(2)(J) of the Act and this section. ~~(2)   A~~ computer-adaptive assessment--
(i) Must measure a student's academic proficiency based on the challenging State academic standards for the grade in which the student is enrolled and growth toward those standards; and
(ii) May measure a student's academic proficiency and growth using items above or below the student's grade level. ~~provided that the assessment obtains sufficient valid and reliable information to make a determination of grade-level proficiency and meets all requirements of §§200.2, 200.6, and 200.8.~~
(~~3~~2) If a State administers a computer-adaptive assessment, ~~T~~the determination under section 1111(b)(2)(B)(ii) of the Act of a student's academic proficiency for the grade in which the student is enrolled must be reported on all reports required by §200.8 and ~~any other public reports and reports to the Secretary~~ section 1111(h) of the Act.

~~(4)   For students with the most significant cognitive disabilities assessd using a computer-adaptive alternate assessment aligned to alternate academic achievement standards (AA-AAAS) under section 1111(b)(2)(D) of the Act or English learners who are assessed using a computer-adaptive English language proficiency assessment under section 1111(b)(2)(G) of the Act, data regarding student academic achievement or English proficiency must be reported in the same manner that such data otherwise would be reported for assessments that are not computer-adaptive.~~

The below language is suggested for inclusion in §200.6(c).

(7)   For students with the most significant cognitive disabilities, ~~assessed using~~ a computer-adaptive alternate assessment aligned ~~to~~with alternate academic achievement standards ~~(AA-AAAS) under section 1111(b)(2)(D) of the Act~~ must--
     (i)   Assess a student's academic achievement based on the challenging State academic content standards for the grade in which the student is enrolled;
     (ii)   Meet the requirements for alternate assessments aligned with alternate academic achievement standards under this paragraph; and
     (iii)   Meet the requirements in §200.2, except that the alternate assessment need not measure a student's academic proficiency based on the challenging State academic achievement standards for the grade in which the student is enrolled and growth toward those standards.

The below language is suggested for inclusion in §200.6(f)(3).

(iii)   If a State develops a computer-adaptive assessment to measure English language proficiency, the State must ensure that the computer-adaptive assessment--
     (A) Assesses a student's language proficiency, which may include growth toward proficiency, in order to measure the student's acquisition of English; and
     (B)   ~~M~~meets ~~all~~ the requirements for English language proficiency assessments in this paragraph; ~~of section 1111(b)(2)(J)(ii)(II) of the Act.~~