



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 20, 2013

The Honorable Diane DeBacker
Commissioner of Education
Kansas State Department of Education
Landon State Office Building
900 SW Jackson Street
Topeka, KS 66612

Dear Commissioner DeBacker:

I am writing in response to the Kansas State Board of Education's (KSBE) vote on December 10, 2013 to have the University of Kansas' Center for Educational Testing and Evaluation develop assessments aligned to the State's college- and career-ready standards, rather than use the assessments developed by the Smarter Balanced Assessment Consortium (SBAC) and Kansas State Department of Education's subsequent announcement that it was withdrawing from SBAC. To meet the requirements of ESEA flexibility, a State educational agency (SEA) must develop annual, statewide, high-quality assessments, and corresponding academic achievement standards, in reading/language arts and mathematics in grades 3 through 8 and once in high school. These assessments must be piloted no later than the 2013–2014 school year and fully implemented no later than the 2014–2015 school year. Among other characteristics, a high-quality assessment must be valid, reliable, and fair for its intended purposes, be aligned with a State's college- and career-ready content standards, and provide an accurate measure of student growth over a full academic year or course. In its approved ESEA flexibility request, KSDE met this requirement through its participation in SBAC. Because KSDE is no longer participating in SBAC, it must amend its ESEA flexibility request to demonstrate how it will meet the requirement to pilot high-quality assessments in reading/language arts and mathematics by the 2013–2014 school year and administer those assessments by the 2014–2015 school year. This letter details how KSDE must amend its request in order to remain in compliance with ESEA flexibility requirements.

The U.S. Department of Education (ED) provided an SEA with three options to address how it would meet the requirement to develop and administer high-quality assessments aligned with college- and career-ready standards: (1) participate in one of the two State assessment consortia — *i.e.*, PARCC or SBAC; (2) if the SEA is not in a consortium and has not yet developed high-quality assessments, provide the SEA's plan to develop and administer those assessments no later than 2014–2015; or (3) if the SEA is not in a consortium but has developed high-quality assessments, provide evidence that the SEA submitted those assessments to ED for peer review or provide a timeline of when the SEA will submit them for peer review.

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

Because KSDE is no longer participating in SBAC, KSDE must amend its approved request for ESEA flexibility to provide a high-quality plan that details the steps KSDE will take to pilot a high-quality assessment, as defined in the document titled *ESEA Flexibility* (available at <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc>), in reading/language arts and mathematics by the 2013–2014 school year and administer that assessment by the 2014–2015 school year. As described in the *ESEA Flexibility Review Guidance* (available at <http://www.ed.gov/esea/flexibility/documents/review-guidance.doc>), such a plan must include, at a minimum, for each key component of the plan, the following elements: (1) key milestones and activities, (2) a detailed timeline, (3) the party or parties responsible, (4) evidence, (5) resources, and (6) significant obstacles. Generally, an SEA’s plan to develop and administer high-quality assessments should address, at a minimum, the following key components:

- the process and timeline for development of test blueprints and item specifications;
- the review and selection of items for inclusion in the assessments (including through piloting);
- scaling and scoring procedures to be used;
- test administration procedures, including selection and use of appropriate accommodations;
- data analyses proposed to document validity and reliability of the assessments;
- an independent evaluation of alignment of the assessments with the State’s college- and career-ready standards;
- the process and timeline for setting college- and career-ready achievement standards and the method and timeline to validate those achievement standards; and
- meaningful report formats to communicate results to students, parents, and educators.

To amend its approved request for ESEA flexibility, KSDE must submit both the amendment request template available at <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html> and a redlined version of its currently approved request reflecting that it has changed its approach to developing and administering high-quality assessments. (The high-quality plan described above may either be inserted into the redlined request or submitted as an attachment to the redlined request.) KSDE must submit this amendment request no later than 30 calendar days from the date of this letter. ED will review the request and notify KSDE, in writing, of its determination.

In the coming days, we will contact Brad Neuenswander, your ESEA flexibility lead, to check in regarding your amendment request. In the meantime, please refer to the document titled *ESEA Flexibility Amendment Submission Process* (available at <http://www2.ed.gov/policy/eseaflex/amendment-submission-process.doc>), which describes the steps that are necessary as part of requesting an amendment. Please do not hesitate to contact Christina Imholt at christina.imholt@ed.gov or Sue Rigney at sue.rigney@ed.gov if you have any questions.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary

Cc: Brad Neuenswander, Deputy Commissioner, Division of Learning Services