OFFICE OF CHIEF ACCOUNTABILITY OFFICER Summary of State Board of Education Agenda Items January 17, 2019

OFFICE OF ACCREDITATION

01.A. Action: Consideration of the appeals of the final accountability results in accordance with Policy 3.1.4 of the *Mississippi Public Schools Accountability Standards*, 2018 [Goals 1, 2, 4, 5, and 6 – MBE Strategic Plan]

01.A. Corinth School District

<u>Background Information</u>: On October 11, 2018 the SBE approved the 2017-2018 Mississippi Statewide Accountability results, with the exception of four (4) schools with special populations, three (3) schools within the Corinth School District and the Corinth School District. On November 8, 2018 the State Board of Education approved the final accountability results for the Corinth School District, the three (3) schools within the Corinth School District and the four (4) schools with special populations. The Office of Accreditation received appeals of the final results in accordance with Policy 3.1.4 of the *Mississippi Public Schools Accountability Standards*, 2018 from three (3) of the Districts.

Corinth School District appealed the final accountability results for the District and three (3) schools within the District: Corinth High School, Corinth Middle School and Corinth Elementary School.

On December 10, 2018, the Internal Review Committee met to consider the appeal from the Corinth School District and voted unanimously to deny the District's appeal.

The Commission on School Accreditation (CSA) met on January 10, 2019 in a special-called meeting to consider the Internal Review Committee's decision of the appeal. In accordance with Policy 3.1.4 of the *Mississippi Public Schools Accountability Standards*, 2018, each superintendent was given an opportunity to address the CSA during this meeting. After presentations by Dr. Lee Childress, Superintendent of the Corinth School District, and the MDE, the CSA voted 6-2 to uphold the Internal Review Committee's decision to deny the Corinth School District's appeal.

This item references Goals 1, 2, 4, 5, and 6 of the *Mississippi Board of Education* 2018-2022 Strategic Plan.

Recommendation: Approval

In accordance with Miss. Code Ann. § 37-17-6, a simple "A," "B," "C," "D," and "F" designation, shall be applied to the current school and school district statewide accountability performance classifications. Mississippi Code Ann. § 37-179-3 (District of Innovation law) does not provide for an exemption to the performance classification assignment. In addition to the requirements of state law, federal law and Mississippi's ESSA plan require inclusion of all schools in the accountability model. Violation of federal law could result in the loss of federal funding.

Back-up material attached

Corinth School District

1204 North Harper Road Corintly, Mississippi 38834

> Telephone (662) 287-2425 Fax (662) 286-1885

EDWARD LEE CHILDRESS, Ed.D. Superintendent

November 16, 2018

Dr. Jo Ann Malone Executive Director Office of Accreditation Mississippi Department of Education Post Office Box 771 Jackson, MS 39205

Mr. Alan Burrow Director District and School Performance Mississippi Department of Education Post Office Box 771 Jackson, MS 39205

Re:

Appeal by Corinth School District of Final Accountability Results approved by

the State Board of Education on November 8, 2018

Dear Dr. Malone and Mr. Burrow:

In accordance with Section 3.1.4 of the Mississippi Public School Accountability Standards, the Corinth School District, by this letter and attached written evidence, hereby appeals the State Board of Education's approval of Final Accountability Results for the 2017-2018 school year for the Corinth School District, Corinth Elementary School, Corinth Middle School and Corinth High School. The District further requests the opportunity to address the Commission on School Accreditation in accordance with said Section 3.1.4.

In support of this appeal, the Corinth School District ("CSD") hereby submits the instant letter outlining the pertinent facts and applicable law at issue. Additionally, documents relevant to this appeal are identified herein, and attached as exhibits hereto.

I, FACTUAL BACKGROUND

In February, 2016, the State Board of Education designated CSD as a District of Innovation, based on a plan rooted in the Cambridge Assessment International Education program ("Cambridge"). The Cambridge model is administered by the University of Cambridge in Cambridge, England, and has been a worldwide leader in education for nearly 160 years. Over 10,000 schools in more than 160 countries offer the Cambridge program, including schools in Florida, Arizona, Virginia and Tennessee in the United States. Cambridge assessments include Progression, Checkpoint, International General Certificate of Secondary Education ("IGCSE") and Advanced International Certificate of Education ("AICE") testing that tracks the Mississippi Academic Assessment Program ("MAAP") in grades 3-8, English II, Algebra I, Biology and U.S. History. Unlike MAAP assessments which primarily rely upon multiple choice items, the Cambridge curriculum focuses on promoting critical thinking, in-depth analysis, and strong writing skills, and thus assessments involve mainly open-ended short answer responses, hands-on laboratory experiments, and writing activities. The Cambridge approach is designed to be rigorous and deep.

When CSD submitted its District of Innovation application in 2015, it recognized that development of a *modified accountability model* would be a critical component of the program. This was because the assessment strategies used in MAAP assessments are not consistent with those that appear on Cambridge examinations. Accordingly, the MAAP assessments would not truly reflect the educational advancements of CSD students. CSD therefore sought a waiver from the State Board of Education ("SBE") from the requirements of Miss. Code Ann. §37-17-6, relating to the State's performance based accountability standards measuring student achievement by <u>current state assessments</u>. The District's request, recommended for approval by MDE, was:

The District proposes in this application that the Mississippi Department of Education work with the District to modify Mississippi's Accountability System to substitute the use of <u>Cambridge International Exam assessments</u> in lieu of those developed for the Mississippi Assessment System.

CSD's proposed waiver would still require use of the same statewide accountability model structure, but would permit substitution of Cambridge assessments in lieu of MAAP assessments within the model.

On February 18. 2016, the SBE approved CSD's District of Innovation application. In doing so, the SBE approved CSD's request for a waiver under §37-17-6 to substitute Cambridge assessments in lieu of MAAP assessments in the existing model. SBE's February, 2016 minutes, as well as the approved list of waivers and exemptions granted to CSD are attached hereto as **Exhibits "A" and "B,"** respectively. The SBE directed the Mississippi Department of Education ("MDE") to work with the District to develop such a model which substitutes Cambridge assessments for MAAP assessments within Mississippi's overall accountability system.

In light of the aforesaid waiver, and since the modified accountability model remained incomplete, CSD and its public schools were not assigned an "A-F" accountability rating during the 2015-2016 and 2016-2017 school years, even though MAAP assessments were administered to eligible students in both years. The SBE clearly understood that until a modified model could be developed, any rating of the District under the MAAP standards would be an inaccurate and unfair representation of the District's academic achievement using the Cambridge program.

For the next 2½ years, CSD tried, unsuccessfully, to prompt MDE to complete development of the modified accountability model as directed by the SBE. CSD sent letters, attended meetings, prepared data sets, and took other similar actions in an effort to assist in development of an appropriate model. MDE refused to substantively engage with CSD in this effort. A timeline of CSD's actions during this time is attached hereto as **Exhibit "C."**

Then, by letter dated June 26, 2018, from Dr. Paula Vanderford and Dr. Kim Benton, CSD was abruptly notified that MDE was effectively revoking the District of Innovation waivers relative to accountability which SBE had granted to CSD. A copy of such letter is attached hereto as **Exhibit "D."** This June 26, 2018, letter contained two (2) main decisions pertinent to this appeal.

First, MDE said it <u>would not</u> prepare the modified accountability model as directed by SBE in 2016, notwithstanding the fact that SBE never rescinded its directive to prepare such a model. MDE claimed that under the Every Student Succeeds Act ("ESSA"), Cambridge assessments could not be substituted in lieu of MAAP assessments, and that "<u>districts must administer MAAP</u> and use the assessment in accountability measures." MDE now acknowledges this position was incorrect.¹

Second, and without warning, the June 26, 2018, letter notified CSD that it would be assigned an "unofficial" accountability rating for the 2017-2018 school year based on MAAP standardized testing, and that an "official" rating would be given for the 2018-2019 year. Without statutory citation, MDE simply claimed this was "required by Federal law."

In September, 2018, MDE advised CSD of its final proposed accountability ratings for the 2017-2018 year. When CSD was advised that it would be rated a "C" district, and that Corinth High School would be rated an "F" school, administrators, teachers, students and the community at large were incensed. CSD was one of Mississippi's first two Level 5 school districts in 1993. CSD and CHS have traditionally maintained an "A" rating (or the highest rating awarded in Mississippi) since the beginning of performance-based accountability. The poor 2017-2018 results are completely inconsistent with past performance as shown below:

SCHOOL YEAR		RA	TING	
	District	Corinth Elem.	Corinth Middle	Corinth High
2012-13	A	В	В	Α
2013-14	A	В	В	A
2014-15	Α	В	В	A
2015-16 (no rating)				
2016-17 (no rating)				
2017-18	C	D	C	\mathbf{F}

Further, the 2017-2018 ratings are wildly inconsistent with current performance, which becomes particularly evident when considering that the following statistics for Corinth High School are totally incompatible with a failing "F" rating:

- The CHS graduating class of 2018 earned a composite ACT score of **20.9**, *exceeding* both the national average of 20.8 and the state public school average of 18.3.
- The CHS graduating class of 2018 showed an ACT composite score increase of 0.7 points from the previous year, while Mississippi as a whole showed no gain.

¹ MDE first acknowledged this fact in an October 8, 2018, memorandum from State Superintendent Dr. Carey Wright (discussed more fully below), and then again at the November 8, 2018, meeting of SBE in a presentation by Dr. Nathan Oakley.

- The CHS graduating class of 2018 showed an ACT Reading sub-score increase from the previous year of 1.4 points to 21.6, while the Mississippi public school Reading sub-score remained flat at 18.5.
- The CHS graduation rate is 87.6%, compared to the State graduation rate of 83%.
- CHS students took 575 Advanced International Certificate of Education ("AICE") assessments (equivalent to Advanced Placement ("AP") or International Baccalaureate ("IB")) with a 59% passing rate *none of which* have been included in the calculation of the acceleration component of the District and High School's ratings.

Over the last sixty days, CSD has tried in numerous ways to prevent the assignment of such misleading and inaccurate accountability ratings. CSD officials and members of the Corinth community have had multiple meetings and conversations with MDE officials, attended the last three SBE meetings and written multiple letters pleading CSD's cause. While CSD believes only the SBE can truly remedy this unfortunate and unnecessary predicament, it welcomes this appeal as its first truly effective opportunity to present its position.

II. ISSUES ON APPEAL

Following an initial delay in approving CSD's ratings, the SBE gave final approval to the 2017-2018 ratings on November 8, 2018, prompting this appeal. There are two primary issues in this appeal. First, whether ESSA permits development of a modified accountability model substituting Cambridge assessments in lieu of MAAP assessments, as directed by SBE. Second, whether State law required the issuance and approval of accountability ratings for CSD and its schools for the 2017-2018 school year, and any year thereafter, until a appropriate modified accountability model is approved. These issues are addressed below.

A. <u>ESSA PERMITS SUBSTITUTION OF CAMBRIDGE ASSESSMENTS</u> <u>FOR MAAP ASSESSMENTS</u>

As stated above, as part of CSD's District of Innovation application, in February, 2016, SBE approved CSD's waiver request "to modify Mississippi's Accountability System to substitute the use of <u>Cambridge International Exam assessments</u> in lieu of those developed for the Mississippi Assessment System." (Exhibit "B"). This SBE approval has never been rescinded. Further, the substitution of Cambridge assessments for MAAP assessments provided for by this waiver is undoubtedly permissible under ESSA.

As a basis for refusing to develop the modified accountability model, MDE claimed in its June 26, 2018, letter that under ESSA, "districts must administer MAAP and use the assessment in accountability measures." That is clearly in error, as ESSA specifically provides:

Nothing in this paragraph [on academic assessments] shall be construed to prohibit a local educational agency from administering a locally-selected assessment in lieu of the State-designated academic assessment under subclause (I)(bb) [high school Math and Reading/L.A.] and subclause (II)(cc) [high school Science] of subparagraph B(v), if the local educational agency selects a nationally-recognized high school academic assessment that has been

approved for use by the State as described in clause (iii) or (iv) of this subparagraph.

20 U.S.C. §6311(b)(2)(H)(i) (emphasis added). The referenced clause (iv) states:

If a local educational agency chooses to submit a nationally-recognized high school academic assessment to the State educational agency, subject to the approval process... to determine if such assessment fulfills the requirements of clause (v), the State educational agency may approve the use of such assessment consistent with clause (i).

20 U.S.C. §6311(b)(2)(H)(iv)(I) (emphasis added). As Dr. Nathan Oakley conceded in his Power Point presentation to the SBE on November 8, 2018, Cambridge qualifies as a "nationally-recognized high school academic assessment." A screen-shot of such Power Point slide is attached hereto as **Exhibit "E."** Thus there is flexibility under ESSA to permit substitution of Cambridge assessments in lieu of MAAP assessments at the high school level.

While these statutes specifically apply to high school assessments, ESSA continues to provide a clear waiver mechanism to permit similar substitution of Cambridge progression and checkpoint examinations in lower grades which is necessary to adequately prepare elementary and middle school students for the rigors of Cambridge in high school. ESSA states:

A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive <u>any</u> statutory or regulatory requirement of this Act.

20 U.S.C. §7861(a)(1) (emphasis added).

Thus, while ESSA does require a single statewide accountability model, there is – as MDE admits – clear flexibility built into ESSA which allows *substitution of certain assessments* within the model. This is clear not only from the above ESSA statutes, but also from a May 15, 2017 memorandum from the U.S. Department of Education providing information and guidance to states regarding locally selected, nationally recognized high school assessments. A copy of such memorandum is attached as **Exhibit "F."** There is simply no doubt that substitution of Cambridge assessments in lieu of MAAP assessments is **legally permissible** under ESSA.

Nor should there be any doubt within MDE as to how to implement a "locally selected, nationally recognized assessment" such as Cambridge. The Council of Chief State School Officers, under the leadership of its President, State Superintendent Dr. Carey Wright, distributed a publication in November, 2017, entitled, *Implementing the Locally-Selected, Nationally-Recognized High School Assessment Provision of the Every Student Succeeds Act: Key Questions and Considerations.* A companion publication from CCSSO entitled, *An Implementation Framework for the Locally-Selected, Nationally-Recognized High School Assessment provision of the Every Student Succeeds Act*, specifically advises how to "construct an implementation plan to respond to the locally-selected, nationally-recognized high school assessment (LNHSA) flexibility." Both publications were co-authored by Mississippi Technical

Advisory Committee for Statewide Assessment Chair, Dr. Chris Domaleski. Not only is the substitution of Cambridge assessments for MAAP assessments permissible under ESSA, but Dr. Domaleski, under Dr. Wright's leadership, helped develop the framework for such implementation. Copies of these publications are attached hereto as **Exhibits "G" and "H,"** respectively.

Although Dr. Wright and MDE know they can substitute Cambridge assessments under ESSA, and know exactly how to do it from the above publications, they have simply chosen not to do so, in contravention of SBE's directive. In an October 8, 2018, memo to District Superintendents, Dr. Wright addressed inquiries from districts about flexibility under ESSA to permit alternate assessments. While acknowledging ESSA permits alternate assessments, Dr. Wright made clear MDE has no intention of allowing it, flatly declaring, "The state did not choose to implement innovative testing..." Of course that is patently untrue, as SBE in fact did choose to implement innovative testing by allowing CSD to substitute Cambridge assessments for MAAP assessments. A copy of this October 8, 2018, memo is attached as Exhibit "I."

In short, SBE acted within the bounds of ESSA in directing MDE to develop a modified accountability model which substitutes Cambridge assessments in lieu of MAAP assessments. CSD respectfully submits that MDE officials know how to develop such a model, but Dr. Wright and MDE simply have failed to do it.

B. <u>CSD WAS GRANTED A WAIVER FROM STATE LAW REQUIRING ASSIGNMENT OF "A-F" DESIGNATIONS</u>

The second issue on appeal concerns approval by SBE of 2017-2018 accountability ratings for CSD and its public schools. At the November 8, 2018, SBE meeting, MDE urged approval of CSD's ratings on the ground that assignment and approval of such ratings was required by Miss. Code Ann. §37-17-6. This was grossly misleading because in granting CSD's District of Innovation application in 2016, SBE granted CSD a waiver from §37-17-6's performance based accountability standards.

It is of course true that §37-17-6(5) requires MDE, acting through the Commission on School Accreditation, to implement an "A" through "F" school and school district accountability system effective with the 2013-2014 school year. Specifically, that section provides in pertinent part:

- (c) The State Department of Education shall establish five (5) performance categories ("A," "B," "C," "D" and "F") for the accountability system based on the following criteria:
 - (i) Student Achievement: the percent of students proficient and advanced on the *current state assessments*;

Miss. Code Ann. §37-17-6(5)(c) (emphasis added).

Because CSD implemented the Cambridge International curriculum through its District of Innovation program, CSD sought a waiver from the performance based accountability

standards based on "current state assessments" as otherwise required by §37-17-6. MDE recommended approval of this waiver, and the <u>SBE granted the waiver request</u>. (Exhibit "B").

In accordance with the waiver, <u>CSD and its schools were not assigned any accountability ratings for the 2015-2016 or 2016-2017 school years</u>, since the modified accountability model substituting Cambridge assessments for the current MAAP assessments was not completed. Again, SBE never rescinded this waiver. Since CSD still possesses a valid waiver from performance based accountability standards measured by the current MAAP assessments, there was no requirement that SBE approve CSD's accountability ratings for the 2017-2018 school year.

Alternatively, if MDE is correct in claiming that CSD cannot be granted this waiver (which CSD denies), then not only has CSD been misled through assurances that it would not be assigned ratings based on MAAP assessments, but SBE and MDE have clearly violated State law in not assigning such a rating for the past two school years. This cannot be true.

In short, CSD still possesses a valid waiver from being assigned accountability ratings measured by the MAAP assessments. Therefore, MDE was incorrect in advising SBE that it must approve CSD's 2017-2018 ratings based upon MAAP assessments.

From a simple fairness perspective, CSD's 2017-2018 accountability ratings should not be allowed to stand. For the 2015-2016 and 2016-2017 school years, CSD was not given an accountability rating. As it had the prior two years, CSD entered the 2017-2018 year with this same understanding that MAAP assessments would not be considered in any accountability rating, since the modified model required by SBE had not been completed by MDE. It was not until June, 2018, after both MAAP and Cambridge assessments were administered, that CSD was advised for the first time that an accountability rating would be assigned for 2017-2018 based solely upon the MAAP assessments. More disturbing is the fact that Dr. Paula Vanderford advised SBE at its November 8, 2018, meeting that MDE made this determination to assign a rating in April, 2018. Waiting until after the assessments were administered to inform CSD of this decision was patently unfair to CSD and its students, and appears to be nothing short of an attempt to "sandbag" CSD. Accordingly, the 2017-2018 accountability ratings for CSD and its schools should be withdrawn.

III. MDE HAS ACTED IN CONTRAVENTION OF VALID SBE DIRECTIVES

At the end of the day, it becomes clear that MDE has acted in contravention of two valid SBE directives concerning CSD's accountability ratings. The SBE directed MDE to "modify Mississippi's Accountability System to substitute the use of Cambridge International Exam assessments in lieu of those developed for the Mississippi Assessment System," as permitted by ESSA. *MDE has refused.* Additionally, the SBE granted CSD a waiver from §37-17-6's requirement that the statewide "A" through "F" ratings be assigned to CSD based on current state assessments. Though recognizing this waiver for two years, and despite the fact such wavier has never been rescinded, *MDE now refuses to continue to recognize the waiver.* MDE and the State Superintendent, however, do not have such authority to refuse.

The SBE sets state educational policy, including taking advantage of ESSA flexibility in accountability model assessments. Section 37-1-3(1) of the Mississippi Code states in pertinent part, "The State Board of Education shall adopt rules and regulations and set standards and policies for the organization, operation, management planning, budgeting and programs of the State Department of Education." More specifically, SBE is directed "to identify all functions of the department that contribute to or comprise a part of the *state system of educational accountability* and to *establish and maintain* within the department the necessary organizational structure, *policies and procedures* for effectively coordinating such functions." Miss. Code Ann. §37-1-3(1)(a).

In contrast, it is the job of the State Superintendent and MDE to implement such policies. Section 37-3-9(1) of the Mississippi Code states in pertinent part, "There shall be a State Superintendent of Public Education who . . . shall administer the department in accordance with the policies established by the State Board of Education." The State Superintendent and MDE must implement the policies set by the SBE; they are not at liberty to disregard them.

The Legislature declared that it is the policy of the State of Mississippi "To establish an accreditation system based upon measurable elements in school known to be related to instructional effectiveness, to establish a credible process for measuring and rating schools, . . ." Miss. Code Ann. §37-1-2(o). This is what the SBE intended by granting CSD a waiver from §37-17-6 to permit substitution of Cambridge assessments in lieu of MAAP assessments, for SBE recognized that assessing CSD under the MAAP assessment standards would not provide "a credible process for measuring and rating" CSD. MDE's refusal to follow SBE's directive to develop a modified accountability model not only usurps SBE's statutory authority, but is in direct contravention of Legislatively declared educational policy.

Simply put, MDE cannot do what it has done, as it lacks authority to overturn clear and valid SBE policy directives.

IV. <u>CSD HAS DEMONSTRATED ITS COMMITMENT TO DEVELOPING AN APPROPRIATE MODIFIED ACCOUNTABILITY MODEL</u>

As a gesture of good faith to work cooperatively with MDE, the CSD has commissioned, at its own expense, the development of four (4) proposed modified accountability models. CSD is willing to share the expense of refining an agreed upon modified accountability model. CSD has already invested more than \$1 million in transitioning to the Cambridge system, and has engendered tremendous support in the community for this innovative approach to education. Our community has embraced the Cambridge system, and is willing to take all necessary measures to see through to completion the development of the modified accountability model necessary to accurately gauge the progress of its students *vis-à-vis* other districts in the State. CSD simply needs the support of the SBE and MDE to get over the finish line.

Once MDE and CSD settle upon and refine one of the four (4) models proposed, CSD is confident that upon presentation to the U.S. Department of Education for approval, Cambridge will be approved as a permissible alternative assessment for CSD within the State accountability framework. CSD will shoulder the load in obtaining approval, but simply needs MDE's

cooperation in these efforts. MDE has nothing to lose by permitting CSD to seek approval from the USDE.

V. RELIEF REQUESTED

The relief sought by the Corinth School District in this appeal is simple and straightforward:

First, CSD seeks the immediate relief of withdrawal of the 2017-2018 accountability ratings for CSD and its public schools. CSD maintains a valid waiver from SBE which has been in place for the last two years, and which should continue in place to prevent further assignment of accountability ratings until an appropriate modified accountability model is completed.

Second, CSD seeks cooperation from MDE in preparation and approval of a modified accountability model for CSD which substitutes Cambridge assessments in lieu of State MAAP assessments. This is entirely consistent with the flexibility provided in ESSA.

VI. <u>LIST OF ATTACHED EXHIBITS</u>

Attached hereto are a number of documents serving as written evidence supportive of CSD's appeal. A listing of such documents, and a brief description of each, is as follows:

Exhibit A Mississippi State Board of Education Minutes (February 18, 2016)

Minutes of the SBE approving the CSD's waivers to State regulations and laws

Exhibit B Mississippi State Board of Education Approved Corinth School District of Innovation Waiver Document (February 16, 2016)

Chart outlining waivers of state regulations and laws requested by CSD, recommended by the MDE, and approved by SBE

Exhibit C Corinth School District Timeline of Activities

A timeline detailing CSD's efforts to work with MDE to develop a modified accountability model

Exhibit D Letter from Drs. Kim Benton and Paula Vanderford (June 26, 2018)

Letter informing CSD that MDE would not develop a modified accountability model due to expiration of ESEA waiver and ESSA prohibitions. CSD was notified that MDE would assign "unofficial" accountability ratings based solely on MAAP data for the 2017-18 school year and "official" ratings in future years.

Exhibit E Power Point Slide from November 8, 2018 Presentation by Dr. Nathan
Oakley to the State Board of Education

Slide demonstrating that Cambridge is recognized by MDE as a "nationally-recognized high school academic assessment" under ESSA

Exhibit F U.S. Department of Education Memorandum to State Assessment and Title I Directors (May 15, 2017)

Memorandum providing information to states about the implementation of new provisions of ESSA authorizing locally selected nationally recognized high school assessments

Exhibit G Implementing the Locally Sclected Nationally-Recognized High School Assessment Provisions of the Every Student Succeeds Act: Key Questions and Considerations (November 2017)

Paper published by the Council of Chief State School Officers, an organization of which Dr. Carey Wright was President at the time of publication, providing guidance to states in addressing the issues associated with a Local Education Agency choosing a locally selected assessment in lieu of the state assessment in high schools

Exhibit H An Implementation Framework for the Locally Selected Nationally Recognized High School Assessment Provision of ESSA (November 2017)

Paper published by the Council of Chief State School Officers, an organization of which Dr. Carey Wright was President at the time of publication, addressing the two main components of implementation of alternative assessments which are coordination and management, and evaluation criteria

Exhibit I Mississippi Department of Education Memorandum from Dr. Carey Wright to Local School District Superintendents (October 8, 2018)

Memo from Dr. Carey Wright addressing issues raised in U.S. Department of Education Parent Guide regarding Every Student Succeeds Act provisions, acknowledging that locally selected nationally-recognized high school assessments are allowable, but that Mississippi had chosen not to implement

SBE and MDE made a promise to the Corinth School District to work with CSD to develop an accountability model which accurately reflects the growth and achievement of the District and its students. There is a viable path forward for accurately assessing and including our District of Innovation as part of Mississippi's state-wide accountability system as originally dictated by the SBE in 2016. CSD stands ready and willing to work with MDE to finish this task. We only need cooperation from the MDE to reach this goal. CSD, Corinth teachers, staff, administrators and especially Corinth students, deserve no less.

Sincerely,

Dr. Edward Lee Childress, Superintendent of the

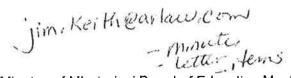
Corinth School District

Herbert J. Peterson, III.

President of Corinth School District Board

of Trustees

ce: Dr. Carey Wright
Dr. Paula Vanderford
Dr. Nathan Oakley
Dr. Washington Cole
Erin Meyer, Esq.
Joseph Runnells, Esq.
James A. Keith, Esq.
William H. Davis, Jr., Esq.



Minutes of Mississippi Board of Education Meeting

February 18, 2016

The members of the Mississippi Board of Education met in a Board meeting at 10:00 a.m. on Thursday, February 18, 2016, in the Board Room at South Pointe Building, 500 Clinton Center Drive, Clinton, Mississippi. Board members present were: Ms. Rosemary G. Aultman, Mr. Buddy Bailey, Ms. Kami Bumgarner, Dr. Jason S. Dean, Dr. Karen J. Elam, Mr. Johnny Franklin, Dr. John R. Kelly, and Mr. Charles McClelland. Board member absent: Mr. William H. Jones. Dr. Carey M. Wright was also present.

- I. The Board meeting was called to order by Dr. John R. Kelly, Chair. Dr. Kelly noted the statement on the agenda that cellular telephones and pagers are not permitted during the meeting.
- II. Ms. Kami Bumgarner led the Pledge of Allegiance and Dr. Jason S. Dean gave the Invocation.
- III. On a motion by Mr. Charles McClelland, seconded by Dr. Karen J. Elam, the Board voted unanimously to approve the minutes of January 21, 2016.
- IV. On a motion by Ms. Rosemary G. Aultman, seconded by Mr. Buddy Bailey, the Board unanimously approved the agenda as presented.
- V. Recognition Ceremony

2016 JROTC Legion of Valor Recipients

Jordan Ainsworth, Florence High School Jake Mullins, Brandon High School Kaylee Burnham, Pelahatchie High School

2016 January Employee of the Month

Jeanette Neal School Attendance Officer Office of Compulsory School Attendance

2016 February Employee of the Month

Charlotte Bryant
Operations Management Analyst Principal
Office of Career and Technical Education

VI. Dr. Carey M. Wright gave the following report as the State Superintendent of Education:



Mississippi Board of Education – Minutes Page 2 February 18, 2016

- Dr. Wright stated she had three speaking engagements with the focus on the State Board's strategic plan and initiatives. The engagements were:
 - Mississippi Association of School Superintendents (MASS) Winter Conference in Jackson, Mississippi;
 - Chronic Absenteeism Press Conference at the Capitol in Jackson, Mississippi;
 - Education Achievement Council held a meeting regarding Dual Credit/Dual Enrollment. Dr. Wright stated that Dr. Kim Benton and Ms. Jean Massey attended the meeting with her.
- Dr. Wright stated she attended the Charter Authorizer Retreat on the Coast along with Mr. Johnny Franklin and Dr. Karen J. Elam. Dr. Wright stated the Charter Authorizer Board is looking at methods to evaluate the charter schools in Mississippi.
- Dr. Wright stated that Dr. J. P. Beaudoin, Dr. Kim Benton, and she attended a
 meeting with the Council of Chief State School Officers (CCSSO) regarding
 the multitude of factors that will need to be addressed during the
 implementation of the Every Student Succeeds Act (ESSA). Dr. Wright stated
 updates with ESSA will be provided as they become available.
- Dr. Wright stated she attended the National Summit on Teacher Leadership.
 Dr. Wright stated the focus is on teacher leadership. The group is examining ways to create a plan to develop teacher leadership opportunities in state without requiring teachers to leave the classroom.
- Dr. Wright stated she attended a meeting sponsored by the Mississippi Association of Grant Makers to discuss the education reform work in Arkansas. Dr. Wright stated that Dr. John R. Kelly also attended this meeting.
- Dr. Wright recognized Ms. Ellen Burnham for her 21 years of service as a teacher and Department employee in various positions. Dr. Wright wished her well on her retirement.
- Dr. Wright stated that the first New Superintendents' Orientation meeting was held as a full day meeting on February 16 at South Pointe. Dr. Wright stated information was presented by the Executive Leadership Team. Dr. Wright thanked the Chiefs for organizing and facilitating the meeting.
- Dr. Wright stated the Legislature is in session and the Department is providing information upon request. Dr. Wright stated she has attended the House and Senate Education Committees.
- Dr. Wright recognized Mr. Pat Ross for his four years of service at the Department and thanked him for the outstanding job he has done while working in various positions in the Department.
- Dr. Wright stated the Spotlight for this Board meeting is the JROTC Promotes Leadership and Academic Success. The Rankin County School District provides an outstanding example of the opportunities that Mississippi's Junior Reserve Officer Training in Corps (JROTC) offers to high school students. As one of the largest youth development programs in the United States, JROTC provides students with learning, leadership, and personal growth experiences that help shape them as citizens and leaders. Among the nation's 8,000

Mississippi Board of Education – <u>Minutes</u> Page 3 February 18, 2016

Army JROTC cadets in 2015, three Rankin County School District cadets were among the nation's 20 Legion of Valor recipients.

- VII. Dr. John R. Kelly gave the following report as the Chair of the State Board:
 - Dr. Kelly stated that more bills were introduced in the Legislature than ever before which means more policies for school children.
 - Dr. Kelly stated that Every Student Succeeds Act (ESSA) passed by both houses in Washington, DC. Dr. Kelly stated that he and Dr. Wright will get up to speed on the Act and will roll it out to the Board and to the district level.
 - Dr. Kelly stated that a lot of wonderful stuff is going on in education.
- VIII. Ms. Kami Bumgarner reported from the Educator Quality Subcommittee that information was shared with the committee about five Board items that would be presented to the Board today. One item was pulled that would appoint three Commission members. That item will go to the Board at a later date.

Ms. Rosemary G. Aultman reported from the School Performance and Accountability Subcommittee. Ms. Aultman stated the committee heard an update on *Every Student Succeeds Act* (ESSA) from the planning team and how to integrate with the Strategy Plan. The committee was presented information on the bridge scale method used to determine interim scores on the Mississippi Assessment Program (MAP). These items will be discussed later in the Board meeting.

Mr. Johnny Franklin reported from the Academic Achlevement PreK-12 Subcommittee that met on Wednesday prior to the Board meeting. Mr. Franklin reported that the committee was given a presentation by the staff of the Communication Office on preparing documents for teachers, principals, and parents. The committee was presented the Three-Tier System of Support and how this system will be rolled out and how training will be provided to the parents and teachers.

Mr. Johnny Franklin reported from the Finance Subcommittee. Mr. Franklin stated that Mr. Todd Ivey and staff talked with the committee about current budgets and the financial process.

- IX. Discussion of Board Items
 - O1. Dr. Carey M. Wright reported on the Achievement School District. Dr. Wright stated an Achievement School District Task Force had been

Mississippi Board of Education – <u>Minutes</u> Page 4 February 18, 2016

created and met to share their interests relative to possible legislation including an Achievement School District. The Mississippi Department of Education will communicate the interests to the Board members and to the leadership of the Legislature.

Dr. Karen J. Elam stated that Dr. Wright was brilliant on conducting the meeting. Dr. Elam stated that it was a tough job chairing the Task Force.

- 02. Mr. Pat Ross, Dr. Paula Vanderford, and Ms. Jean Massey discussed revising State Board Policy Part 3, Chapter 56, Rule 56.1 Distance Learning/Online Courses [Goals 1, 2, and 4 MBE Strategic Plan]. The item has cleared the Administrative Procedures Act process with no public comment. Mr. Ross recommended approval.
- 03. Dr. J. P. Beaudoin reported on the *Every Student Succeeds Act* (ESSA) planning team update regarding Reauthorization of Elementary and Secondary Education Act (ESEA) of 1965 [Goals 1 and 2 MBE Strategic Plan] (copy attached). Dr. Beaudoin stated that a timeline will be given to the Board in March of the key milestones for the next year.
- 04. Dr. Beaudoin reported on the bridge scale method used to determine interim scores on the Mississippi Assessment Program (MAP) for FY 2015-2016 [Goals 1 and 5 MBE Strategic Plan] (copy attached).
- 05. [PULLED]
- 06. Dr. Kim Benton and Ms. Jean Massey discussed the Districts of Innovation in accordance with Senate Bill 2191 [Goal 2 – MBE Strategic Plan]. Dr. Benton recommended approval.
- O7. Dr. Kelly gave the Board an opportunity to discuss the following consent agenda items. The Board requested to discuss item G.
 - Dr. Kelly stated that the Mississippi School Boards Association had provided direct support to the State Board helping with the Strategic Plan.
 - A. Monthly contracts with former State Employees receiving retirement benefits (Todd Ivey)

- B. Establish State Board Policy Part 3, Chapter 17, Rule 17.10 Smart Snacks Standards for All Foods and Beverages Sold in Mississippl Schools (Has cleared the Administrative Procedures Act process with one public comment) (Todd Ivey)
- C. Repeal the following State Board policies: (Has cleared the Administrative Procedures Act process with no public comment) (Todd Ivey)
 - 1. Repeal of State Board Policy Part 3, Chapter 38, Rule 38.3 Beverage Regulations
 - Repeal of State Board Policy Part 3, Chapter 38, Rule 38.4 Snack Regulations
- D. Award competitive grants for the Mississippi Community Oriented Policing Services In Schools (MCOPS) grant program (Pat Ross)
- E. Award Carnegie unit credit for 7th and 8th graders (Has cleared the Administrative Procedures Act process with no public comment) (Pat Ross)
- F. Revise Rule 28.5 Credit Recovery Pollcy
 (Has cleared the Administrative Procedures Act process without public comments) (Kim Benton)
- G. Mississippi Board of Education to join the Mississippi School Boards Association (MSBA) (Sonya Amis)

X. Approval of Action Items

- On a motion by Ms. Rosemary G. Aultman, seconded by Dr. Jason S. Dean, the Board unanimously approved to revise State Board Policy Part 3, Chapter 56, Rule 56.1 Distance Learning/Online Courses [Goals 1, 2, and 4 MBE Strategic Plan]. The item has cleared the Administrative Procedures Act process with no public comment (copy attached). (Office of Chief School Performance Officer)
- On a motion by Mr. Johnny Franklin, seconded by Dr. Karen J. Elam, the Board unanimously approved the Districts of Innovation in accordance with Senate Bill 2191 [Goal 2 MBE Strategic Plan] (copy attached).

 (Office of Chief Academic Officer)

- On a motion by Dr. Jason S. Dean, seconded by Mr. Buddy Bailey, the Board unanimously approved the following consent agenda items: A, B, C, D, E, F, and G (copy attached).
 - A. Monthly contracts with former State Employees receiving retirement benefits (Office of Chief Operations Officer)
 - B. Establish State Board Policy Part 3, Chapter 17, Rule 17.10 Smart Snacks Standards for All Foods and Beverages Sold in Mississippi Schools
 (Has cleared the Administrative Procedures Act process with one public comment)
 (Office of Chief Operations Officer)
 - C. Repeal the following State Board policies
 (Has cleared the Administrative Procedures Act process with no public comment)

(Office of Chief Operations Officer)

- Repeal of State Board Policy Part 3, Chapter 38, Rule 38.3 Beverage Regulations
- Repeal of State Board Policy Part 3, Chapter 38, Rule 38.4 Snack Regulations
- D. Award competitive grants for the Mississippi Community Oriented Policing Services in Schools (MCOPS) grant program (Office of Chief School Performance Officer)
- E. Award Carnegie unit credit for 7th and 8th graders
 (Has cleared the Administrative Procedures Act process with no public comment)
 (Office of Chief School Performance Officer)
- F. Revise Rule 28.8 Credit Recovery Policy
 (Has cleared the Administrative Procedures Act process without public comments)
 (Office of Chief Academic Officer)
- G. Mississippi Board of Education to join the Mississippi School Boards Association (MSBA)
 (Office of Educational Accountability)

Mississippi Board of Education – Minutes Page 7 February 18, 2016

The meeting recessed for lunch at 12:18 p.m. and reconvened at 1:05 p.m.

IX. Consideration of Executive Session

Mr. Johnny Franklin moved that the Board consider making a closed determination of the need to go into Executive Session. The motion was seconded by Dr. Karen J. Elam, and the motion passed on a vote of 7 to 0. Dr. Kelly asked Dr. Carey M. Wright to remain in the Executive Session.

Mr. Johnny Franklin, then moved that the Board go into Executive Session to discuss discrete personnel matters related to the job performance of persons holding specific positions in the Department of Education in accordance with Mississippi Code Section 25-41-7 (4)(a) and (k). Mr. Buddy Bailey seconded the motion, which passed on a vote of 7 to 0. Ms. Beebe Garrard informed the public of the Board's vote to go into Executive Session for the above-stated reasons.

Minutes of the Executive Session

During the Executive Session, the Board discussed discrete personnel matters related to the job performance of persons holding specific positions in the Department of Education in accordance with Mississippi Code Section 25-41-7 (4)(a) and (k).

On a motion by Mr. Johnny Franklin, seconded by Dr. Karen J. Elam, the Board voted 7 to 0 to come out of Executive Session.

The public came back into the Board meeting and Dr. Kelly reported the action taken during the Executive Session. The Board evaluated Dr. Carey M. Wright during the Executive Session and the evaluation was good.

XII. State Board of Education

- 1. Mr. Johnny Franklin reported that he met with Dr. J. P. Beaudoin to discuss teachers and principals. Mr. Franklin stated it was refreshing to hear what the Mississippi Department of Education is doing.
- 2. Dr. John R. Kelly and Dr. Carey M. Wright will attend an *Every Student Succeeds Act* (ESSA) Training in Atlanta, Georgia next week.

XIII. Other Business

Dr. John Kelly stated that on March 1, 2016, the Board will have a Strategic Plan Review meeting starting at 9:00 a.m. at the Mississippi Public Broadcasting Board Room.

Mississippi Board of Education – Minutes Page 8 February 18, 2016

Dr. Kelly stated that the Mississippi School Boards Association (MSBA) Annual Conference will be held at the Jackson Hilton on February 22-24, 2016 and Ms. Sonya Amis has registered all the Board members.

Dr. Kelly stated the Mississippi Schools for the Blind and the Deaf will have an Open House on February 25, 2016 starting at 5:30 p.m.

XIV. Adjournment

On a motion by Dr. Karen J. Elam, seconded by Dr. Jason S. Dean, the Board unanimously voted to adjourn the meeting at 2:34 p.m.

Approved:

John R. Kelly, Chair

Mississippi Board of Education

Carey M. Wilg

Executive Secretary

Mississippl Board of Education

Corinth School District

	Innovative Plan Component #8: Waivers and Exemptions	ivers and Exemption	IS	
Standard/State Law	Rationale for Waiver-Request	Recommended For Approved	Not Recommended For Approved With Rationale	Guidelines for Wavier Implementation
Standard 2.2 With the exception of academic core subjects, the professional staff	Many of the Cambridge International Exam courses need teachers that are rich in content knowledge. These individuals often	Yes		MDE will work with Corinth to certify this pool of individuals with
in each school is composed of no more than 5% of Full Time Equivalent (FTE) units working	can deliver the content and manage the classroom without a license. Experiential and project-based learning classes will be			Expert Citizens teaching license. MDE will evaluate this process to
outside the areas of endorsement.	taught by business, community, and industry leaders who do not hold educational licenses and have expert			determine if this process can be duplicated for
	knowledge often not available in the pool of applicants with MS teacher licensure.			use in other districts in the future.
Standard 2.3	The role of the library/media center is	Yes		MDE will monitor this
school a licensed librarian or media	changing in middle/nign schools. This position would be better suited with			process to ensure students are receiving
specialist who devotes no more than 1/4 of the workday to	someone with varied technology skills than library science. Since most librarians today			appropriate media service.
library/media administrative duties	are certified via the alternate route the individuals employed should be able to			
	perform the library tasks.			
Standard 13.1 The teaching day must provide at	Experiential and project based learning will be included in many of the courses that are	Yes		MDE will work with Corinth to ensure this is
least 330 minutes of instruction per day. (MS Code 37-13-67)	credit bearing at Corinth Middle and High School. These types of learning will require			a valid process with
	students to be involved in activities outside			awarded. This is a
T.	of school that could take the place of a			process that MDE is
				I escal cittilg utel etote.



Corinth School District Innovation Proposal

	teaching day might not always include 330 minutes of instruction at all schools and for all students.	MDE work with to help extablish competency-bas guidelines that c	MDE werk with Corinth to help establish competency-based guidelines that can be used for statewide
Standard 13.2 The school district must ensure that during the academic school year a minimum of 140 hours of instruction is provided for each Carnegie unit of credit offered and 70 hours for each one-half (1/2) unit offered except for remedial instruction, dual enrollment/dual credit, correspondence courses, MS Virtual Public School courses, and innovative programs authorized by the MDE	Credit by mastery, competency-based, and experiential learning are not based on seat time but mastery or completion of a task or a project.	Yes Same as above.	above,
Standard 13.5 The summer school/extended year program meets all applicable requirements of the regular school program (MS Code 37-3-49)	del		Yes Remediation is offered in the interim sessions so this eliminates the need for summer school,
Standard 14 The school district requires each student, in order to receive a high school diploma, to have met the requirements established by its local board of education and by the State Board of Education. MS Code 37- Standard 14.1 Each student receiving a standard high school diploma has earned the	A differentiated diploma system is being proposed as a part of the innovative model. These models do not rely solely on Carnegie unit measures.	Yes At the present time MDE is working o system of diploma endorsements for 2 18 implementation Observing this wo Corinth can help g the statewide implementation.	Yes At the present time, MDE is working on a system of diploma endorsements for 2017- 18 implementation. Observing this work at Corinth can help guide the statewide implementation.

Corinth School District Innovation Proposal

as specified in Appendix A.				
Standard 14.2	Corinth School District students are	\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\		V
Each student receiving a standard	assessed using the Cambridge International			Sul
high school dinfoma has achieved a	Exame Wa request that the course constitution			Corinth students will
hassing score on each of the	for the second of assecting the course exams			take both the state
required bigh school axis axams	to the parallel courses count as the student'			assessment and the
required fight selections exit examps	ngn school exams.			Cambridge Exams in
				order to meet federal
		-		requirements.
				Cambridge exams may
	-			count as exit exams.
Standard 17.8		Yes		
The school district is in compliance	education enrichment opportunities to the			All students will have
with state and/or federal	entire student population in Grades 2-8			access to high quality
requirements for the following	through the use of Joseph Renzulli's			instruction that offers
programs:	Schoolwide Enrichment Model. All			enrichment
Gifted Education	children will benefit from enrichment			· opportunities
	instead of just the intellectually gifted.			7 7
Standard 26	The district will develop a series of courses	Yes		Corinth will still offer
The curriculum of each high school	that will be more appropriate for			more than 32 ½ credits
at a minimum consists of required	coordination with the Cambridge			they will look different
and approved courses that generate	International Exam program. Also, some			in title from the 32 $\frac{1}{2}$ in
at least 32 ½ Carnegie units	courses that are in the 32 1/2 credits will be			the MS approved list.
annually. Any request for an	taught at the middle school instead of the			MDE will approve the
exemption from teaching the	high school.			course that Corinth uses
courses listed in Appendix B must				as substitutes for MS
be submitted in writing to the CSA.				courses.
37-13-91. Compulsory school	The District recognizes that it must remain		No	This is defined under
attendance requirements	in compliance with Compulsory School			MS statue that State
generally; enforcement of law	Attendance requirements as specified in the			Board of Education does
Compulsory School Attendance	application materials. However, the Board			not have the power to
	of Trustees proposes to require mandatory			issue a waiver
	Kindergarten enrollment and attendance in			
	Corinth and school attendance through age			
	18 and the request is for the School	7		

Corinth School District Innovation Proposal

	Attendance Officer to be allowed to enforce these provisions.		
37-17-6 Establishment and implementation of permanent performance-based accreditation system; particular accreditation requirements; Performance Based Accountability	cation that reation an to lieu of	2)	The Office of Research and Development at MDE will establish linking bridge scores for Cambridge exams for this process that mirrors the process for SATP scores. This process will also establish performance levels for Cambridge exams.
57-19-7. Scale of teachers' salaries; experience increases; salary supplement for certain school employees Teacher Compensation	The District proposes to develop a differentiated compensation system. There has been a pilot program authorized in state law but a report was to be issued by November 30 on the progress. Waiver from state law regarding adhering to a salary schedule and local supplements will be needed for the implementation of the Corinth plan for compensation.	8	The Corinth School district may use their local funds to establish a performance based pay system as long as guidelines are approved by the Corinth School board with an established consistent policy for awarding performance pay.
Mississippi Assessment System	Alternate testing schedules may need to be developed because the school calendar will not mesh with the Mississippi Department of Education testing calendar. There may not be sufficient days of instruction prior to the beginning of a testing window.	У	Since the accountability wavier was approved this wavier is not needed
School Attendance Reporting	The use of the traditional months of October Yes and November for collecting average daily attendance will not work because the students will be out of school most of the month of October. Also, monthly reporting		The Office of School Financial Services will work with Corinth to determine ADA for

Corinth School District Innovation Proposal

Proposal
Innovation
District
School 1
Corint

will need to change because there are	law allows for counting
several months with only a few days and	ADA in the manner in
school will not close until the end of June	which Corinth will need
after the final attendance reports are due.	for this wavier

Corinth School District District of Innovation Accountability System Development Timeline

April 20, 2015

Senate Bill 2191 authorizing Districts of Innovation signed into law.

June 19, 2015

Mississippi State Board of Education approved beginning the Administrative Procedures Act process: To establish the administrative rules and regulations for Districts and Schools of Innovation.

August 20, 2015

Mississippi State Board of Education approved the establishment of administrative rules and regulations for Districts and Schools of Innovation.

Fall 2015

Meeting held to solicit input on District of Innovation application.

Fall 2015

RFP released to school districts.

November 30, 2015

Corinth School District's District of Innovation Application submitted to Mississippi Department of Education.

December 10, 2015

President Obama signs the Every Student Succeeds Act (ESSA) into law.

February 2016

District presentation on District of Innovation Proposal to Mississippi Department of Education/MSU Research and Curriculum Unit.

February 2016

Mississippi State Board of Education designates Corinth as a District of Innovation.

February-July 2016

Corinth developed implementation plan for District of Innovation activities.

July 1, 2016

Letter to Dr. Carey Wright, State Superintendent of Education, outlining tasks needed to be completed to facilitate implementation.

August 8, 2016

Meeting with Mississippi Department of Education officials regarding July 1 letter. In attendance:



Dr. Kim Benton, Dr. J. P. Beaudoin, Dr. Paula Vanderford, Jean Massey, Dr. John Q. Porter, Walt Drane, Alan Burrow, and Dr. Lee Childress. Dr. Carey Wright did not attend the meeting.

September 2016

Meeting at Corinth School District Central Office to discuss the development of Corinth's accountability model. Attending the meeting were Dr. J. P. Beaudoin, Dr. Paula Vanderford, Walt Drane, and Dr. Lee Childress. Preliminary model work was developed and milestones needed to be accomplished were established for the model to be run in late December 2016 or February 2017. Dr. Beaudoin indicated that the Corinth School District would need to create the database as there was no one in the Department with the expertise to do such.

September 23, 2016

Walt Drane provided Dr. Carey Wright with a one page summary of the Corinth meeting.

September 26, 2016

Corinth provided data elements to be contained in the accountability spreadsheet to the Mississippi Department of Education for MDE review. The information was sent to Dr. Paula Vanderford, Dr. J. P. Beaudoin, and Walt Drane.

September 26, 2016

Walt Drane responds to email and asks that AICE data for students in grades 9-12 be included. He also copied all members of his team: Dr. Paula Vanderford, Dr. J. P. Beaudoin, Richard Baliko, Alan Burrow, and Dr. Shuntina Johnson.

October 3, 2016

Corinth provided, via email, the beginning of a preliminary data file. A question was posed regarding the inclusion of ACT data. Requests were also made as to the desired format of the data set. MDE responded as to desired format.

October 5, 2016

Corinth posed a question to Mississippi Department of Education as to how they wanted the acceleration data presented for capture purposes. MDE responded to include such.

October 13, 2016

Corinth completed preliminary output of data from the processing of student data files. Errors were identified and efforts made to correct.

October 26, 2016

Preliminary massive data set developed by Corinth for Mississippi Department of Education. Corinth reviewed data, held conversations with Corinth contractors, and identified additional needs and issues. At this point, there was no request from the MDE for the data set.

December 1, 2016

Presentation/Panel Discussion "Strategy Session I—A-F School Grading Under ESSA" by Dr. Carey Wright at Foundation for Excellence in Education 2016 National Summit on Education

Reform. Dr. Carey Wright, in response to a question about flexibility indicated that the MDE was working with a local school district to do such.

January 25, 2017

Corinth completes three-year data set (2013-14, 2014-15, 2015-16) containing all data Mississippi Department of Education requested. No request had been received from MDE for data.

January 2017

Request to Dr. Paula Vanderford for CSD to engage services of Dr. J.P. Beaudoin to help in developing model. MDE did not seem interested, nor chose to accept the offer of CSD undertaking this task.

May 2017

MDE contracts with Dr. J.P. Beaudoin to work on Report Cards for the Mississippi Department of Education. An additional scope of work contained in the contract was to allow him to assist the Department in developing Corinth's accountability model. However, this was descoped after the contract was reported in the newspaper due to potential ethics violations.

October 2017

Discussion with Dr. Paula Vanderford on the need to work on developing accountability model.

January 26, 2018

Received from Walt Drane, via email, Corinth Business Rules document for proposed accountability model to be presented to Executive Leadership Team.

January 26, 2018

Request from Anna Furniss to provide data for the Mississippi Department of Education to use in running a proposed accountability model. No data was submitted following a conversation with Walt Drane and Dr. Paula Vanderford about conflicts in the proposed business rules with what had been discussed and agreed upon.

February 5, 2018

Lunch meeting with Dr. Carey Wright and Dr. Paula Vanderford to discuss Corinth's accountability model. Agreement that all work needed to be complete for March Board meeting. Dr. Vanderford later indicated that Dr. Wright agreed the April Board meeting was more realistic due to work that needed to be completed.

February 6, 2018

Meeting with Mark Cavone, Sherry Reach, Dr. Carey Wright, Dr. Paula Vanderford, Jean Massey, Dr. Kim Benton, and Dr. Nathan Oakley to discuss Cambridge. Discussion centered on how to establish a data sharing agreement between Cambridge and Mississippi Department of Education to provide Corinth Cambridge data for accountability purposes.

February 27, 2018

Meeting with Dr. Paula Vanderford in Jackson to discuss the accountability model and review previous work.

March 26, 2018

Conversation with Dr. Kim Benton at Innovation Leadership Network meeting indicating Executive Leadership Team was discussing Corinth's accountability matter. Corinth Superintendent Dr. Lee Childress suggested that he be invited to attend a meeting to discuss with the Executive Leadership Team CSD's request as many of them were not familiar with what or how CSD was using the Cambridge International Assessment program.

April 2018

The Mississippi Department of Education Technical Advisory Committee (TAC) met in Jackson. According to Dr. Paula Vanderford (June 25, 2018 telephone call), a proposed accountability model was presented to the TAC for their review. The TAC indicated it was not their role to tell an agency what they could or could not do in terms of policy.

June 25, 2018

Text from Dr. Paula Vanderford requesting a telephone conference call with Dr. Kim Benton and her to discuss Corinth's accountability model.

June 25, 2018

Telephone conference in which Dr. Kim Benton and Dr. Paula Vanderford, and an unnamed individual, in which Dr. Paula Vanderford informed District that the MDE was denying Corinth's request for a separate accountability model. Dr. Vanderford stated the decision was made by the Executive Leadership Team informed by the Technical Advisory Committee (TAC) and legal counsel.

June 26, 2018

Letter from Dr. Paula Vanderford and Dr. Kim Benton informing Corinth School District that the Mississippi Department of Education was denying Corinth's request for a separate Accountability model and would assign an unofficial rating for the 2017-18 year and an official rating for the 2018-19 school year.





June 26, 2018

Dr. Edward Lee Childress Superintendent Corinth School District 1204 North Harper Road Corinth, MS 38834

Superintendent Childress:

The Mississippi Department of Education (MDE) has reviewed your request to establish a separate accountability system for the Corinth School District as part of the District's approval as a District of Innovation. Unfortunately, MDE must deny your request at this time based on the following:

On February 18, 2016, the State Board of Education approved the Corinth School District's use of Cambridge assessments in lieu of the Mississippi Academic Assessment Program (MAAP) under an Elementary and Secondary Education Act (ESEA) flexibility waiver. The re-authorized ESEA – now the Every Student Succeeds Act (ESSA) – however, took effect in July 2017, thereby ending the State's ESEA flexibility waiver. The Mississippi Statewide Accountability System (MSAS) now operates under ESSA which requires a single statewide accountability system as stated in 20 U.S.C. § 6311(c). As such, districts must administer MAAP and use the assessment in accountability measures.

Due to the above changes in Federal law and the resulting expiration of the State's ESEA flexibility waiver, the MDE cannot establish a separate accountability system for the Corinth School District as part of the Districts of Innovation program. As required by Federal law, the MDE will calculate and report accountability results for the Corinth School District in accordance with the MSAS for the 2017 - 2018 academic year. These 2018 results, however, will be unofficial. Starting in the 2018 - 2019 academic year, MDE will calculate and report official accountability results for the Corinth School District under the MSAS.

The District's inclusion in the MSAS will not impact scheduling flexibility as approved in the Districts of Innovation application. If assessment data necessary to calculate and report accountability results can be obtained and processed in sufficient time, the District will be reported along with statewide accountability results. If not, the MDE will delay reporting the District's accountability results until it has been able to process the MAAP assessment data for Corinth.

While the MDE did not report accountability results for the Corinth School District during the period under ESEA flexibility, the district may choose to request available data regarding

Central High School Building P.O. Box 771 Jackson, MS 39205-0771 Phone (601) 359-3077 www.mde.k12.ms.us

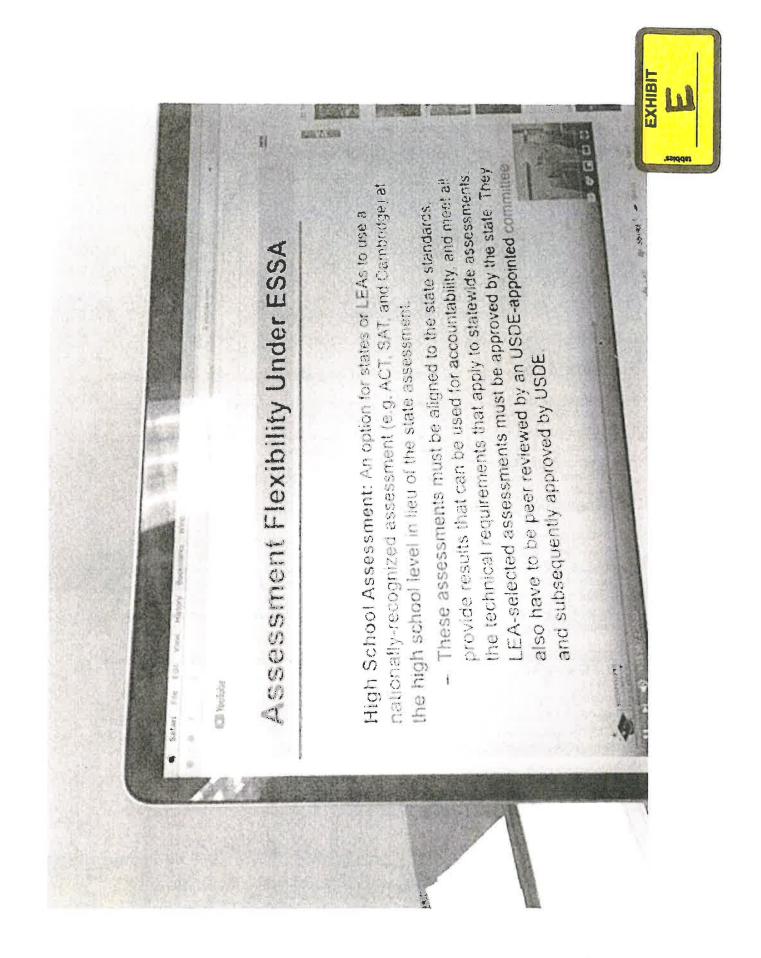


accountability performance measures during this time. The MDE will provide the requested data. Should you have any additional questions or concerns regarding this matter, please feel free to contact Paula Vanderford at pavanderford@mdek12.org or 601-359-1763.

Sincerely,

Kim S. Benton, Ed. D Chief Academic Officer Paula A. Vanderford, Ph. D., Chief

Office of Accountability





United States Department of Education

TO:

State Assessment Directors

State Title I Directors

FROM:

Patrick Rooney

Deputy Director, Office of State Support Office of Elementary and Secondary Education

DATE:

May 15, 2017

SUBJECT:

Information about locally selected, nationally recognized high school assessments

This memorandum provides information to States about the implementation of a new provision in Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)^[1], regarding the provisions in section 1111(b)(2)(H) authorizing locally selected, nationally recognized high school academic assessments. On December 8, 2016, the U.S. Department of Education (the Department) published final regulations implementing this new provision.^[2] These provisions take effect beginning in the 2017–2018 school year.

A. Definition of a Nationally Recognized High School Academic Assessment

ESEA section 1111(h) provides the flexibility for a State to permit a local educational agency (LEA), to administer a nationally recognized high school assessment, provided it meets certain requirements, in place of the State's high school assessment. Under 34 CFR 200.3(d), a "nationally recognized high school assessment" is a "an assessment of high school students' knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs."

B. Requirements for State Approval of Locally Selected, Nationally Recognized High School Academic Assessments

ESEA section 1111(b)(2)(H) and 34 CFR 200.3 also outline the State's requirements before it may permit an LEA to select a nationally recognized high school academic assessment in each required subject (reading/language arts, mathematics, or science) in lieu of the respective Statewide test. In accordance with section 200.3(a), a State has discretion as to whether it will offer its LEAs this

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

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



Page 32 of 72

^[1] See www2.cd.gov/documents/cssa-nct-of-1965.pdf

^[2] These regulations took effect on January 9, 2017.

Page 2

flexibility. States that wish to permit an LEA this flexibility must first establish and use technical criteria [3] to determine if the nationally recognized high school assessment:

- Is aligned with the challenging State academic standards;
- Addresses the depth and breadth of those standards;
- Is equivalent to or more rigorous than the statewide assessment it is replacing in terms of the following:
 - The coverage of academic content;
 - o The difficulty of the assessment;
 - o The overall quality of the assessment; and
 - Any other aspects of the assessment that the State may establish in its technical criteria;
- Meets all general requirements for State assessments under section 200.2(b) of the final regulations and those involving test administration (section 200.5(a)) and inclusion (section 200.6); and
- Produces valid and reliable data on student academic achievement with respect to all high school students and each subgroup of high school students in the LEA that:
 - Are comparable to student academic achievement data for all high school students and each subgroup of high school students produced by the Statewide assessment at each academic achievement level;
 - o Are expressed in terms consistent with the State's academic achievement standards; and
 - Provide unbiased, rational, and consistent differentiation among schools within the State for the purpose of the State-determined accountability system, including calculating the Academic Achievement indicator under section 1111(c)(4)(B)(i) of the Act and annually meaningfully differentiating between schools.^[4]

Before a State may approve a nationally recognized high school academic assessment for use by an LEA, the State must also:

- Ensure that the use of appropriate accommodations by a student with disabilities or an English learner does not deny the opportunity of any student to participate in the assessment or deny any of the benefits from participation in the assessment that are afforded to students without disabilities or who are not English learners^[5]; and
- Submit evidence to the Department that demonstrates that each locally selected, nationally recognized assessment meets the requirements of the Department's State assessment peer review guidance. [6]

A State should also be prepared to monitor the LEA parental notification requirements for each LEA that applies for this assessment flexibility (outlined in section C below). A State may: 1) approve an LEA's request to use a nationally recognized high school academic assessment that meets the requirements of the statute and regulations; 2) disapprove an LEA's request if it does not meet those requirements; or 3) revoke approval for good cause. [7]

⁽a) 34 CFR 200.3 (b) (1)

^{[4] 34} CFR 200.3(b)(1)(v)

^{(5) 34} CFR 200,3(b)(2)(i)

^{[6] 34} CFR 200,3(b)(2)(ii).

^{17 34} CFR 200.3(b)(3)

Page 3

C. Requirements for LEAs Requesting to Use Locally Selected, National Recognized High School Assessments

Once a State has met the requirements in the statute and regulations for permitting a particular nationally recognized high school assessment in lieu of the State's high school assessment, any LEA may select to administer that nationally recognized high school assessment. An LEA may only select one nationally recognized high school assessment needs to be administered to all high school students (i.e., the LEA may not use more than one nationally recognized assessment, nor may it have some students take the nationally recognized assessment and some take the State assessment), except for the small number of students with the most significant cognitive disabilities who take the State's alternate assessment aligned with alternate academic achievement standards. The statute and regulations also establish certain requirements for LEAs that wish to utilize this flexibility. Before an LEA requests approval from the State to use a locally selected, nationally recognized high school academic assessment, the LEA must:

Notify all parents of high school students it serves--

- That the LEA intends to request approval from the State to use a locally selected, nationally recognized high school academic assessment in place of the statewide academic assessment used to meet Federal requirements;
- How parents and, as appropriate, students, may provide meaningful input regarding the LEA's request; and

Of any effect of such request on the instructional program in the LEA; and

 Provide an opportunity for meaningful consultation to all public charter schools whose students would be included in such assessments.

In addition, LEAs requesting approval to use a locally selected, nationally recognized high school academic assessment must [8]:

- Update their LEA plan under section 1112 or section 8305 of the Act, including to describe how the request was developed consistent with all requirements for consultation under sections 1112 and 8538 of the Act; and
- If the LEA is a charter school under State law, provide an assurance that the use of the
 assessment is consistent with State charter school law and it has consulted with the authorized
 public chartering agency.

An LEA that receives State approval to use a locally selected, nationally recognized test must notify all parents of high school students it serves that it will use such locally selected, nationally recognized high school academic assessment instead of the Statewide academic assessment. In each subsequent year following approval in which the LEA elects to administer a locally selected, nationally recognized high school academic assessment, the LEA must notify both the State educational agency and parents within the LEA as follows^[9]:

The State must be notified of the LEA's intention to continue administering such assessment;
 and

^{8 34} CFR 200.3(c)(1)

^{[8] 34} CFR 200.3(c)(2)

^{[9] 34} CFR 200.3(c)(3)

Page 4

Parents must be notified of which assessment the LEA will administer to students in order to meet the Federal requirements at the beginning of the school year, and provide that notification in an accessible format for parents who are individuals with a disability as defined by the Americans with Disabilities Act (ADA), as amended, if such accessible formats are requested.

An LEA that chooses to request this flexibility should document all notification and consultation activities that are listed above.

D. Procedures for Submitting Evidence to the Department

States that choose to permit LEAs to use locally selected, nationally recognized high school assessments should carefully review all State and LEA requirements presented in the previous two sections (B and C).

The State must establish the criteria and undertake its review of the nationally recognized high school assessment before it may offer the opportunity for an LEA to select that assessment. This includes conducting a review that includes the above criteria in section B. Prior to any LEA use of nationally recognized assessments in lieu of Statewide assessments, States must submit evidence to the Department demonstrating that any such assessment meets the peer review requirements under section 1111(a)(4) of the ESEA and receive feedback that the nationally recognized assessment meets or substantially meets the requirements in the statute and regulations. For more information about the Department's assessment peer review, please see the letter [10] sent to chief State school officers on October 6, 2016. The Department will update the Assessment Peer Review Guidance[11] in the near future to reflect the requirements for locally selected, nationally recognized high school tests outlined in this letter.

A complete submission for each locally selected, nationally recognized high school academic assessment should include the following:

- Evidence of an assurance that the selection criteria and process used by the State that addresses all the requirements found in 34 CFR 200.3(b) and outlined in section B of this letter.
- Evidence that of an assurance that the State has monitored that each LEA that requests the use of locally selected, nationally recognized high school tests in lieu of the State assessment has met all of the requirements found in 34 CFR 200.3(c) of the assessment regulations and outlined in section C of this letter.
- A complete submission of evidence for the nationally recognized high school test in accordance with the current assessment peer review guidance.

The Department recognizes that we may have conducted a peer review of a nationally recognized high school test prior to a State selecting that test for this flexibility. In such a case, a State may be able to leverage the prior peer review for submission of the nationally recognized high school test. However, a prior peer review of a particular nationally recognized assessment that resulted in a determination that such assessment met or substantially met peer review requirements relative to a State's challenging academic standards may not mean that assessment would meet the requirements for

^[10] See www2.ed.gov/admins/lead/account/saa/deletterassepeerreview1072016ltr.pdf

^[11] See www2.ed.goy/policy/elsec/guid/assessguid15.pdf

Page 5

another State. For example, if two States have different challenging academic standards, a single assessment may not adequately address both sets of standards.

We encourage you, if you are interested in pursuing permitting LEAs to select a nationally recognized high school academic assessment, to contact the Office of State Support at: OSS.[State]@cd.gov (e.g., OSS.Nebraska@ed.gov) to discuss your plan and to plan for the Department's peer review.

Thank you for your continued commitment to improving educational outcomes for all students.





Implementing the Locally-Selected, Nationally-Recognized High School Assessment Provision of the Every Student Succeeds Act: Key Questions and Considerations





THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public.

Implementing the Locally-Selected, Nationally-Recognized High School Assessment Provision of the Every Student Succeeds Act: Key Questions and Considerations

Chris Domaleski and Brian Gong National Center for the Improvement of Educational Assessment

COUNCIL OF CHIEF STATE SCHOOL OFFICERS

Carey Wright (Mississippi), President Chris Minnich, Executive Director

One Massachusetts Avenue, NW, Suite 700 • Washington, DC 20001-1431
Phone (202) 336-7000 • Fax (202) 408-8072 • www.ccsso.org
Copyright © 2017 by the Council of Chief State School Officers, Washington, DC
All rights reserved.

CONTENTS

Introduction
Which nationally-recognized high school assessments can be considered?2
What technical criteria must a state use to evaluate the proposed assessment?
How should states evaluate LEA requests to use an assessment? 4
When does an evaluation process need to be in place?4
What guidance should SEAs provide in the near-term to support LEAs interested in selecting an assessment?4
What are the implications of the local option for state accountability and/or other state polices (e.g., diploma eligibility)?5
What is the best way to establish an SEA implementation plan?5
Which ongoing assessment monitoring and evaluation procedures should be considered?
Should states develop a coordinated response?7
What is most important to share with policymakers who may be considering this option?

INTRODUCTION

The Every Student Succeeds Act (ESSA, 2015) provides new flexibility for states with respect to high school assessments. Notably, section 1111(b)(2)(H) of ESSA allows a local education agency (LEA) to administer a locally selected assessment in lieu of the state test in high school if the LEA selects a nationally-recognized assessment that has been approved for use by the state.

This provision raises a number of questions for state education leaders: Which nationally-recognized high school assessments can be considered? What technical criteria must a state use to evaluate the proposed assessment? How should states evaluate LEA requests to use an assessment? What are the implications for state accountability systems? This brief has been prepared to address key questions related to the requirements and implications. State leaders can use the guidance herein to develop a comprehensive high school assessment plan that anticipates the challenges and opportunities associated with locally selected assessments.

Which nationally-recognized high school assessments can be considered?

In ESSA regulations, a nationally recognized assessment is defined as, "an assessment ... that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs."

This language broadly applies to the ACT and SAT, which are widely accepted as college entrance exams. Other assessments which are commonly used to inform college placement decisions may also qualify as being nationally-recognized, such as Advanced Placement or International Baccalaureate exams, ACCUPLACER, PARCC, Smarter Balanced's high school assessments, and the ASVAB (used for entrance and placement by the U.S. military). The regulations also reference the possibility of including assessments "honored by career and technical training programs," although no examples are cited.

The ESSA regulations further specify that an LEA is permitted to use a locally

¹ We periodically refer to the final regulations relating to assessment released by the U.S. Department of Education under Title I, Part A on December 8, 2016, retrieved from https://www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf. While Congress and President Trump have voided ESSA regulations related to accountability, they left in place ESSA regulations related to Title I assessments. However, at this time, it is unclear how USED will interpret the assessment regulations. USED could choose to re-regulate or otherwise advance different interpretations of the relevant statutory provisions at a later date. We include them here to provide the best available information to guide understanding and implementation of the law.

selected assessment in reading/English language arts, mathematics, or science. It is worth emphasizing that there is nothing prohibiting an LEA from implementing any combination of assessments in these three content areas (i.e., use ACT for one content area, SAT for another, and the state test for the third). The regulations do require that every student in every high school under the LEA's jurisdiction must take the locally selected test (except those exempted from the regular assessment, such as students with severe cognitive disabilities), meaning that individual high schools within the LEA cannot choose their own assessments.

What technical criteria must a state use to evaluate the proposed assessment?

ESSA specifies that certain technical criteria must be satisfied to receive approval for use by the state. These requirements should be considered minimum standards, meaning the state may establish additional requirements. ESSA requires that the assessment chosen by the state

- Is aligned to and addresses the breadth and depth of the state's content standards
- Is equivalent to the statewide assessments in its content coverage, difficulty, and quality
- Provides valid and reliable data on student achievement for all students and subgroups as compared to the statewide assessments²
- Meets the criteria for technical quality that all statewide assessments must meet (e.g., peer reviewed)
- Provides unbiased, rational, and consistent differentiation among schools within the state's accountability system

Additionally, the ESSA statute and relevant regulations stipulate that any approved assessment would be subject to peer review. While Congress and President Trump have voided ESSA regulations related to accountability, they left in place ESSA regulations related to Title I assessments.

The requirement for peer review signals that a locally selected test will be reviewed against the same set of technical and administrative criteria used to evaluate the state test. For states with different assessment systems across LEAs, there will be a need to reexamine processes for reporting data. For example, if the state uses computer-based testing and an LEA uses paper-based testing, neither program in itself has a threat to comparable

² The December 2016 regulations indicate that comparability between the locally selected test and the state test is expected at each academic achievement level.

interpretation of results (i.e., 'mode effect'), but the two programs together need to demonstrate there is not a mode effect.

The state should establish additional criteria to ensure that data from locally selected assessments will support valid assessment interpretations and required accountability uses.

How should states evaluate LEA requests to use an assessment?

ESSA does not specify a process for how states should evaluate LEA requests, and instead emphasizes that the process is left up to the state, which can choose to disapprove or revoke approval for good cause.

The breadth and scope of the evaluation process will likely be substantial, given that the state education agency (SEA) must ensure the locally selected assessment meets the same standard of quality as the state test. The process should be ongoing, as opposed to a one-time event, and will necessarily involve review of a substantial body of evidence by technical experts.

The process must also take into consideration the likelihood that multiple LEAs may wish to use the same assessment. In these circumstances, the SEA should clarify which evidence can satisfy requirements for multiple LEAs with a single or coordinated submission, and which evidence must be LEA-specific, such as criteria related to administration procedures. States should also consider establishing an associated appeals process.

When does an evaluation process need to be in place?

While there is no specific date for evaluation processes to be in place, it would be reasonable for states to have their evaluation process in place prior to an LEA request. ESSA does not specify how frequently a state should evaluate requests from LEAs, but it would be reasonable to establish a process to allow an LEA to choose annually. ESSA does not limit this provision, so states should plan on having a process in place until the law is changed.

What guidance should SEAs provide in the near-term to support LEAs interested in selecting an assessment?

The SEA should provide guidance to help LEAs determine if they want to administer an assessment other than the state test. This guidance may include an overview of the technical and administrative requirements in the evaluation process, and the state's role in supporting the evaluation (e.g., collecting and submitting the evidence). Additionally, the guidance should

specify the responsibilities implementing the assessment upon approval that would shift from the SEA to the LEA. For example, the LEA may need to support test development, contract oversight, administration, scoring procedures, assessment training, score report distribution, or handling irregularities. Furthermore, an SEA may require the LEA to pay for the test option. Any guidance the SEA can provide in advance to help the LEA understand the nature and scope of their responsibilities will support an informed decision.

What are the implications of the local option for state accountability and/or other state polices (e.g., diploma eligibility)?

Adding a locally selected test to the state accountability system in lieu of the state test will raise some non-trivial issues for the state's accountability system. While a comparable performance level (e.g., Proficient) can presumably be incorporated into the accountability system with little disruption, school accountability systems often use assessment data for multiple purposes and/or based on different metrics (e.g., scale scores), which will pose challenges. Examples include

- Producing measures of academic growth
- Calculating achievement gaps
- Producing longitudinal measures (e.g., improvement, multi-year averaging)
- Establishing equitable progress targets

Beyond issues related to system design and specifications, introducing new assessments may pose operational challenges. For example, new data collection and verification procedures, and/or new solutions for reporting may be necessary.

Additionally, the state may use high school assessment data for other accountability purposes, for example, using scores as a factor in course grades; as a criterion for diploma eligibility; or as a component in an educator effectiveness system. In these cases, the SEA will want to fully explore the impact of including data from one or more locally selected assessments on policy and implementation.

What is the best way to establish an SEA implementation plan?

SEA leaders should consider all of their current responsibilities related to the state assessment system to develop an implementation plan to manage a locally selected assessment program. This plan should address each critical

task, the quality standards for that task, and the coordinating agency. The plan should address the following questions:

- How will the locally selected assessment be procured?
- Who will manage the assessment contract?
- Who pays for the assessment and what are the implications when LEAs opt-in or opt-out?
- What data sharing agreements and procedures need to be in place in order for the SEA and LEAs to obtain data necessary for reporting?
- How will these procedures ensure data are provided on time, in a useful format, and error free?
- Who will create and implement test administration, test security, quality control, and quality assurance policies and procedures (e.g., completing training procedures, conducting data forensics analyses)?
- How will the LEA be aware of and comply with all applicable state assessment requirements to ensure fairness, security, and comparability (e.g., accommodations, out-of-grade testing)?

The state should establish suitable implementation and technical criteria and include them in the evaluation process.

In addition, a state implementation plan should address implications for maintaining the quality of the state's assessment program when a self-selected portion of the state's high school students are not included. For example, the state should consider the impact on equating and scaling of potentially non-representative and less-comparable samples over years. The state implementation plan should also address the possible fluctuation of LEA participation on the state assessment over time, for example, elements of state testing contracts where costs are driven by per-pupil participation.

Which ongoing assessment monitoring and evaluation procedures should be considered?

When one (or more) LEA is approved to use their selected assessment, the SEA will need to put in place appropriate and ongoing monitoring and evaluation to ensure the program operates in good-standing each year. For example, it may be necessary to certify that administration, scoring, and/or reporting are implemented in accordance with established standards. Scale/achievement level correspondences should be periodically monitored for drift. Additionally, changes to the program (e.g., modifying the test

blueprint, transitioning to a new computer-based platform, establishing new performance standards) may necessitate a technical review to ensure the assessment program will remain in good standing with the state. A plan for monitoring and evaluation should specify the roles and responsibilities of the SEA, the LEA, contractors, and/or other entities such as the state's Technical Advisory Committee (TAC). As part of this plan, the SEA should require that an LEA or group of LEAs establish the necessary support structures to fulfill their obligations (e.g., a program-specific TAC, staff to support quality control).

Should states develop a coordinated response?

Given the range and complexity of the issues that must be addressed in each state, states should consider working together on at least some common issues, such as developing assessment evaluation criteria or procedures for review. Working collaboratively across states may also help address the potential concern about differing criteria or decision-making policies from state to state when most states share common standards (e.g., why the same assessment program is approved in one state but not in another; or why states establish different cut-scores for "college-readiness" on the same exam).

What is most important to share with policymakers who may be considering this option?

The need for substantial planning prior to developing policy is essential. A comprehensive plan should address the following:

- The process and responsibilities for developing criteria, collecting evidence, and evaluating proposed assessments;
- The roles and responsibilities of the SEA and LEA to monitor and manage any approved locally selected assessment (e.g., impact to budget and personnel);
- The plan for coordinating among LEAs and potentially SEAs to develop and evaluate criteria;
- The potential impact on the state accountability system, especially for comparability of academic achievement and growth;
- The potential impact on existing state policies, such as those related to diploma eligibility; and
- A plan for ongoing monitoring and evaluation of the locally selected assessment option that empowers SEAs to address potential problems, which may involve altering or suspending approval.

The SEA should consult with stakeholders including state legislators, the governor, advisory groups, etc., to formulate the SEA's policies regarding locally selected high school assessments.

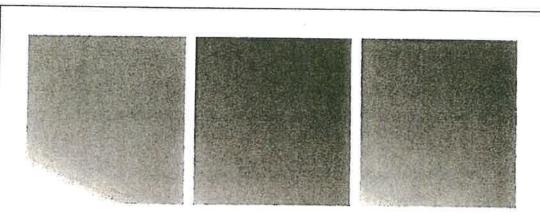
Once a plan has been developed and a policy in support of that plan is in place, it is important to *disseminate guidance well in advance of implementation* to provide adequate time for LEAs to develop high-quality responses that maximize the chances of success.

It is expected that the time required for planning, notification, and operation will be considerable. Therefore, policymakers are advised to work with leaders from the SEA and LEAs to ensure the policy is consistent with a realistic timeline for implementation.

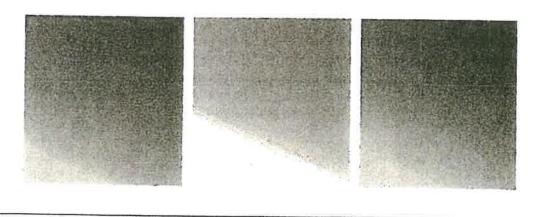


One Massachusetts Avenue, NW, Suite 700 Washington, DC 20001-1431 voice: 202,336.7000 | fax: 202,408,8072





An Implementation Framework for the Locally-Selected, Nationally-Recognized High School Assessment Provision of the Every Student Succeeds Act





THE COUNCIL OF CHIEF STATE SCHOOL OFFICERS

The Council of Chief State School Officers (CCSSO) is a nonpartisan, nationwide, nonprofit organization of public officials who head departments of elementary and secondary education in the states, the District of Columbia, the Department of Defense Education Activity, and five U.S. extra-state jurisdictions. CCSSO provides leadership, advocacy, and technical assistance on major educational issues. The Council seeks member consensus on major educational issues and expresses their views to civic and professional organizations, federal agencies, Congress, and the public.

An Implementation Framework for the Locally-Selected, Nationally-Recognized High School Assessment Provision of the Every Student Succeeds Act

> Chris Domaleski and Brian Gong National Center for the Improvement of Educational Assessment

> > **COUNCIL OF CHIEF STATE SCHOOL OFFICERS**

Carey Wright (Mississippi), President Chris Minnich, Executive Director

One Massachusetts Avenue, NW, Suite 700 • Washington, DC 20001-1431
Phone (202) 336-7000 • Fax (202) 408-8072 • www.ccsso.org
Copyright © 2017 by the Council of Chief State School Officers, Washington, DC
All rights reserved.

CONTENTS

Introduction
Coordination and Management
Communications2
SEA Communications
LEA Communications
Procurement and Contract Management4
State Coordination
Local Coordination
Certification of Program Management Capacity
Operational Quality Control
Test Development and Technical Considerations
Accountability
Evaluation Criteria
Participation
Technical Quality Evaluation Criteria
Evaluation Process11
Criteria and Review11
Roles and Responsibilities
Timeline and Procedures12
Conclusion
Appendix: ESSA Assessment Regulation

INTRODUCTION

The Every Student Succeeds Act (ESSA, 2015) provides new flexibility for states with respect to high school assessments. Notably, section 1111(b)(2)(H) of ESSA allows a state to permit a local education agency (LEA) to administer a locally-selected, nationally-recognized assessment in lieu of the state test at high school if the LEA selects an assessment that has been approved for such use by the state.

This provision raises a number of questions for state education leaders seeking to leverage the promise of this flexibility. The purpose of this document is to help state leaders identify key issues to be addressed and help them construct an implementation plan to respond to the locally-selected, nationally-recognized high school assessment (LNHSA) flexibility. This document was developed in consultation with a working group of state leaders convened by the Council of Chief State School Officers (CCSSO) and builds on a previous paper produced in conjunction with that workgroup.

This paper addresses two main components of the implementation: 1) coordination and management and 2) evaluation criteria. Coordination and management refers to the tasks associated with operationalizing an additional assessment program. Evaluation criteria refers to the technical standards and the process necessary for approval by the state and ultimately the U.S. Department of Education (USED).

COORDINATION AND MANAGEMENT

Chief among the issues raised by the LNHSA provision are the responsibilities of state education agencies (SEAs) and LEAs related to coordination and management. Notably, these responsibilities go beyond simply administering a new program. Because the LNHSA option is meant to be comparable with respect to interpretations and uses of the state's current high school assessment program, it adds a wide range of responsibilities to ensure the program is fully compatible with and equitable to the state's existing assessment and accountability system.

Communications

SEA Communications

SEAs should develop a plan to communicate with LEAs about the high school assessment option. The communication plan will likely start with an overview of the local assessment option and an invitation for feedback from the LEA to determine

¹ Domaleski, C. & Gong, B. (2017). Implementing the locally-selected high school assessment provision of the Every Student Succeeds Act: Key questions and considerations. Washington, DC: Council of Chief State School Officers.

whether it is interested in exploring this alternative. Even at this early stage, this communication should signal to LEAs the depth and breadth of technical criteria and their responsibilities connected to this option to avoid setting any false expectations.

Describing the full technical and administrative requirements (addressed in a subsequent section) to be evaluated represents another significant communication priority. This communication should describe the purpose and intent of the criteria and how they serve the state's interest in preserving standards-based assessment. If the criteria and process are still being developed, this communication may describe the proposed timeline and process for developing and distributing this information.

Additionally, the SEA should communicate any conditions or requirements for continued administration of an SEA-approved assessment. For example, the SEA should clarify that the locally-selected assessment is not only required to get SEA approval, but must also undergo federal peer review.

The communication strategy should outline LEAs' management and coordination responsibilities. This will involve clarifying the process for handling future changes to the assessment plan in order to renew the application. It is also important to identify the type and range of interactions (e.g., regular updates to the SEA, participation in Technical Advisory Committee [TAC] meetings) necessary for the ongoing management of the LNHSA initiative.

Finally, SEAs should develop a plan to communicate the objectives and process of the LNHSA initiative with USED. That plan will likely involve interaction with USED early in the process to describe how the SEA intends to review and potentially use LNHSA in the state's assessment and accountability system. This may mitigate the likelihood of encountering complications later in the process related to federal approval. Additionally, SEAs should consider the role of the LNHSA in the state's ESSA accountability plan. While it may be premature to address the LNHSA in the state's initial ESSA accountability submission, implications to the ESSA system may be addressed through amendments or other communications with USED as the nature and scope of LNHSA may dictate. The timeline and process for assessment peer review is another consideration that should be addressed during the planning process.

LEA Communications

The ESSA regulations also specify requirements for the LEA related to several types of communication.

Before applying, the LEA must notify parents of students about the option. The regulations require LEAs address their intent to request approval from the state and any effect on the instructional program. It may also be advisable for LEAs to address how the proposed LNHSA will meet the needs of all learners (e.g., accessibility features and accommodations). Notification must also address the mechanism for providing meaningful input about this request, including consultation with all public charter schools whose students would be included. Although not explicitly addressed in the regulations, if the LEA intends to use the LNHSA for any additional requirements (e.g., diploma eligibly) this should be addressed in the notice as well.

As part of requesting approval, ESSA regulations require an update to the LEA plan or other relevant agreements (e.g., state performance plan or compliance agreement). Charter schools must provide required assurances that use of the LNHSA is consistent with school law and the school has consulted with an authorized chartering agency. For example, the charter may mention performance goals in terms of state assessment scale score or other metrics that should be adapted if a LNHSA would be used.

If approved, the LEA must notify parents of students in high school that they intend to administer the LNHSA. In subsequent years, the LEA must notify the state and parents of its intentions to continue to administer the LNHSA.

Procurement and Contract Management

Procurement and contract management refers to the process and responsibilities for acquiring and administering the assessment program. This includes establishing terms for selection of and contracting for the assessment(s). It is possible for an SEA or LEA to handle all or some of these responsibilities (e.g., the SEA selects a provider and negotiates the contract, but the LEA is financially responsible). The SEA should also determine whether limiting the period of time for entertaining district requests is necessary to facilitate procurement and management. That is, the state may wish to establish a 'cut off' date for participation. The state should also consider if it wishes to allow a LNHSA to be used for one content area, but require the state assessment, or even another LNHSA for another content area.

There are multiple models for procurement and contract management. This document describes two alternatives—state coordination and local coordination.

State Coordination

Under a state-coordinated model, the SEA would procure any assessment approved for use by the LEA in lieu of the state assessment. The state would also provide primary oversight for all contract decisions, including the scope of work for development and administration. By so doing, the state may better ensure the assessment is suitable for the intended interpretations and uses and safeguard the quality and timeliness of test results. With this alternative, the SEA may be able to leverage a more competitive price due to economy of scale.

Local Coordination

This approach requires the LEA or a group of LEAs to handle all responsibilities related to procurement and management. This may be more operationally feasible, especially if the SEA's capacity to take on additional management responsibilities is limited. The SEA would maintain an interest in ongoing quality control, which is addressed in a subsequent section. The SEA should offer support in the form of procurement best practices, and should consider setting requirements for inclusion in all procurements. For example, procurements issued by LEAs must address required test dates, expected number of testers, and requirements for data to be collected and delivered to the LEA or SEA by a certain date in order to be factored into accountability models.

Certification of Program Management Capacity

If the SEA permits one or more LEAs to assume responsibility for coordination and management of the assessment program(s), the SEA should consider establishing criteria for the LEA's program management plan. Such criteria might address the expectations for personnel and capacity required for successful management of the assessment program. Moreover, requirements should account for the role SEAs play in reviewing and approving the decisions of the management team.

For example, the criteria could require the program management team to have staff with specific experience and expertise and/or specify the number and types of program management reports and engagements with the SEA. Such criteria might motivate LEAs to reassign, hire, or otherwise contract for personnel to meet the SEA's requirements. These criteria are distinguished from ongoing quality control and management responsibilities, which are addressed in the next section.

Operational Quality Control

Regardless of the management structure selected, the SEA maintains an interest in ensuring the program meets professionally-accepted criteria for technical quality and preserving the purposes and uses the SEA wishes to support. For this reason, the SEA should develop detailed guidance and criteria for LEAs, especially if the LEA (or other program management entity) is providing primary oversight. These criteria should address the following:

- Data sharing agreements to ensure the SEA can securely and efficiently receive the data it needs to support uses such as
 - Including data in school accountability determinations
 - Enabling the state to conduct quality assurance analyses, such as investigations of potential testing irregularities

- Responsibilities, process, and expectations for providing the SEA and/or its advisors
 access to adequate information (e.g., technical documents, data) needed to support
 the SEA's efforts to certify the program is appropriately managed
- Responsibilities for determining test administration dates that will result in optimal participation rates (e.g., school day testing), and timely reporting of results
- Responsibilities and criteria for reporting
- Protocols for appropriate test administration procedures to include verification that
 - The state's accessibility and accommodations policies are followed
 - The state's requirements for secure and standardized test administration are followed
 - Key personnel (e.g., test coordinators and administrators) are properly trained and credentialed
 - Certification that any proposed computer-based testing platform meets appropriate standards for quality and security
 - Certification that districts and schools have the capacity to successfully administer the locally-selected test on the proposed computer-based platform with minimal threat to disruption
 - Assurance of appropriate support from the contractor, such as help desk personnel, to support successful administration of the assessment

Test Development and Technical Considerations

The SEA also maintains an interest in ongoing decisions made about development, scoring, and reporting. Any assessment program requires critical decisions throughout the life of the program such as those related to future item development, blueprints, standards, and scoring procedures. The SEA should establish standards for these ongoing development and technical considerations to include

- Standards for and acceptable deviation from approved scoring procedures (e.g., use of Al, required training and read-behinds)
- Guidance to determine when deviations from the approved blueprint threaten comparability claims
- Protocols to review and advise on deviations to the approved claims, reports, and standards
- Assurance of comparability (e.g., due to mode of administration) within and across
 testing programs. That is, for any one testing program, results should be internally
 comparable. This concern is augmented when an SEA oversees multiple state
 assessment programs.

The SEA should also specify the process for working with the state's TAC or another appropriate technical advisory group approved by the state to vet decisions about the technical properties and development activities of the program. For the SEA's purposes, this serves to minimize threats to the defensibility of results.

More broadly, the SEA may wish to establish an ongoing technical review and advisory process to ensure the program continues to operate in a manner consistent with established standards (e.g., ED peer review criteria) and professional practices (e.g., the joint standards). All of the criteria addressed in this section should apply regardless of whether the SEA or the LEA procures the services for LNHSA.

Accountability

The SEA should establish criteria and processes for use of locally-selected assessment results for accountability purposes. These may include

- School accountability
- Educator evaluation
- Diploma eligibility
- Use of results as a factor in course grades

A primary consideration for accountability uses is the establishment of comparable cut scores at each performance level. This may be established through a combination of qualitative and/or empirical processes, including simulations using test data to determine comparability prior to operational use in accountability systems.

Other accountability uses may include use as part of academic growth, achievement gaps, or other metrics.

EVALUATION CRITERIA

Another significant responsibility related to implementation of the LNHSA provision is the evaluation of technical criteria that must be satisfied to receive approval by the state. ESSA statute and ESSA assessment regulations set forth the technical requirements.² The regulatory language regarding this provision is included in the appendix to this document.

The regulation provides an important definition:

"Nationally-recognized high school academic assessment" means an assessment of high school students' knowledge and skills that is administered

² Congress, through exercise of the Congressional Review Act, voided regulations promulgated regarding ESSA accountability and evaluation of schools of education on March 31, 2017. However, Congress did not address the regulation regarding assessment, which went into effect in January 2017.

in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs.

If augmented, assessment must meet the defined requirements.

The regulation also specifies several requirements for States to address for LNHSA:

- Participation
- Alignment
- Comparability of rigor
- Comparability of administration frequency
- Comparability of applicability to subgroups
- · Support differentiation of schools for accountability purposes
- Establishment of additional criteria by State
- The process for evaluating LEA applications

This section offers an elaboration on the requirements related to participation, technical quality, and evaluation. Additionally, it lays out some illustrative approaches of alternatives for SEAs to develop an implementation plan.

Participation

The regulation stipulates that an LEA must administer the same locally-selected, nationally-recognized academic assessment to all high school students in the LEA, except students participating in an approved alternate assessment with alternate academic achievement standards.

This raises a question about the process used and sources of evidence required to satisfy participation requirements. Options for SEAs to consider include

- LEA provides written assurance in the application or otherwise (e.g., letter from superintendent)
- Report of tests prepared prior to administration (e.g., order from vendor; data files or reports of registered students)
- Report of test scores (e.g., data file of participants and scores)

Another issue to consider is when the LNHSA is administered relative to the statewide assessment it replaces. For example, the SAT is usually administered to students in the 11th grade, while high school ELA assessments are usually administered in earlier grades. Policies regarding participation must take these kinds of issues into account.

Technical Quality Evaluation Criteria

ESSA specifies that certain technical criteria must be satisfied to receive approval for use by the state.³ These requirements should be considered minimum standards, meaning the state may establish additional requirements.

Examples of the evidence that SEAs may require to satisfy these criteria include the following:

- Studies and analyses (e.g., independent alignment review, technical reports)
 that address acceptable technical quality of the LNHSA. In addition, ways the
 evidence must support not only that the LNHSA is adequate on its own, but
 also is adequately comparable to the state's regular assessment. The evidence
 should address
 - o Target content standards for inclusion in alignment analysis and rationale for any exceptions
 - o Depth and breadth of coverage
 - Comparability of test rigor
- Student achievement data expressed are consistent with the state's achievement levels, such as concordance of achievement levels and/or scale scores and separate analyses for
 - Key subgroups of students
 - o Mode of administration
- Evidence that the assessment is comparably reliable to the state test such as
 - o Internal consistency reliability for all students and subgroups
 - Conditional standard error of measurement (CSEM) across the scale
 - Classification accuracy analyses
- Evidence of accessibility and fairness such as
 - Description of the test development process that incorporates professionally accepted practices such as universal design and/or evidence centered design

³ These criteria are listed in the appendix of this document. USED peer review guidance is available here: https://www2.ed.gov/policy/elsec/guid/assessguid15.pdf.

- Documentation of process and outcomes for item writing and review to include bias and sensitivity reviews
- Details on pilot/field test procedures and subsequent analyses and review based on these events (e.g., DIF studies, data reviews)
- o Assurance that the test provides appropriate accommodations, opportunities to participate, and benefits for students with disabilities and English learners. This requires a comparison across state tests and LNHSA of both accommodation polices and qualification procedures. Accommodations may be similar, but the process for getting approval to use them may be different such that administration conditions in practice are dissimilar.
- Additional validation evidence appropriate for the SEA and LEA purposes and uses which may include
 - o Evidence of relationship with external variables
 - Analyses of internal structure
- Evidence that the LNHSA is administered in appropriately standardized, secure, and comparable conditions to include review/audit of
 - o Test administration manuals
 - o Training materials
 - Test monitoring and security procedures
 - o Accessibility features and accommodations
- Evidence that scoring procedures and criteria are appropriate and comparable such as
 - Protocols for scoring constructed response items
 - o Evaluation of scoring rubric
 - o Inter-rater reliability statistics
- LNHSA achievement data incorporated into the state's accountability system to show impact for schools and subgroups in comparison to state tests. This should be run in simulations or with legacy data to inform the decision on whether to use the LNHSA.
- Review of reports and interpretation guides to ensure that both the appropriate information and the mechanisms for distributing to stakeholders meet SEA requirements

Evaluation Process

Criteria and Review

The state must establish criteria and conduct a process to evaluate each proposed LNHSA. The process should be designed to ensure the LNHSA meets the criteria set forth by ESSA and the state at the time of application and moving forward. Evaluation processes should include broad representation from various state stakeholder groups, such as experts in accessibility and fairness or representatives from institutions of higher education.

As noted in the previous section, the process will likely involve an initial application for the first time an assessment is considered, ongoing reviews, and an appeals process. It may be appropriate to design a process that is differentiated for certain assessments and implemented in stages.

One differentiated approach involves identifying selected assessments (e.g., SAT and ACT) as a priority for initial review based on the SEA's determination that these assessments are of increased interest and/or more likely to meet the standards for approval. Alternatively, the SEA would set up a separate process, perhaps an expedited review, for assessments that are lower priorities and/or viewed as less likely to meet the state's criteria. By so doing, the state can avoid setting unrealistic expectations and focus resources on the assessments that are more promising alternatives.

Additionally, it may be appropriate to design an evaluation process to be implemented in stages. For example, an initial stage may be a review of assurances from the LEA (e.g., certify participation policy, data sharing practices, selected administration criteria). Subsequent stages would address factors such as technical quality and suitability for use in accountability. A staged implementation may also include an orientation before each new stage to ensure there is mutual understanding and agreement on terms and expectations.

Following initial evaluation, the process should include ongoing monitoring and review to ensure the LEA has met the state's requirements each year. If no major changes are contemplated, this may be as straightforward as providing an annual certification or renewal based on the LEA's assurances that the SEA's criteria will be met. However, a re-application or more extensive review will be necessary if substantial changes are contemplated, such as a change in vendor, a proposal to adjust performance standards, or a change to the test blueprint.

The process should also include the conditions and process for revoking approval. This may be based on review or triggered automatically if certain assurances or criteria are not satisfied.

Roles and Responsibilities

A process for initial and ongoing evaluation should identify roles and responsibilities for all participants, including external partners as appropriate. Table 1 lists some potential participants and roles that may be established.

Table 1: Participants and Roles in the Evaluation Process

Entity		Potential Roles			
State Education Agency	al passes	Develop criteria in collaboration with technical advisors			
	:+::	Communicate evaluation process and criteria			
		Implement evaluation process and communicate results			
	4	Submit evidence for federal peer review			
	-2	Ongoing monitoring and review			
Local Education Agency	94	Communicate to stakeholders as required by ESSA and SEA			
	5	Provide evidence and assurances as appropriate in response to evaluation criteria and support submission for federal peer review			
		Implement and monitor assessment program in compliance with SEA criteria			
		Share assessment results in compliance with SEA criteria			
Vendor(s)	¥	Provide evidence and information as required to support the evaluation process and support submission for federal peer review			
	8	Implement program in compliance with SEA and LEA requirements			
		Share data in compliance with SEA/LEA requirements			
Technical Advisory Group(s)4	2	Help draft evaluation criteria			
	٠	Help conduct evaluation process to provide a recommendation to SEA			

Timeline and Procedures

It is expected that the time required for planning, notification, and operation will be considerable. Therefore, once an initial plan has been developed, it is important to disseminate guidance, signal the responsibilities of all participants, and release the timeline as soon as possible. Figure 1 represents an illustrative process for the essential tasks associated with review and implementation of the LNHSA option. This process will likely require at least a full year after the SEA has clarified policies and procedures to implement with fidelity. For example, an SEA that is positioned to establish and implement the review by spring 2018 might approve (an) assessment(s) for 2018-2019 pending federal peer review requirements. If the review process is not completed by spring/summer 2018, it is unlikely the LNHSA can be in place before 2019-2020.

This role could be fulfilled by the state's existing TAC or an advisory group commissioned for this purpose.

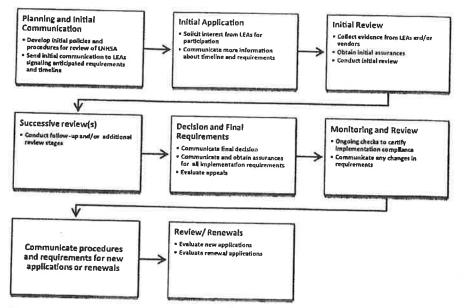


Figure 1. Illustrative Review Process for LNHSA

CONCLUSION

By itself, implementing and validating a new state assessment is a substantial investment of time and resources. However, the ESSA LNHSA option asks much more. This option calls for states to consider how to implement a system that comprises multiple assessments without sacrificing system-wide quality, comparability, or fairness. The cumulative burden of this initiative is more than the sum of the efforts required for any one test.

When a system is based on multiple assessments administered contemporaneously and used for the same purpose, states must evaluate not only the adequacy of any one program, but also the impact of the interaction among programs. For example, a computer-based administration system may be deemed satisfactory for assessment A and a different platform may be suitable for assessment B, but the differences in characteristics and features across programs present a new challenge to comparability that must be resolved across all assessments.

Moreover, many states are designing and implementing new ESSA compliant accountability systems, which will be influenced by the selected high school assessments. States must ensure that any decisions made in response to the LNHSA option do not disrupt or threaten the credibility of these accountability systems.

In sum, developing an effective response to the flexibility offered through ESSA for LNHSA will require substantial effort and ongoing monitoring. In the best case, policymakers should work closely with SEA and LEAs, stakeholder groups, and with technical experts to design a comprehensive plan to implement the LNHSA option, supported by sufficient time and resources for implementation.

APPENDIX: ESSA ASSESSMENT REGULATION

Federal Register/Vol. 81, No. 236/Thursday, December 8, 2016/Rules and Regulations 889335

- § 200.3 Locally-selected, nationally-recognized high school academic assessments.
- (a) In general. (1) A State, at the State's discretion, may permit an LEA to administer a nationally-recognized high school academic assessment in each of reading/language arts, mathematics, or science, approved in accordance with paragraph (b) of this section, in lieu of the respective statewide assessment under § 200.5(a)(1)(i)(B) and (a)(1)(ii)(C) if such assessment meets all requirements of this section.
 - (2) An LEA must administer the same locally-selected, nationally-recognized academic assessment to all high school students in the LEA consistent with the requirements in § 200.5(a) (1)(i)(B) and (a)(1)(ii)(C), except for students with the most significant cognitive disabilities who are assessed on an alternate assessment aligned with alternate academic achievement standards, consistent with § 200.6(c).
- (b) State approval. If a State chooses to allow an LEA to administer a nationally-recognized high school academic assessment under paragraph (a) of this section, the State must:
 - (1) Establish and use technical criteria to determine if the assessment—
 - (i) Is aligned with the challenging State academic standards;
 - (ii) Addresses the depth and breadth of those standards;
 - (iii) Is equivalent to or more rigorous than the statewide assessments under § 200.5(a)(1) (i)(B) and (a)(1)(ii)(C), as applicable, with respect to—
 - (A) The coverage of academic content;
 - (B) The difficulty of the assessment;
 - (C) The overall quality of the assessment; and
 - (D) Any other aspects of the assessment that the State may establish in its technical criteria;
 - (iv) Meets all requirements under § 200.2(b), except for § 200.2(b)(1), and ensures that all high school students in the LEA are assessed consistent with §§ 200.5(a) and 200.6; and
 - (v) Produces valid and reliable data on student academic achievement with respect to all high school students and each subgroup of high school students in the LEA that—
 - (A) Are comparable to student academic achievement data for all high school students and each subgroup of high school students produced by the statewide assessment at each academic achievement level;

⁵ Final regulations. 34 CFR Part 200. Title I—Improving the Academic Achievement of the Disadvantaged—Academic Assessments. Office of Elementary and Secondary Education, Department of Education. Retrieved November 14, 2017, from https://www.gpo.gov/fdsys/pkg/FR-2016-12-08/pdf/2016-29128.pdf.

- (B) Are expressed in terms consistent with the State's academic achievement standards under section 1111(b)(1)(A) of the Act; and
- (C) Provide unbiased, rational, and consistent differentiation among schools within the State for the purpose of the State-determined accountability system under section 1111(c) of the Act, including calculating the Academic Achievement indicator under section 1111(c)(4)(B)(i) of the Act and annually meaningfully differentiating between schools under section 1111(c)(4)(C) of the Act;
- (2) Before approving any nationally-recognized high school academic assessment for use by an LEA in the State—
 - (i) Ensure that the use of appropriate accommodations under \S 200.6(b) and (f) does not deny a student with a disability or an English learner—
 - (A) The opportunity to participate in the assessment; and
 - (B) Any of the benefits from participation in the assessment that are afforded to students without disabilities or students who are not English learners; and
 - (ii) Submit evidence to the Secretary in accordance with the requirements for peer review under section 1111(a)(4) of the Act demonstrating that any such assessment meets the requirements of this section; and
- (3)(i) Approve an LEA's request to use a locally-selected, nationally-recognized high school academic assessment that meets the requirements of this section;
 - (ii) Disapprove an LEA's request if it does not meet the requirements of this section; or
 - (iii) Revoke approval for good cause.
- (c) LEA applications. (1) Before an LEA requests approval from the State to use a locally-selected, nationally-recognized high school academic assessment, the LEA must—
 - (i) Notify all parents of high school students it serves—
 - (A) That the LEA intends to request approval from the State to use a locally-selected, nationally recognized high school academic assessment in place of the statewide academic assessment under § 200.5(a)(1)(i)(B) and (a)(1)(ii)(C), as applicable;
 - (B) Of how parents and, as appropriate, students, may provide meaningful input regarding the LEA's request; and
 - (C) Of any effect of such request on the instructional program in the LEA; and
 - (ii) Provide an opportunity for meaningful consultation to all public charter schools whose students would be included in such assessments.
 - (2) As part of requesting approval to use a locally-selected, nationally-recognized high school academic assessment, an LEA must—

- (i) Update its LEA plan under section 1112 or section 8305 of the Act, including to describe how the request was developed consistent with all requirements for consultation under sections 1112 and 8538 of the Act; and
- (ii) If the LEA is a charter school under State law, provide an assurance that the use of the assessment is consistent with State charter school law and it has consulted with the authorized public chartering agency.
- (3) Upon approval, the LEA must notify all parents of high school students it serves that the LEA received approval and will use such locally-selected, nationally-recognized high school academic assessment instead of the statewide academic assessment under § 200.5(a)(1)(i)(B) and (a)(1)(ii)(C), as applicable.
- (4) In each subsequent year following approval in which the LEA elects to administer a locally-selected, nationally-recognized high school academic assessment, the LEA must notify—
 - (i) The State of its intention to continue administering such assessment; and
 - (ii) Parents of which assessment the LEA will administer to students to meet the requirements of § 200.5(a)(1)(i)(B) and (a)(1)(ii)(C), as applicable, at the beginning of the school year.
- (5) The notices to parents under this paragraph (c) of this section must be consistent with § 200.2(e).
- (d) Definition. "Nationally-recognized high school academic assessment" means an assessment of high school students' knowledge and skills that is administered in multiple States and is recognized by institutions of higher education in those or other States for the purposes of entrance or placement into courses in postsecondary education or training programs.



One Massachusetts Avenue, NW, Suite 700 Washington, DC 20001-1431 voice: 202,336.7000 | fax: 202,408,8072



MISSISSIPPI DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D. State Superintendent of Education

Date: October 8, 2018

To: District Superintendents

From: Carey M. Wright, Ed.D.

Re: Required Assessments in Mississippi's Approved ESSA Plan

The MDE has received several questions from districts after last week's release of the U.S. Department of Education's *Parents' Guide to ESSA Flexibilities*. Most questions concern the flexibility ESSA allows with assessments. To address these questions, I am providing you with a summary and rationale for the key assessment components in Mississippi's state ESSA plan, which the U.S. Department of Education approved in March.

- Mississippi will continue to use the Mississippi Academic Assessment Program (MAAP) to assess students in grades 3-8 and in high school.
- As allowed by ESSA, Mississippi chose to be consistent with current policy of banking scores of students who take Algebra I in middle school for high school accountability. This approach saved the state money by not developing another subject area test for Algebra II for those 8th graders when they are in high school.
- Tests aligned to state standards are critical for monitoring student achievement in a fair and consistent manner for all districts.
- The state did not choose to implement innovative testing for the following reasons:
 - We have confidence that our current state tests are aligned to our state standards.
 - o Neither ACT or SAT is fully aligned to our state standards for learning.
 - The ESSA statute and relevant regulations stipulate that any approved innovative assessment would be subject to peer review
 - Beside cost, innovative tests must pass a stringent series of requirements to meet the approval of the U.S. Department of Education. These requirements should be considered minimum standards, meaning the state may establish additional requirements.
 - ESSA requires that the innovative assessment chosen by the state be aligned to and addresses the breadth and depth of the state's content standards; be equivalent to the statewide assessments in its content coverage, difficulty, and quality; provide valid and reliable data on student achievement for all students and subgroups as compared to the statewide assessments; meet the criteria for technical quality that all statewide assessments must meet (e.g., peer reviewed);





MISSISSIPPI DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D. State Superintendent of Education

and provide unbiased, rational, and consistent differentiation among schools within the state's accountability system.

As you can see, ESSA established challenging standards for any state or local education agency to take advantage of the flexibility provisions within the law. This <u>Council of Chief State School</u> <u>Officers (CCSSO) resource on the local assessment flexibility</u> describes many of the challenges and costs associated with this approach.

Mississippi's approved ESSA plan reflects the deep and thoughtful engagement of stakeholders across our state, and it better aligns Mississippi's education policy priorities with the federal requirements we must meet to receive federal funds.

Mississippi will continue to implement our approved ESSA plan as our stakeholders expect and we are required to do under federal law. We will continue to engage stakeholders and state policymakers as issues arise in implementation that may require adjustments in the future.



Office of Accreditation
Jo Ann Malone, Ed.D.
Executive Director
Paula A. Vanderford, Ph.D.
Chief Accountability Officer

December 11, 2018

Dr. Lee Childress, Superintendent Corinth School District 1204 North Harper Road Corinth, MS 38834

Re: Special-Called Meeting of the Commission on School Accreditation

Dear Dr. Childress:

The Mississippi Department of Education's Internal Review Committee met on December 10, 2018 to consider the Corinth School District's appeal of the 2017-2018 final (unofficial) accountability results. The committee voted unanimously to deny the Corinth School District's appeal of the final (unofficial) accountability results for the Corinth School District and the three (3) schools in Corinth School District.

In accordance with Accreditation Policy 3.1.4 of the *Mississippi Public Schools Accountability Standards*, 2018, the district superintendent may request to address the Commission on School Accreditation (Commission) regarding the appeal of the final results.

During their December 6, 2018 regularly-scheduled meeting the Commission voted to hold a special-called meeting on **January 10, 2019 at 10:00 a.m.** to consider the appeals and the decision of the Internal Review Committee. During their meeting the Commission also voted to allow superintendents who wish to address the Commission a time limit of fifteen (15) minutes to do so. Therefore, we are asking you please confirm by December 21, 2018 if you wish to address the Commission at the special-called meeting on January 10, 2019.

Doch II

Regards.

J& Ann Malone, Executive Secretary Commission on School Accreditation

CC:

Dr. Paula Vanderford Dr. Nathan Oakley

Erin Meyer, Special Assistant Attorney General

Central High School Building 359 North West Street P.O. Box 771 Jackson, MS 39205-0771 Phone (601) 359-3764 Fax (601) 359-1979

Page 70 of 79 k12.ms.us

Corinth School District

1204 North Harper Road Corintly, Mississippi 38834

Telephone (662) 287-2425 Fax (662) 286-1885

EDWARD LEE CHILDRESS, Ed.D. Superintendent

December 19, 2018

Dr. Jo Ann Malone, Executive Secretary Commission on School Accreditation Mississippi Department of Education Post Office Box 771 Jackson, MS 39205

Dear Dr. Malone:

Thank you for your letter notifying the Corinth School District (CSD) of the Internal Review Committee's decision and the January 10, 2019 special-called meeting of the Commission on School Accreditation (Commission) to hear CSD's appeal of its final accountability ratings. As I stated in my letter to you and Mr. Alan Burrow on November 16, 2018, I do wish to, and plan to, address CSD's accountability issue before the Commission on January 10, 2019.

Your letter states that each Superintendent will have a time limit of fifteen (15) minutes to address the Commission. Due to the complexity of the Corinth issue and the arbitrary setting of time limits without the Commission having knowledge of the nature of the appeals, I wish to request that the Commission reconsider this proposed procedure. The issues involved in CSD's appeal are nearly three years in the making, involve certain federal legal questions, and require an understanding of the Cambridge curriculum and CSD's use thereof as a District of Innovation. Accordingly, the 15-minute time limit does not allow CSD a fair and sufficient opportunity to explain the issues to the Commission or to present evidence related thereto.

Since accountability is obviously a major component in determining a school district's accreditation, the CSD believes the Mississippi Department of Education should more properly rely on the already established hearing procedures outlined in Section 6.3 of the *Mississippi Public School Accountability Standards*, 2018. Section 6.3 provides a more full and fair hearing through allowing the parties to be represented by counsel, to call witnesses, to cross-examine witnesses and to present documentary evidence. Further, such process ensures that a full and complete transcribed record will be made of such hearing, for use in any further appeals. The CSD therefore respectfully requests that the Commission follow the established hearing procedures set out in Section 6.3 of the *Accountability Standards* when conducting CSD's appeal.

In the event that this request to follow the procedures outlined in Section 6.3 of the *Accountability Standards* is denied, CSD submits that a 15-minute time limit for presenting its case to the Commission is woefully inadequate to sufficiently explain the complex issues involved in CSD's appeal. Limiting CSD to a mere 15 minutes would not give CSD a full and fair opportunity to present its case. Rather, CSD believes that a time limit of forty-five (45) minutes, as permitted in other accreditation hearings, is a more appropriate time limit.

Moreover, if the request to utilize the hearing procedures set out in Section 6.3 of the *Accountability Standards* is denied, then CSD further requests that the Mississippi Department of Education provide the particular procedures which will govern the appeal hearing, as there are no such procedures set forth in Section 3.1.4 of the *Mississippi Public School Accountability Standards*, 2018 other than the opportunity for the Superintendent to address the Commission. Without knowing the procedures by which the hearing will be conducted before the Commission, CSD will not be able to adequately prepare for the appeal hearing.

I look forward to receiving the requested information and appreciate the opportunity to address the Commission.

Sincerely,

Edward Lee Childress, Ed.D.

Superintendent

cc:

Dr. Carey Wright

2 dward les Children

Dr. Jason Dean

Dr. Paula Vanderford

Heather Westerfield

Eddie Prather

Bill Davis

Jim Keith



Office of Accreditation Jo Ann Malone, Ed.D. **Executive Director** Paula A. Vanderford, Ph.D. Chief Accountability Officer

January 11, 2019

Dr. Lee Childress, Superintendent Corinth School District 1204 North Harper Road Corinth, MS 38834

Re: Commission on School Accreditation's Review of Appeals of Final 2017-2018 (Unofficial)

Accountability Results

Dear Dr. Childress:

The Mississippi Department of Education's Commission on School Accreditation (CSA) met on January 10, 2019 to consider the Internal Review Committee's decision regarding the Corinth School District's appeal of the 2017-2018 final (unofficial) accountability results. The CSA voted 6-2 to uphold the Internal Review Committee's decision to deny the Corinth School District's appeal of the final (unofficial) accountability results for the Corinth School District and the three (3) schools in Corinth School District.

In accordance with Accreditation Policy 3.1.4 of the Mississippi Public Schools Accountability Standards, 2018, the State Board of Education makes the final determination of the appeal's decision. The CSA's decision will be provided to the State Board of Education at its upcoming regularly scheduled meeting Thursday, January 17, 2019 at 10:00 a.m.

Regards,

Jo Ann Malone, Executive Secretary Commission on School Accreditation

Cc: Dr. Carey M. Wright

Dr. Paula A. Vanderford

Dr. Nathan Oakley

Erin Meyer, Special Assistant Attorney General, Counsel to the CSA