
ASSESSMENT FLEXIBILITY REPORT

**PURSUANT TO GEORGIA SENATE BILL 211 AND
THE EVERY STUDENT SUCCEEDS ACT**



Richard Woods, Georgia's School Superintendent
"Educating Georgia's Future"

INTRODUCTION

The purpose of this document is to provide the Georgia Department of Education's plans to pursue assessment flexibility as permitted in both federal and state legislation. Under the Every Student Succeeds Act (ESSA), State Education Agencies (SEAs), in collaboration with Local Education Agencies (LEAs), may potentially implement assessment options that provide flexible and/or innovative assessment formats that are student-centered and personalized for student learning as long as the assessments are statewide and are available for all students. This introduction contains a summary of federal law, state law, and information about the work completed and recommendations made by Georgia's ESSA Assessment Working Committee (see Appendix A for a list of committee members). This material is intended to provide background information for later sections.

Every Student Succeeds Act

The Every Student Succeeds Act of 2015 ([PL 114-95 § 114 Stat. 1177](#)) is the most recent reauthorization of the Elementary and Secondary Education Act (ESEA) and takes effect starting in the 2017-2018 school year. Statewide assessment requirements for administering the same academic assessments in reading/language arts, mathematics, and science to all public elementary school and secondary school students in select grades in a state on an annual basis remain (see [ESSA § 1111\(b\)\(2\)\(B\)\(i\)](#) and [ESSA § 1111\(b\)\(2\)\(B\)\(v\)](#)). Against this background, ESSA introduced three areas of flexibility for states, at their discretion, to consider:

- (1) seven states may seek a demonstration period (of no more than 5 years) for an innovative assessment approach that is technically sound, results in an annual summative determination, and can be scaled statewide (see [ESSA § 1204](#));
- (2) either a single summative assessment or multiple statewide interim assessments that result in a single summative score (see [ESSA § 1111\(b\)\(2\)\(B\)\(viii\)](#) and [ESSA § 1204](#)); and
- (3) local districts may petition the state to administer a nationally recognized high school academic assessment to all students in the district in lieu of the state's high school assessment; comparability¹ and technical quality must be established prior to its use, including federal peer review (see [ESSA § 1111\(b\)\(2\)\(H\)](#)).

The US Department of Education (US ED) currently has not issued detailed guidance or timelines for the three areas of flexibility mentioned above. However, a memorandum from US ED containing information about locally selected, nationally recognized high school academic assessments is included in Appendix B to provide more in-depth context for interested readers.

¹ Scores from multiple assessments are often claimed to be comparable if they meet conditions that allow them to be used interchangeably, generally after a concordance/linking relationship has been applied to the scores. Comparability is more formally defined as when multiple assessments: "(a) measure the same set of knowledge and skills at the same level of content-related complexity (i.e., constructs); (b) produce scores at the desired level of specificity that reflect the same degree of achievement on those constructs; and (c) have similar technical properties (e.g., reliability, decision consistency, subscore relationships) in relation to the level of score reported" (Winter, 2010, p. 3).

The Code of Federal Regulations (C.F.R., 2016), which is part of the Federal Register, is a systematic organization/codification of federal rules and regulations. The C.F.R. accompanies ESSA and provides clarification. Specific sections of the C.F.R. detail the general education mandates which fall upon SEAs and LEAs. As it relates to assessment flexibility, the C.F.R. provides details for SEAs and LEAs regarding the innovative assessment demonstration authority ([34 C.F.R. §§ 200.104 - 200.108](#)), multiple statewide interim assessments ([34 C.F.R. § 200.2](#)), as well as the implementation of locally selected, nationally recognized high school academic assessments ([34 C.F.R. § 200.3](#)). It is important to note that while the Accountability Regulations were rescinded by Congress, no action has been taken on the Assessment Regulations. President Trump, however, did issue an executive order calling for the review of all regulations and guidance pertaining to ESSA. This work is currently in progress.

It should be noted that the federal statute includes specific requirements for each area of flexibility that are technical. The specificity in the law is meant to ensure comparability within a state's accountability system; that is, claims made about student outcomes in districts and schools across the state are comparable and provide a mechanism for meaningful differentiation. What is already a complex matter becomes even more complicated when different assessments are utilized. ESSA places the burden on states to ensure any implemented flexibility results in unbiased, rational, and consistent differentiation among schools in the state.

Georgia Senate Bill 211

Code Section 20-2-281 of the Official Code of Georgia Annotated (O.C.G.A. § 20-2-281; as amended by [Georgia Senate Bill 211 \(SB 211\)](#) in 2017) directs Georgia's existing ESSA Assessment Working Committee to pursue maximum flexibility for state and local assessments under federal law, including applying for the innovative assessment demonstration authority and the use of locally selected, nationally recognized high school assessments.

Specifically, SB 211 requires that a comparability study be conducted to determine and establish comparability between nationally recognized assessments and the state content standards and Georgia Milestones end-of-course assessments in grades 9 through 12 (see [SB 211 § 1\(a\)\(t\)\(2\)](#)). SB 211 articulates that the purpose of the comparability study is to “determine and establish the concordance of nationally recognized academic assessments with content standards and assessments in grades nine through 12” (p. 1, 2017). The bill further stipulates that such study shall be initiated no later than July 1, 2017. Senate Bill 211 reflects the requirements within ESSA and reflects the recommendations of the ESSA Assessment Working Committee.

Assessment Working Committee

To support the implementation of ESSA in Georgia, six working committees, which includes the Assessment Working Committee, were established to deliberate and provide input on Georgia's draft ESSA state plan. The purpose of the [Assessment Working Committee](#) was to develop questions for stakeholders for feedback sessions held across the state; discuss stakeholder input; consider US ED's regulation/guidance for committee-assigned portions of ESSA; consider areas of focus identified by the State Advisory Committee; and coordinate with other working committees to inform the development of Georgia's state plan.

The Assessment Working Committee (Appendix A) included five district superintendents or assistant superintendents; four district administrators (representing Assessment, Research/Accountability and Special Education); two principals; two teachers; one Regional Educational Service Agency (RESA) representative; one Alliance of Education Agency Heads representative; and five GaDOE staff members focusing on assessment and accountability, curriculum and instruction, special education, teacher and leader effectiveness, and policy. In particular, the Assessment Working Committee considered feedback from a wide array of stakeholders from across the state of Georgia.

The Assessment Working Committee, which met seven times over the course of twelve months (July 2016 – July 2017), was charged with providing recommendations regarding assessment flexibility. The committee grounded its discussion and deliberations on the federal law.

In considering the flexibility offered under ESSA, the Assessment Working Committee clearly recognized and supported the interest of various stakeholders to pursue assessment flexibility. Both the strengths and limitations of the current state assessment system (i.e., Georgia Milestones) were discussed during the Committee deliberations. Given the complexity of educational assessment and accountability systems and their uses, the final recommendations issued by the Committee serve as a starting point for the further work necessary to position Georgia for the successful implementation of any pursued area of assessment flexibility.

For the three areas of assessment flexibility allowed under ESSA and state law, the recommendations of the Committee are summarized as follows:

- districts be allowed to present innovative assessment solutions for consideration to be scaled statewide;
- additional study and analysis is needed regarding the implementation of multiple statewide interim assessments; and
- districts be allowed to pursue a locally selected, nationally recognized high school assessment and present evidence that the requirements outlined in law are met.

In light of these three recommendations and to move the work forward, the Assessment Working Committee also recommended that GaDOE establish an Assessment Task Force specifically to vet assessment flexibility options and to make recommendations to the State School Superintendent and the State Board of Education for implementation.

As the Assessment Working Committee concluded its work with the review of public comments resulting from the posting of Georgia’s Draft State ESSA Plan, the Committee stressed the need for a clear and complete communication strategy surrounding assessment flexibility, as well as the Georgia’s plan to pursue such flexibility. To that end, and in response to public comments, the GaDOE added an appendix to the state ESSA plan addressing the areas of flexibility along with the Committee’s recommendations.

As articulated in Georgia’s Draft State ESSA Plan Appendix, the Assessment Working Committee recommended that:

- districts interested in the innovative assessment flexibility establish the technical veracity of their solution, including comparability with Georgia Milestones (the assessment system used for federal and state accountability purposes);
- districts interested in implementing a particular nationally recognized high school academic assessment should begin the conversation with GaDOE; and
- the state establish a task force to vet assessment flexibility options and make recommendations to the State School Superintendent, Richard Woods, and the State Board of Education for implementation.

To elaborate in more detail on each of the three flexibility options, the remainder of this report has been organized by each flexibility option and includes the specific recommendation(s) made by the Assessment Working Committee along with the steps taken by the GaDOE toward fulfilling the requirements of SB 211.

INNOVATIVE ASSESSMENT DEMONSTRATION AUTHORITY

As defined by ESSA, an innovative assessment system may include “competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student, which may be administered through computer adaptive assessments” (see [ESSA § 1204\(a\)\(1\)](#)). Furthermore, the assessments are required to “validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs” (see [ESSA § 1204\(a\)\(2\)](#)).

ESSA allows a state to submit an application for participation in the Innovative Assessment Demonstration Authority Pilot. The law stipulates that US ED may award this flexibility to a maximum of seven states. The statute requires that, in applying for the pilot, the state must provide evidence that demonstrates the technical soundness of the proposed innovative assessment, as well as evidence that the assessment results in an annual summative determination that can be used for statewide accountability purposes. As part of the application process, which US ED has yet to release, the SEA must demonstrate that the innovative assessment solution meets several requisites (see [ESSA § 1204\(e\)\(2\)\(A\)](#) for a more detailed description):

- (1) meet the requirements for assessments under Title I Part A (except clauses (i) and (v) of § [1111\(b\)\(2\)\(B\)](#));
- (2) be aligned with state academic content standards;
- (3) have results consistent with the state’s current achievement level designations;
- (4) have results that are valid, reliable, and comparable for all students and subgroups;
- (5) be developed in collaboration with a variety of stakeholder groups;
- (6) incorporate principles of universal design;
- (7) provide stakeholders with timely data that inform instruction and are disaggregated by subgroup;
- (8) identify students who may need instructional support and targeted interventions;
- (9) have participation rates at least as high as the current assessment system;
- (10) provide a single summative achievement determination for every student; and
- (11) permit data aggregation for accountability purposes that is both reliable and valid.

During a five-year timeframe (referred to as the Demonstration Period), the SEA is required to pilot the approved innovative assessment in an increasing number of districts throughout the state in the effort to scale the innovative assessment statewide. Time spent developing an innovative assessment prior to submitting an application is not counted toward the Demonstration Period. After SEAs submit an application to US ED, a peer review panel selected by US ED will determine readiness to successfully implement and scale the innovative approach statewide.

It is important to note that the demonstration period is not intended to be used for development of an innovative approach, nor were federal funds allotted for this effort; rather, the period is to scale that approach across a state. Further, prior to awarding this flexibility, a state must demonstrate comparability with the existing statewide assessment system so that accountability

claims made about LEAs and schools that participate in the innovative assessment practice are analogous to those who participate in the state assessment. That is, innovation is not allowed to compromise comparability, a foundational tenet of educational accountability systems.

The C.F.R. provides additional clarification regarding the innovative assessment demonstration authority (see [34 C.F.R. §§ 200.104 - 200.108](#)). The US ED selected peer review panel is responsible for verifying that the SEA's application meets or will meet each of the requirements under [34 C.F.R. § 200.105](#) and sufficiently addresses each of the selection criteria under [34 C.F.R. § 200.106](#). It is permissible that the pilot begin only in a subset of districts, can be entirely performance-based (including instructionally embedded assessment), and can be administered to students who may be ready to perform at the next level. During the pilot stage, the state is still required to administer its current statewide assessments to all non-pilot schools and in all grades/subject areas/courses that are not covered by the innovative assessment.

SB 211, as mentioned in the introduction, directs the existing Assessment Working Committee to pursue flexibility for the innovative assessment demonstration authority. In considering the requirements for this area of flexibility, the Committee heard from two districts (Gwinnett County and Henry County) who have been working actively to develop assessment protocols and instruments in recent years. Other districts, such as Putnam County, have also been working actively and have expressed interest in pursuing this area of flexibility, while Savannah-Chatham County requested to engage in the statewide conversation about assessment innovation.

As a result of the Assessment Working Committee's deliberations, the specific recommendation for this area of flexibility was as follows:

Assessment Working Committee Recommendation

Innovative Assessment Demonstration Authority

Recognizing that new federal ESSA law provides an opportunity through a competitive application process for states to innovate new approaches to assessment that may be more valid, more varied and richer, that may reflect a greater understanding of student skills, that may be reported in a timelier manner, and that may produce more useful data that are aligned with student-centered models of learning and instruction; AND recognizing that this innovative effort may be piloted in a subset of districts prior to scaling statewide, must meet federal peer review criteria, must result in comparable data, require accountability provision analysis and timeline requirements, this committee invites interested districts to present detailed, evidence-based innovative assessments for consideration by the state.

Implementation Plan

The Assessment Working Committee recommended that Georgia establish an Assessment Task Force to thoroughly and thoughtfully engage in deliberations surrounding the implementation of assessment flexibility. Such a task force should focus on vetting specific innovative assessment solutions interested districts have developed, engage in statewide discussions around the best solution for Georgia, and culminate in a recommendation to the State School Superintendent, State Board of Education, and elected officials. The Assessment Task Force will inform

Georgia's application for the Innovative Assessment Demonstration Authority Pilot once US ED has issued said application.

It is recommended that the Assessment Task Force be facilitated by an independent third party identified by the State School Superintendent and State Board of Education, with input from the Senate and House Education Committee Chairs. Additionally, the specific charge for the Assessment Task Force should be informed by these entities.

MULTIPLE STATEWIDE INTERIM ASSESSMENTS

Interim assessments differ from formative assessments in purpose and scope. Formative assessments are used by both teachers and students during instruction to provide feedback for teaching and learning. Interim assessments occur after a given instructional period and are used to evaluate student learning with respect to a specific set of academic goals. As such, interim assessments typically report student learning at a broader level than formative assessments. Both stand in contrast to a summative assessment, which occurs after an entire period of instruction and measures student achievement for ascertaining mastery of material and potentially assigning grades or certifying learning. State summative assessments are used for accountability purposes and generally take place at the end of the school year. These distinctions provide the rationale for ESSA's requirement that the statewide interim assessments must ultimately provide a single summative assessment score.

Federal law allows for an SEA to administer its statewide academic assessments in ELA, mathematics, and science in either of two ways: (1) through a single summative assessment, or (2) through multiple statewide interim assessments administered throughout the academic year that result in a single summative score (see [ESSA § 1111\(b\)\(2\)\(B\)\(viii\)](#)). If an SEA were to use multiple statewide interim assessments, the resulting summative measure must provide valid, reliable, and transparent information on student achievement and growth that can be used for federal accountability. As described in the previous section of this document, interim assessments are included within the definition for innovative assessment systems as well. However, multiple statewide interim assessments do not necessarily have to be considered under the innovative assessment demonstration authority.

The C.F.R. clarifies that the use of multiple statewide interim assessments must meet two specific criteria (see [34 C.F.R. § 200.2\(b\)\(4\)](#)):

- (1) be valid, reliable, and fair for the purposes for which the assessments are used; and
- (2) be consistent with relevant, nationally recognized professional and technical testing standards.

The first requirement calls for evidence to be collected that supports the uses of assessment results mandated in both federal and state law. The second requirement is referring in great part to the Standards for Educational and Psychological Testing (AERA, APA, & NCME, 2014), though other national and international industry-wide standards should be considered as well.

The Assessment Working Committee discussed the option of multiple statewide interim assessments. Benefits include more timely results that can be used to inform instruction and the possibility of reducing the testing burden at the local level if the interim assessments could replace some of the existing benchmark assessments used by districts. Such an approach could be viewed as encroaching on instructional time because multiple statewide assessment windows would be necessary, along with uniform test administration procedures to ensure the integrity (i.e., test security) of the administrations. Another unintended consequence may be that administration of multiple statewide interim assessments throughout the school year could

become a de facto mandate for a uniform curricular sequence, which would be at odds with a traditional local district function.

As a result of the Assessment Working Committee's deliberations and emphasis on local control in Georgia, the specific recommendation for this area of flexibility was as follows:

Assessment Working Committee Recommendation

Multiple Statewide Interim Assessments

Recognizing that the Every Student Succeeds Act (ESSA) allows states to consider using interim assessments statewide; AND recognizing that the interim assessments must meet federal peer review criteria, must result in summative claims regarding student achievement, and must meet all required administrative conditions statewide, including test security, this committee recommends that further study and analysis occur before this assessment opportunity is considered for statewide implementation.

The Committee did discuss that this type of approach may have a place as part of, or within, an innovative assessment solution.

Implementation Plan

The Assessment Task Force will consider this area of flexibility in its deliberations.

NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

As part of ESSA and at the discretion of each state, school districts may administer a nationally recognized assessment in lieu of the corresponding state-administered assessments in grades 9 - 12 if approved by an SEA. Federal law requires that the state establish technical criteria for considering such requests. More specifically, ESSA requires that locally selected, nationally recognized high school academic assessments (see [ESSA § 1111\(b\)\(2\)\(H\)\(v\)](#)):

- (1) be aligned with state academic content standards, and address the depth and breadth of the standards while maintaining a similar level of rigor;
- (2) provide comparable, valid, and reliable data on academic achievement for all students and subgroups;
- (3) meet the requirements of technical quality prescribed by the law; and
- (4) provide unbiased, rational, and consistent differentiation among schools in the state for accountability purposes.

The C.F.R. details the general responsibilities of the SEA and LEA in implementing locally-selected, nationally recognized high school academic assessments ([34 C.F.R. § 200.3](#); 2016). LEAs may submit applications to use a nationally recognized assessment to their respective SEA. The state has the authority to grant approval after determining whether the required and established technical criteria are met.

The C.F.R. explains that the technical criteria established and used by a state must include evaluations of the requested assessment on criteria such as alignment with content standards (including depth and breadth) and at least equivalent rigor in measurement quality when compared with the state-mandated assessment. Additionally, reliability and validity evidence are expected to be comparable to the state-mandated assessment for all students including various subgroups of students, while simultaneously ensuring that appropriate test administration accommodations (e.g., extended time, large print materials) are permitted for students who may require them (students with disabilities and/or English learners), so as not to deny any student of the opportunity to participate. No test administration accommodation may deny the benefits from participation that are afforded to students without disabilities or who are not English learners.

Furthermore, LEAs share some responsibility with the state. Prior to approval for use, LEAs are required to notify parents/guardians of all high school students and consult with public charter schools. LEAs must also ensure that the same locally selected, nationally recognized academic assessment is administered to *all* high school students within an LEA (not including those students with the most significant cognitive disabilities who participate in the alternate assessment based on alternate achievement standards). Annual approval by the state is required for an LEA to continue using the same assessment in future years.

It is important to clarify what types of high school academic assessments qualify as being nationally recognized. Federal regulations provide the definition of a nationally recognized high school academic assessment as “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” ([34 C.F.R. § 200.3\(d\)](#)). SB 211 further clarifies that such assessments include, but are not limited to, the SAT, ACT, and ACCUPLACER.

On May 15, 2017, US ED issued guidance to states regarding this area of flexibility in the form of a [memorandum](#) (see Appendix B). The memorandum provides details in the following areas: (a) definition of what constitutes a nationally recognized high school academic assessment; (b) requirements for state approval of such assessments; (c) requirements for LEAs requesting to use such an assessment; and (d) procedures for submitting evidence to US ED. The memorandum clarifies that an LEA may select *only one* nationally recognized high school assessment and must administer the selected assessment to *all* enrolled high school students. Furthermore, the memorandum outlines the requirement that states submit evidence that the locally selected, nationally recognized high school assessment meets technical requirements similar to those outlined in [federal peer review guidance](#). Specifically, the memorandum requires that “prior to any LEA use of nationally recognized assessments in lieu of state-mandated assessments, States must submit evidence to the US ED 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.”

SB 211 requires that the State Board of Education “conduct a comparability study to determine and establish the concordance of nationally recognized academic assessments, including but not limited to SAT, ACT, and ACCUPLACER with alignment to state content standards in grades nine through 12. Such comparability studies shall also determine whether the nationally recognized high school academic assessment provides data that are comparable to current end-of-course assessments and valid and reliable for all subgroups and whether the assessment provides differentiation between schools’ performances as required by the state accountability plan.” The law further requires that the study begin no later than July 1, 2017, and the results be shared with key state officials and posted publicly “upon completion of the federal review process.”

At its June 2017 Technical Advisory Committee² (TAC) meeting, GaDOE discussed the requirements of SB 211 along with the requirements outlined in ESSA for use of a locally selected, nationally recognized high school academic assessment. The types of studies required to establish comparability, as required in both SB 211 and ESSA, were discussed. TAC provided guidance regarding documentation, methodology, and interpretation. TAC members recommended that documentation for the score comparability study include data cleaning procedures (e.g., highest versus most recent scores on ACT/SAT) as well as a cross-reference table that addresses the correspondence between the similarities/differences in the development of the Georgia Milestones End of Course (EOC) assessments and the nationally recognized assessments.

² Georgia’s TAC is comprised of six nationally recognized educational measurement experts who are charged with providing impartial advice to GaDOE regarding the technical quality of the State’s assessment programs. Virtually all state assessment programs have such an advisory body.

Additionally, recommendations for methodology outlined assumptions that need to be checked in the analyses (e.g., similarity in the shape of score distributions across assessments), as well as suggestions for analyses that account for the precision of results across the score continuum. Furthermore, TAC underscored the importance of interpreting the results in light of existing guidelines (e.g., college and career ready cuts on nationally recognized assessments) and the intended purposes and uses of the assessments, and subsequent interpretation specific to the content areas.

At the July 2017 State Board of Education meeting, the GaDOE sought approval for a [contract with the National Center for the Improvement of Educational Assessment \(NCIEA\)](#) to conduct a series of comparability studies with SAT and ACT. The technical report stemming from the studies will contain the following, as required by ESSA: score and achievement level correspondence, review of score precision, audit of administration and scoring procedures, implications for school level reporting, recommendations, and limitations. Appendix C contains a memorandum from NCIEA, entitled *Investigating Comparability in Response to Georgia Senate Bill 211*.

In addition to establishing the technical relationship between the State's assessment system (i.e., specific Georgia Milestones EOCs) and other nationally recognized measures such as the SAT or ACT, an independent alignment evaluation must be conducted according to federal regulations. Such a study will evaluate the alignment of the state content standards in grades 9 through 12 with the standards measured on the nationally recognized high school assessments. The GaDOE is in the process of outlining the specifications, based on federal requirements, for the work to be conducted.

As a result of the Assessment Working Committee's deliberations, the specific recommendation for this area of flexibility was as follows:

Assessment Working Committee Recommendation

Locally selected Nationally recognized High School Academic Assessment

Recognizing that the new Every Student Succeeds Act (ESSA) allows a local education agency (LEA) to use a "locally selected, nationally recognized high school academic assessment" in lieu of the state high school assessment; AND recognizing that the nationally recognized high school assessment must be fully aligned to state content standards, produce valid and reliable data that are comparable to state assessment data, have appropriate accommodations, meet federal peer review requirements, and apply to all high school students in the LEA, this committee suggests that interested districts specify their intent to the state and be prepared to show evidence of all required criteria as specified above and in ESSA to include operational procedures and funding.

Implementation Plan

GaDOE has entered into a contract with the National Center for the Improvement of Educational Assessment (NCIEA) to empirically investigate the score comparability between specific

Georgia Milestones EOC measures and the ACT and SAT. Table 1 contains recent data on Georgia student participation in nationally recognized assessments for the 2015 and 2016 graduating class. It should be noted that the data included in Table 1 represent what is called a convenience³ sample. While both measures are administered to a substantial portion of a graduating class, not all students graduating from a Georgia public high school take the SAT and/or ACT. Thus, the representativeness of the students taking the SAT and ACT must be investigated and established; it is highly likely that a representative sample may need to be selected by NCIEA from within the convenience sample.

Table 1. Student participation in Georgia in nationally recognized assessments by graduating class.

Class of	N	SAT	ACT
2014-2015	106,674	61,933	47,949
2015-2016	103,580	62,568	50,610

It is also important to note that the SAT was redesigned in recent years, and as such, most scores from the 2016 SAT data cannot be compared with previous years (College Board, 2016). Thus, only revised SAT information and data can be used in the comparability study and this constraint will likely require data from the 2016-2017 school year (which is not currently available) to ensure a robust and representative dataset.

NCIEA will conduct a series of studies examining score comparability. The scope of the studies includes empirical analyses for linking procedures (to establish concordance tables), documenting reliability and validity evidence, classification accuracy analyses (for achievement level designations), analyses by subgroups of students, and performance differentiation by schools. Additional analyses will explore the comparability of administration procedures (including availability of accommodations), as well as scoring specifications (including protocols for scoring constructed response items) and inter-rater reliability statistics. The final deliverables will be an executive summary and technical report that detail the results of the above analyses. The technical report will contain sections related to the following: score and achievement level correspondence, review of score precision, audit of administration and scoring procedures, implications for district and school level reporting, and recommendations and limitations.

Administration procedures also can impact the relationship between test questions and curricular requirements. For example, accessibility features and allowable accommodations can impact students' ability to access the tested content in a manner that allows them to demonstrate their knowledge and skill. In addition to construct comparability, there are implications for score comparability that are related to corresponding standardized testing conditions.

This work is currently underway and analyses are expected to be completed by December 31, 2017.

³ Convenience sampling (also known as availability sampling) is a specific type of non-probability sampling method that relies on data collection from population members who are available.

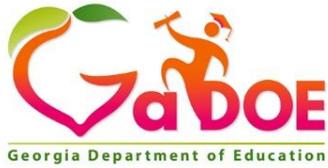
Construct comparability will be evaluated through a research-based methodology known as an alignment study. Industry-wide standards in assessment, namely the AERA/APA/NCME Standards (2014), describe alignment as “the degree to which the content and cognitive demands of test questions match targeted content and cognitive demands described in the test specifications.” The alignment study will examine the extent to which test content from the identified nationally recognized assessments match the content and cognitive demands of the Georgia Milestones Assessment System in measuring the Georgia content standards.

The GaDOE will contract for an independent alignment study. Requirements for the study are currently under development and are being informed by similar alignment studies conducted in other states.

A concordance study has been conducted by GaDOE, in collaboration with the Technical College System of Georgia (TCSG), to determine the relationship between ACCUPLACER and specific Georgia Milestones EOC English language arts (ELA) and mathematic assessments. The study used EOC scores to predict the subject-specific cut scores set by TCSG as a criterion of college readiness for ELA. The results of this study supported the use of a scale score of 525 on the Georgia Milestones ELA EOCs for placement in TCSG credit-bearing diploma level and associate’s degree level courses. In other words, students who achieve a scale score of 525 (the threshold level for the Proficient Learner classification) were highly likely to achieve the college-ready cut scores on ACCUPLACER established by TCSG. Additional data are needed to further study mathematics: the robustness of the student sample for mathematics was impacted by the 2015-2016 implementation of a traditional course sequence (Algebra I/Geometry) in addition to the established integrated sequence (Coordinate Algebra/Analytic Geometry). Additional study is underway and will be expanded upon by GaDOE to fulfill the requirements of Senate Bill 211.

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Assessment Working Committee

Georgia's State Plan: Every Student Succeeds Act (ESSA)

Member	Position	Agency/District
Melissa Fincher <i>Chair</i>	Deputy Superintendent Assessment & Accountability	Georgia Department of Education
Steve Barker <i>Co-Chair</i>	Superintendent	Coweta County Schools
Terri DeLoach	Superintendent	Pierce County Schools
Steve Flynt	Associate Superintendent for School Improvement & Operations	Gwinnett County Schools
Rodney Green	Assistant Superintendent Teaching & Learning	Lowndes County
Claire Miller	Chief Academic Officer	Oconee County Schools
Jennifer Rippner	Executive Director of Education Policy & Partnership	University System of Georgia
Allison Oxford	Director of Special Education	Murray County Schools
Frank Williams	Assessment Director	Bryan County Schools
Beth Kieffer	Assessment Director	Forsyth County Schools
Michael Lamont	Acting Executive Director Research, Planning, & Accountability	Atlanta Public Schools
Cecelia McLoon	High School Principal	Jeff Davis County Schools
Rochelle Lofstrand	Middle School Principal	Decatur City Schools
Anthony Pack	School Improvement Director	Middle Georgia RESA
Rustin Howard	High School Teacher	Toombs County Schools
Katesa Walker	Elementary School Teacher	Dougherty County Schools
Lynn Holland	Special Education	Georgia Department of Education
Juan-Carlos Aguilar	Science Program Manager/Curriculum and Instruction	Georgia Department of Education
Michelle Purvis	Program Manager/Teacher & Leader Effectiveness	Georgia Department of Education
Allan Meyer	Assistant Director of Policy	Georgia Department of Education



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

^[1] See www2.ed.gov/documents/essa-act-of-1965.pdf

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

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<http://www.ed.gov/>

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

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;
 - The difficulty of the assessment;
 - 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;
 - 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]

^[3] 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).

^[7] 34 CFR 200.3(b)(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 assessment⁸ and that 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)

- 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/dcletterassepeerreview1072016ltr.pdf

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

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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.\[State\]@ed.gov](mailto:OSS.[State]@ed.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.

Memorandum

To: Georgia Department of Education, Office of Assessment and Accountability
From: The National Center for the Improvement of Educational Assessment, Inc.
Date: August 25th, 2017
Subject: Investigating Comparability in Response to Georgia Senate Bill 211

The Every Student Succeeds Act (ESSA, 2015) provides new flexibility for states regarding their academic assessments used for educational accountability. Notably, ESSA allows Local Educational Agencies (LEAs) to administer a “locally selected, nationally-recognized high school academic assessment” in place of a state’s current high school academic assessment, *if* that nationally-recognized high school academic assessment has been approved for use by the state⁴. In response to this flexibility, the Georgia legislature passed Senate Bill (SB) 211, calling for a study of the comparability of Georgia’s End-of-Course assessments (EOCs) and select nationally-recognized high school academic assessments, including the SAT, ACT, and ACCUPLACER⁵. As a result, the State Board of Education approved a contract with The National Center for the Improvement of Educational Assessment, Inc. (referred to as “The Center”) to conduct a series of comparability analyses in partial fulfillment of the requirements of ESSA. The purpose of this memorandum is to (a) detail the requirements of ESSA regarding nationally-recognized high school academic assessments⁶; (b) outline The Center’s planned comparability study in response to SB 211; and, (c) consider the implications of using nationally-recognized high school academic assessments within Georgia’s system of educational accountability.

ESSA Requirements

The nationally-recognized high school academic assessment provision of ESSA allows LEAs to submit a request to use a nationally-recognized high school assessment to the state, who may approve or disapprove of the request. If approved, *any* LEA would then be able to use that approved assessment in place of the current state assessment. According to the ESSA assessment regulations⁷, all students within schools under the participating LEA’s jurisdiction are required to take that nationally-recognized high school assessment, excluding students who are not eligible for the general assessment, such as those with the most severe cognitive disabilities. The regulations⁸ also define a nationally-recognized high school academic assessment 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.” In addition, the use of a

⁴ ESSA §1111(b)(2)(H).

⁵ See §1(a)(t)(2).

⁶ For additional, in-depth considerations of the ESSA requirements on locally selected, nationally-recognized high school academic assessments, refer to: <http://www.nciea.org/articles/high-school-assessment>.

⁷ While the Congressional Review Act was used to repeal the ESSA regulations on accountability, the regulations related to Title I assessments were preserved.

⁸ See CFR 200.3(d).

nationally-recognized high school assessment is restricted to reading/English language arts, mathematics, or science by the regulations.

ESSA and its regulations do not specify the process by which a state may approve a nationally-recognized high school assessment for use under the locally selected provision, nor do they lay out specific, fine-grained criteria by which a state should evaluate an assessment for approval. Instead, ESSA emphasizes that the evaluation of an assessment is at the state's discretion. In addition, the law defines the broad requirements⁹ that must be met for a nationally-recognized high school assessment to be approved for use by a state. Concisely, these requirements dictate that an assessment must:

- a) be aligned to and address the breadth and depth of the state's content standards;
- b) be equivalent to the statewide assessments in its content coverage, difficulty, and quality;
- c) provide valid and reliable data on student achievement for all students and subgroups as compared to the statewide assessments;
- d) meet the criteria for technical quality that all statewide assessments must meet (i.e., meet the requirements of federal peer review); and,
- e) provide unbiased, rational, and consistent differentiation among schools within a state's ESSA compliant accountability system.

These requirements are reflected in the specifications of the comparability study called for by SB 211. Determining whether a specific assessment meets these requirements involves a substantial investment of resources on the part of a state as well as the requesting LEA. Specifically, doing so entails conducting a series of empirical analyses involving determining whether the scores from the current state assessment and the nationally-recognized high school assessment can be treated as comparable. As detailed in the next section, the Center will conduct a range of analyses that address requirements (c) to (e). To fulfill the requirements of (a) and (b), it is the Center's understanding that the Georgia Department of Education will be commissioning an independent alignment study that will examine the alignment between the content measured by the ACT and SAT assessments and the state academic content standards.

Planned Comparability Study

Meeting the requirements above ensures that the results from a nationally-recognized high school assessment are comparable to those of the current state assessment. SB 211 explicitly calls for consideration of requirements (a) to (e) above within a comparability study. SB 211 also specifies that the comparability study examine the tenability of *one* type of psychometric linkage across assessments - concordance - between the current state assessment and nationally-recognized high school assessments.

⁹ See ESSA §1111(b)(2)(H)(v).

The Center has been charged with conducting a series of analyses aimed at determining whether the scores from specific Georgia EOC assessments are comparable to those from the corresponding ACT and SAT¹⁰ assessment. These analyses encompass requirements (c) to (e) above.

The series of analyses to be conducted by the Center include examinations of:

- the administration conditions of each assessment, with an emphasis on accommodations, based on an audit of available manuals, documented procedures and policies, and if possible, documentation of fidelity to administrative procedures.
- matched student scores to determine what type of relationship can be established between each EOC and the corresponding ACT or SAT assessment, including concordance and prediction relationships, and the implications of such a relationship for student achievement levels (on the percent of students identified as proficient),
- the precision of scores on each assessment for subgroups, and
- aggregated school scores to determine whether schools can be meaningfully differentiated from one another and what impact, if any, using linked ACT and SAT scores in place of EOC scores has on school performance.

In sum, the planned analyses will provide a strong base of evidence about the comparability of scores between the EOC assessments and the ACT and SAT assessments.

Implications and Caveats

Evidence of comparability alone does not ensure that Georgia LEAs, or LEAs in any other state, can successfully implement the locally selected, nationally-recognized provision of ESSA. Doing so requires careful consideration of a number of logistical and policy issues. Logistical issues include those related to the state approval process, assessment procurement, administration and monitoring, and reporting. Assessment administration, for example, requires development and implementation of monitoring processes (e.g., protocols for accommodations or procedures for handling irregularities) to ensure that the integrity of the assessment results are safeguarded.

Policy issues relate to the multiple ways in which the EOC assessments are currently used – i.e., for student grading, educator evaluation, and school accountability. Even if a concordance can be established between the assessments, judgments about students, educators and schools may differ across assessments. For example, estimates of academic growth – a part of both educator evaluation and school accountability– may differ enough across assessments that judgments about educators or schools are not independent of the assessments students take. Similarly, there may be unintended consequences to replacing course specific assessments with a more general academic assessment such as the SAT or ACT. The content of each EOC assessment is aligned to the state content standards, which

¹⁰ The comparability of the ACCUPLACER has already been examined by the Georgia Department of Education in a separate study, and is not considered here.

is meant to signal what is important in instruction, whereas it is uncertain if the SAT or ACT will function in the same manner.

Although the Center's investigation cannot fully address the wide range of logistical and policy issues Georgia will need to consider, it will provide a strong body of evidence on the comparability of the EOC assessments to the SAT and ACT. This evidence will be key in moving Georgia's examination of the locally selected, nationally-recognized high school academic assessment option forward.