MEMORANDUM

DATE: October 10, 2013
TO: TechMIS Subscribers
FROM: Charles Blaschke, Blair Curry and Suzanne Thouvernelle
SUBJ: Budget Stalemate and Common Core Field Testing Waiver

Enclosed is a Funding/Waiver Update on the most recent USED guidance on state waivers regarding conducting field tests of Common Core new assessments this year and extending for one year the due date for states to include student test results in teacher and principal evaluations. As noted in our last TechMIS transmittal letter, the state field test waiver guidance was complex and confusing and therefore we wanted to wait for further clarifications before sending our analysis. However, the government “shutdown” and further extensions of deadlines for submitting teacher/principal evaluation waivers occurred thus precluding further clarifications. Therefore, the enclosed analysis should be read with caution as further guidance and clarifications will very likely occur after the Federal government “reopens.”

Regarding funding, the budget stalemate continues as the debt ceiling deadline approaches on October 17th. We agree with the Committee for Education Funding (CEF), the coalition of 111 national education associations and groups, which supports the passage of a “clean” version of H.J. Res. 59 the Fiscal Year (FY) 2014 Continuing Resolution (CR) which is based on the FY 2013 post-sequester levels. The October 4th CEF letter to Congress rejects the “piece-meal approach” to selectively fund education programs through mini-CRs, such as Head Start, Impact Aid, or the National Institutes for Health because doing so would result in even more sequestration cuts to formula programs such as Title I, IDEA, among others. We agree with CEF’s letter which stated, “We urge you to enact an actual 2014 Labor-HHS-Education Appropriations bill within the Budget Control Act pre-sequester cap level of $1.058 trillion.” Replacing the sequester with a balanced package of deficit reduction in a FY 2014 final budget is perhaps even more important than a short-term CR to “re-open” the Federal Government.

If anyone has any questions, please contact Charles Blaschke directly at 703-362-4689.
Funding/Waiver Update:
USED Releases Field Test Flexibility Guidance Which is Strewn With Complexities and Raises Some Unanswered Questions Which Remain Due to Shutdown and Which Could Have Implications for Some TechMIS Subscribers

A Technology Monitoring and Information Service (TechMIS) Special Report

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On September 17-18, USED issued guidance, in the form of a letter from Assistant Secretary Deb Delisle and Frequently Asked Questions (FAQ), on field test flexibilities for which states can request waivers. This guidance is a follow-up to the June 18th guidance letter from Secretary Duncan to all Chief State School Officers allowing “waivers-on-waivers” for two areas: (a) a one-year extension for using a student’s test results for teacher and principal evaluations to inform personnel decisions; and (b) relief from double-testing for states participating in field tests. The FAQ states that USED will issue guidance regarding a timeline for using results of new teacher/principal evaluation and support systems to inform personnel decisions separately. Shortly before the September 30th Government shutdown, USED announced that the September 30th due date for the waiver request regarding teacher/principal evaluation and support systems was extended through October.

This new set of guidance focuses only on field test flexibility and addresses two issues: (a) the “double-testing” flexibility; and (b) the “determination flexibility” regarding whether test scores are to be reported for accountability sanction purposes. In some areas noted below, questions of interest to TechMIS subscribers remain unanswered. In our September 26th TechMIS transmittal letter, we and others expected some immediate guidance or policy letters, which could attempt to clarify some of the remaining questions; however, this possibility has been extinguished by the September 30th Federal Government shutdown, which includes the USED website (ed.gov). Moreover, some high-level USED officials have cancelled speaking engagements and other means of providing additional clarification. What follows below should therefore be read by TechMIS subscribers with some degree of caution. As noted below, some states have already taken advantage of some of the ambiguities, which support their positions (i.e., “gaming the system”).

The FAQ states that any SEA, with or without NCLB approved state flexibility waivers, can request a field test flexibility, including “an SEA that will field test assessments being developed
by either of the two Race to the Top Assessment Consortia -- the Partnership for Assessment of Readiness for College and Careers (PARCC), or the Smarter Balanced Assessment Consortium (Smarter Balanced) -- as well as an SEA that will field test alternative assessments based on alternative academic achievement standards for students with the most significant cognitive disabilities being developed by either of the two General Supervision Enhancement Grant consortia -- Dynamic Learning Maps (DLM) and the National Center and State Collaborative (NCSC). The field test flexibility is not limited to an SEA that is participating in a Race to the Top or CSEG assessment consortium or that has received ESEA flexibility.” An earlier interpretation of SEA eligibility described in the Politics K-12 blog on Education Week (September 17th) said that the SEA had to be administering only “field tests” being designed by the two common assessment consortia in math and English/language arts. As noted in our last TechMIS issue (September 26th), the Center on Education Policy in its fourth report on Common Core assessment implementation found that SEA officials in 17 states indicated that they were considering alternative assessments to the two CCSS consortia and might possibly be conducting field tests.

The FAQ also attempts to define whether an SEA is eligible to “participate in the field test.” It states that a school participates in the field test “if at least both one full classroom or course section within the school being field tested, takes the full form of the assessment being field tested at least in one subject area during the 2013-14 school year.” Through examples and stated conditions, eligibility for SEA “participation in the field test” is further defined:

- If an SEA conducts the field testing in the Fall, then the request must be submitted before the administration of its state assessment and must provide a list of schools that will participate in the field test.
- At least 95 percent of all students and 95 percent of each subgroup of students must participate in either the current state assessment or field test for each subject.
- If the 1% alternative test for cognitively-impaired students is field tested, then all the accommodations must be available and used.

As stated in the September 17th letter, “As a result, neither an SEA nor its local education agencies (LEAs) are required to report field-test results -- either individual student results to parents and teachers or on State or local ESEA report cards.”

The FAQ states that “An SEA may request only double-testing flexibility and opt not to request the determination flexibility. If such a request is approved, the SEA must continue making annual accountability determinations for schools that participate in the field test based only on performance of students who take the current state assessments in reading, language arts and mathematics. However, those students at the all students level and within each subgroup must be a representative sample of all students to ensure that accountability determinations are valid and reliable. On the other hand, an SEA cannot request only determination flexibility without requesting a waiver for double-testing flexibility. A number of other conditions related to this waiver request for determination of flexibility are also outlined.

The letter also encourages SEAs to give careful consideration to the implications of requesting field test flexibility by providing several examples. An SEA is not eligible for field-testing flexibility if state law requires that all students annually participate in the state assessments or
requires annual accountability determination based on the results of assessments. Generally, the FAQ also states that USED can offer flexibility only with respect to requirements of state ESEA flexibility waivers, not flexibility related to state or local law. Essentially, if the “flexibility” is in conflict with a state law, the state law prevails and the SEA cannot request double-testing flexibility waivers.

On the September 20, 2013 Flypaper blog of the Fordham Institute, Andy Smarick and Chad Adelman, both of whom are former USED officials, stated about the September 18th guidance, “Secretary of Education Arne Duncan has just drawn a very confusing line in the sand over standardized testing…The new flexibility allows any state (and any district in those states) to count field tests toward NCLB’s annual testing requirement in the spring of 2014 as long as all students are tested on some assessment. However, those field tests will not result in student-, school-, district-, or state-level scores, so theoretically a state could administer the field test to all of its students and have no transparent or actionable data…Postponing test results for a year is a dream come true for accountability opponents, because it halts a decade of regular testing and sets in motion multiple years of confusion and the political conditions to give low-performing schools a reprieve and anti-accountability forces the opportunity to roll back decades of progress.”

On October 3rd, State Superintendent Denise Juneau, Montana Office of Public Instruction, requested a waiver, in response to USED’s June 18, 2013 policy letter requesting the double-testing flexibility one-year waiver to field test the full form of new Smarter Balanced Achievement Consortium, reading/language arts and mathematics assessments. The letter also requested a “determination of flexibility” by requesting a one-year waiver so “there will be no new AYP determinations based on the 2013-14 school year, but the previous year AYP determinations will be used for an additional year, and schools and districts will be held accountable accordingly.”

We will continue to monitor SEAs’ requests and related developments as they occur.