

2% Regulation Technical Assistance Teleconference

Today's Topic: AYP Caps on 1% and 2%, Interim Flexibility

June 21, 2007, 1:00 Eastern Daylight Time

Opening and introductions

Acting Assistant Secretary for the Office of Elementary and Secondary Education (OESE), Kerri Briggs:

Thank you for joining us. As you know, we released regulations in early April to finalize use of modified achievement standards. We are having this series of calls and helping in other ways as states plan and work toward implementation. Today's call is about the transition period as states develop these assessments. We'll talk about how the caps for 1 and 2% work when states determine AYP decisions.

We will be hosting a meeting on July 26-27, 2007 in Washington, DC to help states develop these tests. We will have researchers there to provide a series of talks about policy and technical topics. We'll send out the official invitation and agenda next week. It should be an excellent opportunity to get together to talk through issues, and to begin planning.

Along with that, we have a little more than 21 million, 7.6 million for Enhanced Assessment Grants that have already been competed; 13.5 million from OSERS through IDEA General Supervision Enhancement Grants. The RFP for those will go out by end of month, and we hope to give awards by the end of September.

When the Secretary announced intentions to look at a new assessment based on modified achievement standards in May of 2005, there was interim flexibility granted to states, recognizing there were issues in assessments for students with disabilities. This interim flexibility has been in place since then, including the 2006-07 school year. The question is what happens next year. We are talking about that as **transition flexibility**, as opposed to interim flexibility. We are looking at a 2 year period of time.

The transition flexibility will work much like the previous interim flexibility, but there are more rigorous requirements to use transition flexibility.

Right now most states rely on option 1, the proxy option to look at 2% of students with disabilities in your state, or a third option; a handful of states have in place modified achievement standards that we have not reviewed but they are using for now. We are reviewing amendment requests at this time, and will finalize that by the end of month.

QUESTIONS IN RESPONSE TO OPENING:

Q: I have a question about demonstrating a good faith effort. Are there new guidelines in place, or will we work under old?

A: There are new ones in place, and I will talk about it next.

Q: How soon will you have the peer review guidelines for the assessment based on modified achievement standards?

A; Our goal and commitment is to have a draft at the July 26-27 meeting.

NEXT SEGMENT: Martha Snyder

1. How does the state show a commitment in order to use the transition flexibility?

There are several criteria that will be considered. We will have these in draft form in a letter to states, and in guidance on the Web by later this summer. For now, these are the primary criteria:

- a. States must have an approved assessment system, including their alternate assessment based on alternate achievement standards. They must have full approval, approval with recommendations, or approval expected status.
- b. They must demonstrate their progress in developing the alternate assessment based on modified achievement standards, including a description of the progress the state has made to date.
- c. Guidelines for IEP teams should be in place.
- d. There should be some demonstration of test blueprint or item development processes.
- e. There must be a timeline to show how they will work to complete and implement the test in the time period.
- f. There must be an RFP or vendor relationship, and commitment of funds spent or ready to be spent on development.
- g. They must demonstrate 95% participation rate for students with disabilities
- h. There should be some evidence of improving achievement for the subgroup of students with disabilities
- i. States with IDEA Special Conditions regarding their assessment systems may not be eligible if such conditions cannot be resolved prior to the time of implementation.

In the past, states had to have a uniform n size to take advantage of the interim flexibility. The regulations require that all subgroups have a uniform n size now, so all states must do so regardless of whether they use the transition flexibility or a 2% testing option.

2. How long can states use the transition flexibility?

The regulations allow 2007-08 and 2008-09. However, the Department will determine flexibility 1 year at a time – and states will need to show more progress to be approved for the 2nd year.

3. May a state choose to develop it later?

Yes, 2 years is provided at this time just to give them flexibility, not a deadline. At any time you can decide to develop this option.

4. If the state has taken interim flexibility in the past can they still take this transition flexibility? States may continue to use the proxy option, but can no longer use the modified achievement standards for the alternate assessments – must bring in the test for peer review prior for use.

5. If a state didn't request interim flexibility in the past, can it still do so now?

Yes, we understand it is possible that states will decide to do so now, so you are eligible to receive the flexibility

6. How is the Department providing TA?

You are highly encouraged to be in our Students with Disabilities Partnership, which would include attendance at the July meeting, participate in calls, and other activities.

QUESTIONS AFTER SEGMENT:

Q: Is there a web site where our organization can get a copy of the guidelines and regulations?

Interim flexibility guidelines are on the Department Web site, transition flexibility will go in official letter to state later this summer, and guidance will be posted at www.ed.gov when done. <http://www.ed.gov/policy/speced/guid/modachieve-summary.html> You can also find the links to current guidance and regulations related to the April, 2007 regulations at www.nceo.info, along with notes from this series of calls.

Q: Information about the July meeting won't be out for a week, and state people have to have a long process to get travel approved. Is there any way to get it out sooner?

A: We will send out a draft agenda and a save the date notice in the next few days to help with this.

Q: If a state decides to take advantage of the transition flexibility, can you also apply error bands to AYP calculations?

A: No, you must use one or the other. That is the same as in the past. If you use the 2% proxy, you cannot use a confidence interval.

Q: OELA has a meeting the same time as the July 26-27, with assessment people – can you address it?

A: I apologize for the inconvenience – this date worked the best.

NEXT SEGMENT: 2% CAP TOPIC

The information on the 2% Cap is already in the draft guidance on the Department web site – you can find it there. <http://www.ed.gov/policy/speced/guid/modachieve-summary.html>

1. What is the 2% Cap?

The Cap is on the number of proficient and advanced scores that can be counted on modified achievement standards for the purpose of AYP, and is not a cap on the number of students who can be assessed. It is calculated based on the number of students enrolled in tested grades – if a state only provides an alternate assessment based on modified achievement standards in 3 grades, then only those grades count. It is the number of students enrolled, including private school placements for IEP services.

2. Can an SEA exceed 2% cap?

Only if state is below the 1% cap. We are no longer allowing states to exceed the 1% cap, but they can exceed 2% if the total doesn't exceed 3%.

3. Does anything prevent an LEA from identifying more for participation in this option?

The Cap is on scores counted toward proficiency, not those that take it. However, if the scores exceed 2%, the scores will be counted as nonproficient. We don't believe the numbers should be significantly more than 2%, so such a practice should prompt review by state.

4. Can the state request an exception to 1%?

No the state has sufficient flexibility to measure appropriately – so a state may **not**, for example, include a 1.3 on AA-AAS, and 1.7 on AA-MAS. However, as noted previously, the number of scores less than 1% on AA-AAS, then you can pick those up in AA-MAS.

5. May a state grant an LEA the ability to exceed 1%?

Yes, the LEA may exceed 3% only by amount above 1%. We believe there is still a need for local flexibility given local variation on those students and where they are.

6. Does 2% Cap limit number students who take this option?

No, the Cap is just the inclusion of proficient and advanced scores for AYP.

QUESTIONS AFTER SEGMENT:

Q: Please clarify – the state can no longer request an exception to 1%, but LEAs can – plus they can have the 2%?

Correct, if the LEA is granted an exception for 1%, can still count 2%

Thank you to everybody for your participation. Next call is July 19, and the following week is the conference in DC. A draft agenda will come out in the next days so you can start your planning for that.