



COLORADO DEPARTMENT OF EDUCATION

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William J. Moloney
Commissioner of Education

November 13, 2006

Dear Superintendents, District Assessment Coordinators and Special Education Directors:

This letter is written in regards to the proposed 2% Flexibility Guidelines (or Modified Achievement Standards) issued by the US Department of Education in December of 2005 in reference to students with disabilities. As you may know, a committee (hereafter referred to as the 2% Committee) was formed at the beginning of the summer 2006 with representatives chosen from Title I, Exceptional Student Services Unit and the Unit of Student Assessment, along with broad representation from school districts, parents, and universities. This committee convened several times to discuss the new 2% Flexibility proposed guidelines and what action, if any, Colorado should take in response to it.

Holding first and foremost to the ideals of high expectations for all students and preserving technically sound (valid and reliable) assessments, the 2% Committee builds on the work of the HB 05-1246 recommendations. Through state statute (HB 05-1246), the legislature formed a study committee in the fall of 2005 to evaluate possible solutions to Colorado's "students in the gap" who are students with disabilities not eligible to take the CSAPA but are habitually the lowest performing students on the CSAP. That committee made a number of recommendations to the State Board of Education on December 31, 2005.

After carefully reviewing the proposed 2% Flexibility guidelines provided by the U.S. Department of Education, and the recommendations of the HB 05-1246 Committee, the current 2% committee made the following recommendations to the Colorado Department of Education:

1. Do not act at this time on the proposed 2% Flexibility Guidance; wait until final regulations are released (expected January, 2007). Thus, do not pursue the development of modified achievement standards or additional alternate assessments at this time.
2. Increase the use of standardized accommodations through providing statewide training opportunities on the standardized accommodations available to students on CSAP. Include families and students in these trainings.
3. Evaluate the effects of additional standard accommodations currently used in other states and approved by the US Department of Education on the administration and reporting of CSAP.
4. Continue to promote intensive research based instruction.
5. Promote "Response to Intervention" models for all students.
6. Evaluate the current CSAP for the appropriate use of Universal Design principles and plain language in its development.
7. Support, encourage, and require the continued existence of this 2% Committee to evaluate and recommend what steps Colorado should take once the 2% Flexibility Guidance is finalized.
8. Continue to apply for the interim 2% Flexibility in relation to AYP calculations as defined previously through the appeals process plan submitted for NCLB.

The proposed 2% Flexibility would allow Colorado to count more students as 'proficient' (up to 2%) for AYP purposes. However, to do this the Guidelines spell out a number of steps that must be taken that would involve significant time, cost and efforts to be made by the CDE and Colorado's school districts. In general, these involve developing modified achievement standards, holding a standard setting process to define how these standards can be demonstrated, developing a new assessment or altering the current CSAP to test these modified achievement standards, and developing and disseminating guidelines on the students appropriate to be assessed through modified achievement standards. A brief synopsis of the 2% Flexibility Guidelines is attached for your review.

In evaluating a possible course for Colorado in this decision, the 2% Committee reviewed several data presentations on the current assessment system. From a review of data from the 2005 CSAP provided by the Unit of Student Assessment, it was determined that Students in the Gap represent a very small number of students (and not all of them are students with IEPs!) who score at the very lowest scale scores for two or more years. When this data was disaggregated, fewer than 1600 students across all grade levels were Students with IEPs. This number was actually about a half of a percent of students who take the CSAP each year, and thus not close to the 2% figure offered by the federal government. From these data presentations, given the small number of students that would be impacted, the committee determined that further study should be done on both the use and appropriateness of standard accommodations, Colorado's use and non-allowance of non-standard accommodations, and investigating what other accommodations could be allowed that would not change the validity of the CSAP as appropriate approaches at this time.

We ask for your support for the work of the 2% Committee; we will keep you apprised of ongoing recommendations as more information becomes available. Thank you for your time and consideration of this issue.

The Committee Studying the 2% Flexibility Proposed Guidelines

Membership list is attached.

Cc: Directors, English Language Acquisition

Members of the 2% Flexibility Committee on Modified Achievement Standards

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Synopsis of the US Department of Education's Proposed 2% Flexibility Guidelines

I. Modified Standards

- A. Must use documented standards setting process
- B. Must align modified standards with grade level content
 - 1. "breadth and depth" may be reduced
- C. May not preclude a student from earning regular diploma

II. Eligibility Guidelines for Modified Standards

- A. IEP team determines eligibility
 - 1. determination cannot be due to lack of appropriate instruction
 - 2. must examine multiple measures over time
 - 3. must receive grade level content instruction
 - 4. must be reviewed annually
- B. May be in any disability category
- C. May be held to modified standard in one or more state tested areas
- D. Parent notification required

III. Options for Assessing on Modified Standards

- A. Use regular assessment(s)
 - 1. with accommodations when necessary
 - 2. "breadth and depth" may be reduced (reduced/selected content coverage)
 - 3. format or design may change/ be different (different response options/selected portions)
 - 4. off-grade level testing not allowed
- B. Use "modified" alternate assessment (a new test)
 - 1. must align with grade level standards
 - 2. yields results that measure reading/math separately
 - 3. is valid, reliable, and has high technical quality
 - 4. fits coherently into state's assessment system
- C. Reporting and AYP
 - 1. states must report results of students on modified standard separately
 - 2. the AYP subgroup minimum number cannot be raised to a higher minimum
 - 3. students scoring "proficient or advanced" on modified standards can be counted as "proficient" for AYP purposes, provided the number counted as proficient does not exceed 2% of all students assessed
 - 4. the 2% cap may be exceeded if 1% cap is not being fully used (no more than 3% total in alternate or modified standards)
 - 5. A state is not allowed to exceed the 1% or 2% cap on reporting proficiency for AYP calculations; however, a state may allow an LEA to exceed the 1% or 2% cap on a case-by-case basis
 - 6. states may administer the test more than once and include best score for AYP calculations (still have to get results back in time for AYP calculations)
 - 7. students assessed on alternate or modified achievement
 - 8. standards count as participants for AYP calculations
 - 9. states may include scores of students who have exited special education up to 2 years prior

IV. Accommodations

- A. Assessment Accommodations guidelines *for IEP teams* must indicate that each child must be validly assessed and identify any accommodations that would and would not result in an invalid score.
- B. States must report out on accommodations provided that did not *and* did invalidate the score.
- C. States should maximize the number and use of allowable accommodations, but not to the extent that affects test validity
- D. "Appropriate Accommodations" means that it is needed by the student but maintains test validity

V. Statements, Benefits, and Other Interesting Facts in the proposed 2%

Guidance

- A. "These proposed regulations would not add significantly to the costs of implementing either Title I or IDEA programs ...", and "...the proposed regulations would impose no direct cost on States, LEAs, or other entities or individuals."
- B. "The cost for this collection is minimal as it is simply a matter of coding on the test document..."
- C. Scores may result in more students identified as proficient
- D. The goal is a more accurate and valid assessment of what students with IEPs who may need a different method of assessment to demonstrate what they know and are able to do

1246 & 2% Dissemination Plan

Date

By 9/15

1. Letter sent to Ed Steinberg, Jo O'Brien and Bill Windler
cc Commissioner, State Board Chair and Committee

By 9/30

2. Response from Ed, Jo & Bill to field alerting to recommendations contained in letter: sent to Superintendents, DAC's & SpEd Directors
3. 1246 & 2% workgroups begin work on implementation of recommendations

10/1

A. Begin to Disseminate information from 1246 e.g. CSAPA "enhancements" (e.g. which tests increased difficulty of indicators) Sri can provide

To DAC's and Directors of SpEd

WHAT: 1246 Power Pt: revise to incorporate 2% finding

WHO: Mary, Kevin, Terri

Mary MRP (Most Responsible Person)

Phone conf call – Kevin, Terri, Mary: 9/14 @ 2:00 pm to revise PPT

HOW:

- deliver through ACEE Mtg
- State SpEd Dir. Mtg. – Use Regional director's meetings for follow up
- CASE Jan. mtg.? – Mary will submit application
- CSEAC/PEP –Alison/Cindy make time on agenda

B. 1246 & 2%: *Evaluate the effects of additional standard accommodations, currently used in other states and approved by the US Department of Education, on the administration and reporting of CSAP*

Stephanie (MRP) with Jason & Terri –

- Submit list to Dianne for possible review by TAC at end of November
- Convert 2003 Accommodations video to DVD or Intranet;
- Provide previous docs to Fabian for placement on CDE Web (Dianne)

C. 1246 & 2%: Promoting intensive, "targeted" research-based instruction

•Areas: Literacy and Math

(Provide listing of recommended materials (check Florida website); Add Instructional Techniques i.e. "scaffolding")

- Mary will contact various committees to discover what exists:

- CDE Rdg Directorate: Ed S., Deb Sheffel (chair), Jo O'Brien, Janette C., Diane Lefly
- LEA rep. Curriculum & Instruction
- Professional Development committees in districts
- SpEd
- ⇒ Mary call Deb Sheffel for her help; call Ed S. & Sherri Stevens for their recommendations re: specific listings of interventions

D. 1246: Longitudinal growth

There are many data/resources available @ the LEA level – how do we get information to Directors of SpEd?

Janet, Kevin, Stephanie & Randy (MRP): develop talking points re: progress by students with disabilities (e.g. the methodology of reviewing the unsatisfactory category by scores in thirds), the CEDAR Project. (Use same process described in A)

E. 1246: CSAP given in smaller segments over longer period of time?

Investigate further w/Dianne. CDE will review for us – Dianne (MRP) will explore with TAC, end of November

F. 1246: Non-standard accommodations/modifications

This will go to the TAC end of November: Dianne (MRP) Accommodations groups needs to be specific about which ones could be targeted

G. 1246: Abbreviating the CSAP

This cannot be done without invalidating test or at considerable expense to redo it. Not recommended at this time.

H. Universal Design

Making all tests accessible to ALL populations: Janet & Terri will discuss further with Dianne.

I. Continue 2% interim appeal process to US office

Russ (MRP) will discuss with Alyssa