

INTRODUCTION

On June 18, 2013, Secretary Duncan sent a letter to all chief state school officers indicating that the U.S. Department of Education (Department) would consider requests for flexibility related to two issues: (1) the timeline for using the results of new teacher and principal evaluation and support systems to inform personnel decisions; and (2) relief from the “double testing” of students in 2013–2014, while ensuring continued strong accountability for school performance, if a State educational agency (SEA) field tests a new assessment aligned to college- and career-ready standards. The Department has prepared this guidance to assist SEAs interested in requesting the flexibility related to field testing new assessments aligned to college- and career-ready standards in 2013–2014. The Department encourages an SEA interested in requesting this flexibility to review this guidance carefully.

If you are interested in commenting on this guidance, please e-mail us your comments at ESEAFlexibility@ed.gov using the subject line “Field-Test Flexibility Guidance” or write to us at the following address:

U.S. Department of Education
Office of Elementary and Secondary Education
Student Achievement and School Accountability Programs
400 Maryland Ave., SW
Washington, DC 20202

The Department will issue guidance with respect to the timeline for using the results of new teacher and principal evaluation and support systems to inform personnel decisions separately.

A. GENERAL QUESTIONS

A-1. What flexibility may a State educational agency (SEA) that field tests a new assessment aligned to college- and career-ready standards in 2013–2014 request?

Section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, requires a State educational agency (SEA) to administer the same reading/language arts and mathematics assessments to all students in grades 3 through 8 and once in high school. During the 2013–2014 school year, most SEAs will be field testing new assessments in reading/language arts and mathematics aligned to college- and career-ready standards. Because the next-generation assessments that will be field tested will likely be a significant departure from current State assessments in what they expect students to know and be able to do, these field tests will be longer and more extensive than field testing that typically occurs prior to an SEA’s implementing a new assessment system. Therefore, to support an SEA during field testing in the 2013–2014 school year, the Department will consider requests for one-year waivers:

1. To allow schools that participate in such field tests to administer, for purposes of meeting the assessment requirements in ESEA section 1111(b)(3), only one reading/language arts and one mathematics assessment in 2013–2014 to any individual student — *i.e.*, either the current State assessment or the field test; and
2. To allow schools that participate in the field test to retain for the 2014–2015 school year the same Federal accountability designations as they have for the 2013–2014 school year and to implement in 2014–2015 the same interventions and supports as they implement in 2013–2014.

Throughout these frequently asked questions (FAQs), the flexibility described in 1 above is referred to as the “**double-testing flexibility**” and the flexibility described in 2 above is referred to as the “**determination flexibility**.” The collective flexibility offered through 1 and 2 above is referred to as the “**field-test flexibility**.”

A-2. May an SEA request only the double-testing flexibility and opt not to request the determination flexibility?

Yes. An SEA may request only the double-testing flexibility and continue making annual accountability determinations for schools that participate in the field test if it can do so consistent with this paragraph. Accountability determinations for a school that participates in the field test must be based only on the performance of students who take the current State assessments in reading/language arts and mathematics. Basing accountability determinations only on the performance of students who take the current State assessments is permissible so long as those students, at the “all students” level and within each subgroup, are a representative sample of all students (*i.e.*, to ensure that accountability determinations are valid and reliable). An SEA that wants to request only the double-testing flexibility should take that into account in creating its sampling plan for the field test.

A-3. May an SEA request only the determination flexibility and opt not to request the double-testing flexibility?

No. An SEA may not request only the determination flexibility. This is because an SEA that does not request the double-testing flexibility must administer the current State assessments in reading/language arts and mathematics to all students in the tested grades and would, therefore, have valid and reliable assessment data for all students on which to base accountability determinations. In other words, if an SEA does not request the double-testing flexibility, it would not need the determination flexibility.

A-4. May an SEA request the determination flexibility for some, but not all, of its schools that participate in the field test?

Yes. An SEA may decide that it can make valid and reliable accountability determinations based on the performance of students who take the current State assessments for some schools that participate in the field test, but not for others, depending on whether those students taking the current State assessment, at the “all students” level and within each subgroup, are a representative sample of all students in a given school. An SEA interested in this option should clarify in its request which flexibility will apply to which schools and the rationale for the distinction.

A-5. May an SEA request the double-testing flexibility for some, but not all, of its schools that participate in the field test?

No. The Department does not intend to approve a request from an SEA to apply the double-testing flexibility to some, but not all, of its schools that participate in the field test. Rather, an SEA that requests and receives the double-testing flexibility would apply that flexibility to all schools that participate in the field test.

A-6. What does it mean to “participate in the field test” for purposes of the field-test flexibility?

The Department recognizes that there are multiple ways to test new assessment items. For purposes of the field-test flexibility, a school “participates in the field test” if at least one full classroom or course section within the school being field tested takes the full form (*i.e.*, all items and components of the form of the field test) in one subject area during the 2013–2014 school year. Thus, for example:

- School A is a K-8 school with four classes at each grade level. One fifth-grade class in School A takes the full form of the mathematics field test. The other three fifth-grade classes and all of School A’s third-, fourth-, sixth-, seventh-, and eighth-grade classes take the current State mathematics assessment. All classes in grades 3-8 in School A, including the fifth-grade class that takes the mathematics field test, take the current State reading/language arts assessment.
 - School A participates in the field test for purposes of the field-test flexibility.
 - If the SEA requests and receives the double-testing flexibility, the students in the fifth-grade class in School A who take the full form of the mathematics field test do not need to take the State mathematics assessment.
 - If the SEA requests and receives the determination flexibility for School A, School A would retain its 2013–2014 Federal accountability designation for the 2014–2015

school year and continue to provide the same supports and interventions in 2014–2015 that it provides in 2013–2014.

- School B is a K-8 school with four classes at each grade level. One fifth-grade class in School B takes some field-test items from the mathematics field test (but not the full form of the mathematics field test). The other three fifth-grade classes and all of School B’s third-, fourth-, sixth-, seventh-, and eighth-grade classes take the current State mathematics assessment. All classes in grades 3-8 in School B, including the fifth-grade class that takes some field-test items from the mathematics field test, take the current State reading/language arts assessment.
 - School B is not participating in the field test for purposes of the field-test flexibility.
 - Even if the SEA requests and receives the double-testing flexibility, the flexibility does not apply to School B. The students in the fifth-grade class in School B who take some field-test items from the mathematics field test must also take the State mathematics assessment.
 - The SEA may not apply the determination flexibility with respect to School B. School B would receive a new Federal accountability designation based on the 2013–2014 current State assessment results.

- School C is a K-8 school with four classes at each grade level. One fifth-grade class in School C takes some field-test items from the mathematics field test (but not the full form of the mathematics field test). The other three fifth-grade classes and all of School C’s third-, fourth-, sixth-, seventh-, and eighth-grade classes take the current State mathematics assessment. One sixth-grade class takes the full form of the reading/language arts field test. The other three sixth-grade classes and all of School C’s third-, fourth-, fifth-, seventh-, and eighth-grade classes take the current State reading/language arts assessment.
 - School C participates in the field test for purposes of the field-test flexibility. This participation is based on the fact that one sixth-grade class takes the full form of the reading/language arts field test, not the fact that one fifth-grade class takes some field-test items on the mathematics field test.
 - If the SEA requests and receives the double-testing flexibility, the students in the sixth-grade class who take the full form of the reading/language arts field test do not need to take the current State reading/language arts assessment. The students in the fifth-grade class in School C who take some field-test items on the mathematics field test must also take the current State mathematics assessment.
 - If the SEA requests and receives the determination flexibility for School C, School C would retain its 2013–2014 Federal accountability designation for the 2014–2015 school year and continue to provide the same supports and interventions in 2014–2015 that it provides in 2013–2014.

Throughout this guidance document, any reference to a school that participates in the field test means a school that participates in the field test under the circumstances described in A-6, A-11, and A-12. Note that the definition of what it means to “participate in the field test” set forth above is to be used only for purposes of determining whether a school is eligible for the field-test flexibility; this definition is not intended to prohibit a school from being a part of a field test simply because it does not meet this definition.

A-7. Does the determination flexibility apply to accountability determinations for LEAs?

No, except as noted below with respect to a single school LEA. The determination flexibility applies only to accountability determinations for schools that participate in the field test. The Department expects that an SEA will be able to continue to make accountability determinations for its LEAs based on the performance of students who take the current State assessments. If an SEA believes this is not the case for one or more of its LEAs, the SEA may contact the Department to discuss its particular situation.

With respect to a single-school LEA, an SEA may apply the same determination flexibility at the LEA level that it applies at the school level. Accordingly, if a single-school LEA is participating in the field test, the LEA may retain for the 2014–2015 school year the same accountability determination, as applicable, as it has for the 2013–2014 school year and implement in 2014–2015 the same interventions and supports as it implements in 2013–2014.

A-8. Which SEAs may request the field-test flexibility?

Any SEA that will field test a new reading/language arts or mathematics assessment aligned to college- and career-ready standards in the 2013–2014 school year may request the 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 alternate assessments based on alternate 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 GSEG assessment consortium or that has received ESEA flexibility.

Note that an SEA that will be fully implementing statewide reading/language arts and mathematics assessments aligned to college- and career-ready standards in the 2013–2014 school year (as opposed to field testing such assessments) would not need the field-test flexibility. That SEA would be administering its new State reading/language arts and mathematics assessments to all students and would have no need to double test and, therefore, no need for flexibility from double testing. Moreover, the SEA would have valid and reliable State assessment data from every tested student on which to base accountability determinations and, therefore, no need for relief from making such determinations.

A-9. If an SEA is field testing new assessments aligned to college- and career-ready standards for reading/language arts and mathematics for both its general assessments and its alternate assessments based on alternate academic achievement standards, may the SEA seek double-testing flexibility relating to both types of field tests?

An SEA may request double-testing flexibility for field testing the general assessments (*e.g.*, PARCC or Smarter Balanced assessments), the alternate assessments (*e.g.*, DLM or NCSC), or both.

A-10. Is the field-test flexibility available to an SEA that administers its State assessments in the fall?

Yes. Any SEA participating in the field test of a new reading/language arts or mathematics assessment aligned to college- and career-ready standards in the 2013–2014 school year is eligible to request this flexibility. An SEA that administers its State assessments in the fall must submit its request prior to the 2013–2014 administration of its State assessments and be able to provide in its request, like all other SEAs requesting the flexibility, a list of the schools that will participate in the field test.

For an SEA that administers its assessments in the fall and receives approval of the field-test flexibility, schools that participate in the field test would administer only one reading/language arts and one mathematics assessment to any individual student in 2013–2014 — *i.e.*, either the current State assessment or the field test. However, in order to receive the field-test flexibility, the SEA would need to be able to ensure that, in fall 2013, the current State assessment is administered to any student who will not take the field test for that subject area in spring 2014.

A-11. What does it mean for “one full classroom or course section” to participate in the field test at the high school level?

At the high school level, one full classroom or course section participates in the field test if all the students in one period during which a particular course is taught by a specific teacher take the full form of an assessment in one content area. For example, if Ms. Johnson and Mr. Smith each teach Algebra II during periods 1, 2, and 3, the school participates in the field test for purposes of the field-test flexibility if all the students in Ms. Johnson’s first period class take the full form of the mathematics assessment being field tested.

A-12. If a classroom or course section includes some students who are not required to take the general assessment, is it still possible for that classroom or course section to be considered participating in the field test of the general assessment for purposes of the field-test flexibility?

Yes. In some instances, a classroom or course section may include some students who are required to participate in the general assessment for reading/language arts or mathematics and other students who are not. This might happen, for example, if the classroom is in a very small school and includes multiple grades or if the classroom includes some students with the most significant cognitive disabilities whose individualized education program (IEP) provides that they take an alternate assessment based on alternate academic achievement standards. For such a classroom to be considered participating in the field test of a general assessment aligned to college- and career-ready standards, all students who are required to take the State’s general assessment in a particular subject must participate in the field test.

For information about how to apply the field-test flexibility for purposes of students with the most significant cognitive disabilities who participate in the field test of an alternate assessment based on alternate academic achievement standards, please see Section F of this guidance.

A-13. Does the field-test flexibility require that the field test produce a reportable score for the individual students who participate in the field test?

No. The Department is offering flexibility related to reporting results of the field test as well as flexibility related to accountability determinations precisely because we understand and expect that the field test would not yield a valid or reliable score for students.

A-14. If an SEA receives the field-test flexibility, is a student who takes the full form of the field test in only one subject — e.g., mathematics — required to take the current State assessment in the other subject — e.g., reading/language arts — as well as the current State assessment in science?

Yes. For example, a student who takes the full form of the field test in mathematics must still take the current State reading/language arts assessment. All students in the grades in which the State’s science assessment is administered must continue to participate in the current State science assessment.

A-15. Will the Secretary consider a request from an SEA to waive the 95 percent participation rate requirement as part of the field-test flexibility?

No. SEAs and LEAs must ensure that in each school at least 95 percent of all students, and 95 percent of each subgroup of students, participate in either the current State assessment or the field test for each subject. In addition, all SEAs and LEAs must report on their respective report cards, for the “all students” group and each subgroup, the total participation rate, the participation rate on the field test, and the participation rate on the current State assessments.

A-16. May an LEA request the field-test flexibility for its schools if its SEA does not?

No. The assessment requirements that would be waived through the field-test flexibility are State-level requirements that can be requested only by an SEA. If an SEA does not request a waiver of the State-level requirements, then all LEAs and schools must administer the current State assessments to all students in the relevant grades, and accountability determinations would be based on performance on those assessments.

A-17. Does the field-test flexibility affect State or local laws that require all students to participate in State assessments or that require annual accountability determinations?

No. The Department can offer flexibility only with respect to ESEA requirements, including the requirements of ESEA flexibility, not flexibility related to State or local law. In deciding whether to request the field-test flexibility, an SEA should consider if State law requires that all students annually participate in the State’s assessment or requires annual accountability determinations based on the results of those assessments, including, for example, the assignment of a grade or rating to each school. For additional information about other considerations an SEA should take into account when deciding whether to seek the field-test flexibility, please see Section G of this guidance.

B. REQUESTS FOR THE FIELD-TEST FLEXIBILITY

B-1. If an SEA wishes to receive the double-testing flexibility, which provisions should be included in its waiver request?

An SEA seeking the double-testing flexibility should request a one-year waiver of the following statutory provisions (and their associated regulatory requirements):

- ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), which require an SEA to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. These waivers would permit any individual student to take only one assessment in each content area in 2013–2014 — *i.e.*, either the current State assessment or the field test.
- ESEA section 1111(b)(3)(C)(xii), which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given. This waiver would permit an SEA or LEA to refrain from producing or providing these reports for a student’s performance on the field test. Note that the individual student report would still be required with respect to a student’s performance on any State assessment the student takes (whether the student also participates in the field test for one or more subjects).

In addition to requesting these waivers, an SEA with an approved ESEA flexibility request that seeks the double-testing flexibility will also need to amend its approved ESEA flexibility request. See D-2 for a full discussion of the amendments that are required.

B-2. If an SEA wishes to receive the determination flexibility in addition to the double-testing flexibility, which additional provisions should be included in its waiver request?

An SEA seeking the determination flexibility in addition to the double-testing flexibility should also request a one-year waiver of the following statutory provisions (and their associated regulatory requirements):

- ESEA section 1111(h)(1)(C)(ii) and 1111(h)(2)(B), which require an SEA and LEA, respectively, to report on performance against annual measurable objectives (AMOs). These waivers would permit an SEA or LEA to refrain from reporting performance against AMOs for any school or single-school LEA that participates in the field test of new assessments aligned to college- and career-ready standards. The SEA and its LEAs, however, would still report performance against AMOs, as applicable, for a subject that is not part of the field test, for all schools or single-school LEAs that are not participating in the field test, and for all LEAs (except single-school LEAs participating in the field test).
- ESEA section 1116(a)(1)(A), which requires an LEA to use the State’s academic assessments and other academic indicators to make adequate yearly progress (AYP) determinations for schools. This waiver would permit an LEA that has one or more schools participating in the field test to refrain from making AYP determinations for each of those schools.

- ESEA section 1116(c)(1)(A), which requires an SEA to use the State’s academic assessments and other academic indicators to make AYP determinations for LEAs. This waiver would permit an SEA to refrain from making AYP determinations for a single-school LEA that participates in the field test.

If an SEA has already received a waiver of the ESEA section 1116 requirements to make AYP determinations through ESEA flexibility, it would not need to request that waiver again.

If an SEA opts to request the determination flexibility for only some of its schools and single-school LEAs that participate in the field test, it would indicate that in requesting waivers of these provisions.

In addition to requesting these waivers, an SEA with an approved ESEA flexibility request that seeks the determination flexibility would need to amend its approved ESEA flexibility request. See D-2 for a full discussion of the amendments that are required.

B-3. What other information must an SEA seeking the field-test flexibility provide in its waiver request?

In addition to specifying the ESEA requirements for which it is seeking a waiver, the SEA must provide a list of the schools that will participate in the field test. This list, which must be attached to the waiver request, must include the name of the school, the NCES ID number for the school, the LEA in which the school is located, and an indication of whether the school will implement the double-testing flexibility only or the double-testing flexibility and the determination flexibility.

In addition, the request must include assurances that the SEA has notified each LEA and school that is participating in the field test of its participation, and has ensured that parents of students in each school participating in the field test have been notified of the school’s participation, including by ensuring that the notification to parents includes a discussion of the implications of the school’s participation in the field test and whether the parents’ child will participate in the field test. The notification may identify only the grade level and class participating in the field test and need not identify students by individual names.

The Department has posted on its website, template waiver requests for both an SEA that does not have ESEA flexibility and an SEA that does have ESEA flexibility.

B-4. If an SEA receives the field-test flexibility, what will be the length of the waivers it is granted?

The Secretary will grant waivers through this field-test flexibility for one year only, *i.e.*, for field testing during the 2013–2014 school year and for accountability determinations based on assessments administered in 2013–2014. In 2014–2015, SEAs administering new assessments aligned with college- and career-ready standards in reading/language arts and mathematics must administer those assessments to all students, as required by the ESEA, and SEAs and LEAs will be required to report on the results of those assessments and use the results in making accountability determinations. The only exception to this is that an SEA with ESEA flexibility may already have received, or may request through the ESEA flexibility renewal process, a

waiver of the requirements to make AYP determinations for any additional years for which it is approved to implement ESEA flexibility.

B-5. What is the deadline for requesting the field-test flexibility?

An SEA seeking field-test flexibility must submit its request before it administers its current State assessments in the 2013–2014 school year, but no later than November 22, 2013. The Department will review requests on a rolling basis as they are received. Accordingly, we encourage an SEA to submit its request as soon as it is able to provide all of the relevant information regarding its field-test plans.

C. SEAs THAT DO NOT HAVE ESEA FLEXIBILITY

C-1. If an SEA that does not have ESEA flexibility receives the determination flexibility, what would be the 2014–2015 improvement status of a school within the State that participates in the field test and for which the SEA has requested determination flexibility?

If an SEA that does not have ESEA flexibility receives the determination flexibility, a school within the State that participates in the field test and receives the determination flexibility (see A-4) would retain its 2013–2014 improvement status for the 2014–2015 school year. The school would not enter or exit improvement, or move up in the improvement timeline, based on assessment results from the 2013–2014 school year. The school would continue to offer in 2014–2015 any interventions that are required as a result of its 2013–2014 improvement status, including, for example, supplemental educational services and transportation for public school choice.

C-2. If an SEA that does not have ESEA flexibility receives the determination flexibility for all its schools that participate in the field test, must its LEAs continue making AYP determinations for schools that do not participate in the field test?

Yes. The waiver of the requirement to make AYP determinations applies only to schools that participate in the field test and for which the SEA has requested determination flexibility; all other schools must continue to receive AYP determinations based on assessment data from the current State assessments, and must continue to enter or exit improvement or move up in the improvement timeline as appropriate based on those determinations.

D. SEAS THAT HAVE RECEIVED ESEA FLEXIBILITY

D-1. What other accountability determinations that are made under ESEA flexibility might be affected by the field-test flexibility?

Under ESEA flexibility, an SEA makes a few different types of accountability determinations that might be affected by the field-test flexibility, including:

- Identification of reward, priority, or focus schools, which is particularly significant if the SEA committed to annually identifying all three categories of schools.

- Determinations about whether priority or focus schools have met the SEA’s criteria to exit that status.
- Issuance or assignment of grades or ratings to schools under the SEA’s system of differentiated recognition, accountability, and support.
- AYP determinations if the SEA has not already received a waiver of the AYP determination requirement through ESEA flexibility or intends to request one through the renewal process.

In addition, the SEA must ensure that its LEAs use subgroup performance against AMOs and graduation rate targets to identify other Title I schools requiring targeted interventions and supports. How the field-test flexibility might affect these determinations would depend on each SEA’s differentiated accountability system as set out in its ESEA flexibility request. Each SEA with ESEA flexibility requesting the field-test flexibility must provide in its waiver request a description of how it intends to amend its ESEA flexibility request to implement the flexibility and its rationale for the amendment. See template request attached to these FAQs.

D-2. In addition to requesting certain waivers, must an SEA that has received ESEA flexibility and wishes to implement the field-test flexibility also amend its ESEA flexibility request?

Yes, though the specific amendment will depend on whether the SEA implements double-testing flexibility only or both double-testing and determination flexibility.

An SEA with an approved ESEA flexibility request that wishes to implement the double-testing flexibility and the determination flexibility will need to amend its approved ESEA flexibility request to clarify that it will not make accountability determinations following the 2013–2014 school year. However, unlike an SEA operating under current law, an SEA with ESEA flexibility has the option either to refrain from making accountability determinations only for schools that participate in the field test (or a subset of those schools, as described in A-4) or to refrain from making accountability determinations for all its schools. An ESEA flexibility SEA has this option because ESEA flexibility does not require SEAs to identify priority or focus schools each year or to assign annual grades or ratings to schools, whereas an SEA that does not have ESEA flexibility is required by statute to make annual AYP determinations and annual identifications of schools, which is not being waived through this flexibility for schools that do not participate in the field test. Although many SEAs have chosen to make such annual determinations, an SEA can meet the ESEA flexibility requirements without making those determinations following the 2013–2014 school year. Moreover, although ESEA flexibility does require annual identification of reward schools, the Department will relieve an SEA that wishes to implement the determination flexibility of that requirement for one year. Thus, for example, if an ESEA flexibility SEA chooses to refrain from making accountability determinations for all its schools following the 2013–2014 school year, to the extent applicable to its particular ESEA flexibility request, the SEA would need to clarify that:

- It will retain its 2013–2014 lists of reward, priority, and focus schools for the 2014–2015 school year — *i.e.*, it will neither identify new schools nor allow previously

identified schools to exit priority or focus status — and will resume identifying those schools following the 2014–2015 school year; and

- It will require schools to keep their 2013–2014 grades or ratings for the 2014–2015 school year.

On the other hand, if an ESEA flexibility SEA chooses to refrain from making accountability determinations only for its schools that participate in the field test (or a subset of its schools), to the extent applicable to its particular ESEA flexibility request, the SEA would need to clarify:

- That schools that are identified as reward, priority, or focus schools for the 2013–2014 school year and participate in the field test will retain that status for the 2014–2015 school year;
- That schools that participate in the field test will keep their 2013–2014 grades or ratings for the 2014–2015 school year;
- How the SEA will identify new priority, focus, and reward schools from among the schools that do not participate in the field test; and
- That schools that do not participate in the field test will receive a grade or rating as required by their State system following the 2013–2014 school year.

An SEA with an approved ESEA flexibility request implementing both the double-testing flexibility and determination flexibility — whether for all its schools or only for schools that participate in the field test (or a subset of those schools as described in A-4) — must also confirm through an amendment to its ESEA flexibility request that all interventions in priority, focus, and other Title I schools that retain their identification from the 2013–2014 school year will continue in the 2014–2015 school year.

D-3. In addition to requesting certain waivers, must an SEA that has received ESEA flexibility and wishes to implement the double-testing flexibility (but not the determination flexibility) also amend its ESEA flexibility request?

Yes. An SEA with an approved ESEA flexibility request that wishes to implement only the double-testing flexibility and not the determination flexibility will need to amend its approved ESEA flexibility request to clarify how it will make accountability determinations following the 2013–2014 school year. In particular, to the extent applicable to its particular ESEA flexibility request, the SEA would need to clarify:

- How it will identify reward, priority, and focus schools following the 2013–2014 school year (*e.g.*, based on the achievement data of students who participate in the current State assessments, including State assessment data of students within schools that participate in the field tests, which is permissible so long as those students, at the “all students” level and within each subgroup, are a representative sample of all students);

- How it will determine whether priority and focus schools exit that status following the 2013–2014 school year (*e.g.*, based on the achievement data of students who participate in the current State assessments, including State assessment data of students within schools that participate in the field tests, which is permissible so long as those students, at the “all students” level and within each subgroup, are a representative sample of all students); and
- How it will make accountability determinations for non-priority and non-focus schools for the 2014–2015 school year, including determining schools’ grades or ratings and identifying other Title I schools in need of interventions and supports due to low performance against AMOs and graduation rate targets.

D-4. When must an SEA submit its proposed amendment to its ESEA flexibility request to reflect its implementation of the field-test flexibility?

An SEA must submit its request to amend its ESEA flexibility request to reflect its implementation of the field-test flexibility at the same time it submits its waiver request for the field-test flexibility — *i.e.*, by November 22, 2013.

D-5. If an LEA is implementing its ESEA flexibility teacher and principal evaluation and support systems in 2013–2014 and participates in the field test, must it still take into account growth as a significant factor for teachers of tested grades and subjects?

Yes. An LEA that is implementing its teacher and principal evaluation and support systems ahead of the ESEA flexibility timeline and participates in the field test must determine how it will take into account growth as a significant factor in the 2013–2014 school year, and should reach out to its ESEA flexibility contact at the Department to discuss the options available. For additional information about other considerations an SEA should take into account when deciding whether to seek this additional flexibility, please see Section G of this guidance.

E. REPORTING REQUIREMENTS

E-1. Must an SEA that receives the field-test flexibility and its LEAs continue to report on the achievement of students who take the current State assessment?

Yes. If an SEA receives the field-test flexibility, it and its LEAs must continue to meet reporting obligations with respect to the achievement of all students who participate in the current State assessments. Moreover, if an individual student takes the field test in one subject — *e.g.*, mathematics — but takes the current State assessment in the other subject — *e.g.*, reading/language arts— the SEA and LEA must include the student’s achievement data on the State reading/language arts assessment. We encourage SEAs and LEAs with one or more schools that participate in the field test to explain on their respective report cards the impact of field-test flexibility and why, as a result of that flexibility, the reported data should be interpreted with caution.

In addition, because all students will continue to participate in the current State science assessments, an SEA and LEA must continue to meet all reporting requirements with respect to science assessments.

E-2. If an SEA receives the field-test flexibility, what must the SEA and its LEAs report with respect to results from the field tests?

The SEA and its LEAs are required to report participation rate for the “all students” group and each subgroup, including the total participation rate, the percentage who participate in the current State assessments, and the percentage who participate in the field test (see E-3). As noted in A-13, the SEA is not required to produce a score for individual students who participate in the field test. Neither the SEA nor its LEAs are required to report proficiency data resulting from the field test, or to include the results of students who participate in the field test in reporting the assessment results for a school or LEA.

The regulations implementing the Individuals with Disabilities Education Act (IDEA) require that SEAs and, where applicable, LEAs report on the performance of children with disabilities on assessments with the same frequency and detail as it reports on the performance of nondisabled children (34 C.F.R. § 300.160(f)). If an SEA and, where applicable, LEAs do not report on the performance of nondisabled children who take field tests, they are not required to report on the performance of children with disabilities who take field tests.

E-3. How must an SEA or LEA that receives the field-test flexibility report participation rate?

As noted in A-15, the field-test flexibility does not include a waiver of the 95 percent participation rate requirement. An SEA and LEAs that receive this flexibility must report on their respective report cards, for the “all students” group and each subgroup, the total participation rate, the participation rate on the field test, and the participation rate on the current State assessments. In addition, SEAs must report to the Department, for the “all students” group and each subgroup, the number of students by grade level that participate in the field test. The Department will modify the existing *EDFacts* data collection on assessment participation to enable reporting on field-test participation at the SEA, LEA, and school levels.

An SEA must also continue to report to the Department status data (*i.e.*, “met”, “not met”) indicating whether each school and LEA, for the “all students” group and each subgroup, met the 95% participation requirement. The Department collects these statuses in two separate *EDFacts* files, one for mathematics and one for reading/language arts.

Under the IDEA, an SEA and, where applicable, LEAs must report to the public on the participation of students with disabilities on assessments with the same frequency and in the same detail as they report on the participation of nondisabled children on assessments. Therefore, if an SEA or its LEAs report participation rates on the field test for nondisabled children, they would also be required to report participation rates on the field test for students with disabilities under the IDEA.

E-4. For an SEA that receives the determination flexibility for all of its schools that participate in the field test, are the SEA and its LEAs obligated to report on their

report cards performance against AMOs for schools that participate in the field test?

It depends. If a school participates in the field test for both reading/language arts and mathematics, then the SEA and LEA need not report performance against AMOs for that school. If, however, the school participates in the field test for one subject only but administers the current State assessment in the other subject to all students in the tested grades, then the SEA and LEA would report performance against AMOs for the subject for which the school administers the current State assessment to all students in the tested grades. In addition, the SEA and its LEAs would continue to report performance against AMOs for all other schools within the State as well as for all LEAs (except single-school LEAs participating in the field test) within the State.

E-5. For an SEA that receives the determination flexibility for all of its schools that participate in the field test, are the SEA and its LEAs obligated to report on their respective report cards the Federal accountability designation (e.g., school identified for improvement, priority school) for a school that participates in the field test?

Yes. The determination flexibility permits a school to retain for the 2014–2015 school year the same Federal accountability designation as it has for the 2013–2014 school year. It does not, however, relieve an SEA and its LEAs of the obligation to report that designation. The SEA and its LEAs would report for the 2014–2015 school year for a school that participates in the field test and for which the SEA has received the determination flexibility the same Federal accountability designation that the school has for the 2013–2014 school year.

F. INCLUDING STUDENTS WITH DISABILITIES IN FIELD TESTING

F-1. How does the field-test flexibility apply to a school’s participation in the field test of an alternate assessment based on alternate academic achievement standards aligned to college- and career-ready content standards for students with the most significant cognitive disabilities?

If an SEA receives the field-test flexibility, the waivers granted would permit the SEA to administer only one reading/language arts and mathematics assessment in 2013–2014 to any individual student with the most significant cognitive disabilities who takes the full form of a field test of an alternate assessment based on alternate academic achievement standards aligned to college- and career-ready content standards during the 2013–2014 school year — *i.e.*, either the current State alternate assessment or the field test of the State’s new alternate assessment. However, in order for the school to receive the benefit of the determination flexibility, it would have to meet the full classroom or course section requirement set forth in A-11. In other words, any individual student who participates in a field test of a college- and career-aligned alternate assessment would not need to be double tested, but the student’s school would continue to receive accountability determinations as usual unless a full classroom or course section within the school participates in the field test. Thus, for example:

- School D is a school with grades 6-8 that includes one class of 10 students, all of whom are students with the most significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards. Five students within this class take the full form of a field test of an alternate assessment based on alternate academic achievement standards aligned to college- and career-ready reading/language arts standards. The other five students within this class and all other students in School D take the current State assessment (either the current State general assessment or current State alternate assessment based on alternate academic achievement standards, as appropriate) for reading/language arts as well as the current State assessment for mathematics.
 - If the SEA for School D requests and receives the double-testing flexibility, the students who take the full form of the field test of the alternate assessment based on alternate academic achievement standards in reading/language arts aligned to college- and career-ready standards do not need to take the State’s current alternate assessment based on alternate academic achievement standards in reading/language arts. The students who take the field test would, however, need to take the current State assessment in mathematics (either the alternate assessment based on alternate academic achievement standards or the general assessment, as appropriate).
 - Because School D does not meet the full classroom or course section requirement, the SEA cannot receive the determination flexibility for School D. School D would receive a new Federal accountability designation based on the 2013–2014 State assessment results.

- School E is a school with grades 6-8 that includes one class of 10 students, all of whom are students with the most significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards. All 10 students within this class take the full form of a field test of an alternate assessment based on alternate academic achievement standards aligned to college- and career-ready reading/language arts standards. All other students in School E take the current State assessment for reading/language arts as well as the current State assessment for mathematics.
 - School E participates in the field test for purposes of the field-test flexibility.
 - If the SEA for School E requests and receives the double-testing flexibility, the students who take the full form of the field test of the alternate assessment based on alternate academic achievement standards in reading/language arts aligned to college- and career-ready standards do not need to take the State’s current alternate assessment based on alternate academic achievement standards in reading/language arts aligned to college- and career- ready standards. The students who take the field test would, however, need to take the current State assessment in mathematics (either the alternate assessment based on alternate academic achievement standards or the general assessment, as appropriate).
 - If the SEA requests and receives the determination flexibility for School E, School E would retain its 2013–2014 Federal accountability designation for the 2014–2015 school year and continue to provide the same supports and interventions in 2014–2015 that it provides in 2013–2014.

F-2. If the field test does not have available accommodations that are prescribed in a student’s IEP or Section 504 plan, may a school that participates in the field test

choose not to administer an assessment to students with disabilities who need those accommodations?

No. An assessment must be administered. If an SEA receives the field test flexibility, every student must participate in one assessment in reading/language arts and mathematics in 2013–2014 — either the field test or the current State assessment. Field testing is an important and necessary milestone towards providing students with disabilities prompt access to more accessible high-quality assessments. If a particular student cannot participate in the field test because he or she needs an accommodation that is not yet available, then the school must administer the current State assessment to that student with the appropriate accommodation(s) that are included in the student’s IEP under 34 C.F.R. § 300.320(a)(6)(i). Under 34 C.F.R. § 300.320(a)(6)(i), each student’s IEP must include a statement of any individual accommodations that are necessary to measure the academic achievement and functional performance of the child on State and districtwide assessments.

When a new assessment becomes available to be field tested, school officials must familiarize themselves with the range of accommodations available within the assessment. IEP Teams need to be informed of the range of accommodations and must consider providing those accommodations for each student in light of each student’s needs. If an IEP Team determines that other or additional accommodations would assist the student and are available for use in administration of the field test, the IEP Team must review and if necessary revise the student’s IEP to address the student’s use of the other accommodations to facilitate taking the field test. A student’s IEP would need to be revised if the field test offers accommodations that were not previously available and the IEP Team determines that the new accommodations would help the student demonstrate what he or she has learned. The IEP Team will need to ensure that the student is familiar with the accommodations, including any new accommodations available in the field test (*e.g.*, by ensuring that the student has been using similar accommodations in his or her classroom instruction), and can benefit from them. Similar provisions apply to Section 504 plans.

Please note that this guidance applies whether the student needs accommodations to participate in a general assessment or in an alternate assessment based on alternate academic achievement standards.

F-3. If a student with a disability previously took an alternate assessment based on modified academic achievement standards and the student will be taking the field test of the general assessment, must the student’s IEP be revised?

Yes. 34 C.F.R. § 300.320(a)(6)(ii) requires that a student’s IEP include a statement related to the student’s participation in an alternate assessment, including why the student cannot participate in the regular assessment and why the particular alternate assessment selected was determined appropriate for the student. If a student who previously took an alternate assessment based on modified academic achievement standards will be taking the field-test of the general assessment, the student’s IEP may no longer include a statement indicating the student is taking the alternate assessment based on modified academic achievement standards. Rather, the student’s IEP must be revised prior to the field test to indicate that the student is

taking the field test of the general assessment. The consideration of individual appropriate accommodations described in 34 C.F.R. § 300.320(a)(6)(i) for State and district-wide assessments also applies; therefore, any accommodations that the IEP Team determines the student will use on the field test of the general assessment must also be included in the student's IEP.

An SEA with ESEA flexibility, in particular, will clearly need to include some students who previously took an alternate assessment based on modified academic achievement standards in the field test of the general assessment given that, under ESEA flexibility, an SEA may no longer administer an alternate assessment based on modified academic achievement standards starting in the 2014–2015 school year. The Department expects that students who previously took the alternate assessment based on modified academic achievement standards will take the general assessment in the 2014–2015 school year.

G. OTHER CONSIDERATIONS

G-1. What else should an SEA consider in deciding whether to request the field-test flexibility?

The Department encourages each SEA to give careful consideration to the implications of receiving the field-test flexibility before requesting it. For example, an SEA should consider if:

- State law requires that all students annually participate in the State assessments or requires annual accountability determinations based on the results of those assessments.
- Every student must participate in a State assessment in order to meet promotion, remediation, or graduation requirements.
- It needs State assessment data from every student in a school that receives a School Improvement Grant (SIG) in order to determine the progress of the school and whether to renew the school's SIG grant.
- It needs State assessment data from every student to implement teacher and principal evaluation systems and, in particular, to determine growth for purposes of evaluating teachers and principals.
- It needs State assessment data from every English Learner in order to determine whether the student can exit English Learner status.
- It needs State assessment data from every student in order to carry out external evaluations of particular programs.

Please note that these are merely examples; an SEA should take into account all relevant State and local laws, policies, and needs in determining whether to request this flexibility.

G-2. Does the Department intend to issue additional guidance regarding the effect of the field-test flexibility on other Department programs, such as IDEA, SIG, and Title III of the ESEA?

Programs within the Department that are affected by this flexibility may issue additional guidance to help their grantees implement the flexibility. We encourage SEAs to reach out to their program contacts at the Department with any questions that are not addressed by this guidance.