Dated: February 13, 2003.

John D. Tressler,

Leader, Regulatory Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision of a currently approved collection.

Title: High Education Act (HEA) Title II Reporting Forms on Teacher Quality and Preparation.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs (primary). Not-for-profit institutions (primary).

Reporting and Recordkeeping Hour Burden: Responses: 1309. Burden Hours: 127624.

Abstract: The Higher Education Act of 1998 calls for annual reports from states and institutions of higher education on the quality of teacher education and related matters (Pub. L. 105–244, section 207:20 U.S.C. 1027). The purpose of the reports is to provide greater accountability in the preparation of America's teaching forces and to provide information and incentives for its improvement. Most institutions of higher education that have teacher preparation programs must report annually to their states on the performance of their program completers on teacher certification tests. States, in turn, must report test performance information, institution by institution, to the Secretary of Education, along with institutional ranking. They must also report on their requirements for licensing teachers, state standards, alternative routes to certification, waivers, and related items. Annually reports form institutions are due to the states, beginning April 7 each year; reports from the states are due annually to the Secretary, beginning October 7 each year; the Secretary's report is due annually to Congress, beginning April 7 each year. These dates are one year later than the dates in the legislation.

Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *Vivian.reese@ed.gov*. Requests may also be faxed to (202) 708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 03–4050 Filed 2–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before March 24, 2003.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the Internet address *Lauren.Wittenberg@omb.eop.gov*.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: February 13, 2003.

John D. Tressler,

Leader, Regulatory Management Group, Office of the Chief Information, Officer.

Office of Postsecondary Education

Type of Review: Extension of a currently approved collection.

Title: Scholarship Contract & Teaching Verification Form for Title II HEA Scholarship Recipients (JS).

Frequency: On Occasion Semi-Annually Annually.

Affected Public: Individuals or household (primary). Not-for-profit institutions. State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden: Responses: 4450. Burden Hours: 3250.

Abstract: Students receiving scholarships under section 204(3) of the Higher Education Act incur a service obligation to teach in a high-need school in a high-need LEA. This information collection consists of: (1) a contract to be executed when funds are first awarded; (2) an addendum to the contract to be signed when subsequent funds are awarded; (3) a teaching verification form to be used by students to document their compliance with the contract's conditions.

Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or directed to her e-mail address *Vivian.Reese@ed.gov*. Requests may also be faxed to (202) 708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 03–4049 Filed 2–19–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Alabama Department of Education; Written Findings and Compliance Agreement

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice of written findings and compliance agreement.

SUMMARY: Section 457 of the General Education Provisions Act (GEPA) authorizes the U.S. Department of Education to enter into a compliance agreement with a recipient that is failing to comply substantially with Federal program requirements. In order to enter into a compliance agreement, the Department must determine, in written findings, that the recipient cannot comply until a future date with the applicable program requirements and that a compliance agreement is a viable means of bringing about such compliance. On March 27, 2002, the Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) entered into a compliance agreement with the Alabama Department of Education (ALDE). Under section 457(b)(2) of GEPA, the written findings and compliance agreement must be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dr. Grace A. Ross, U.S. Department of

Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., room 3W118, Washington, DC 20202. Telephone: (202) 260–0967.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.**

SUPPLEMENTARY INFORMATION: Under title I, part A of the Elementary and Secondary Education Act of 1965 (title I), each State, including the District of Columbia and Puerto Rico, was required to develop or adopt, by the 1997–98 school year, challenging content standards in at least reading/language arts and mathematics that describe what the State expects all students to know and be able to do. Each State also was required to develop or adopt performance standards, aligned with its content standards, which describe three levels of proficiency to determine how well students are mastering the content standards. Finally, by the 2000–2001 school year, each State was required to develop or adopt a set of student assessments in at least reading/language arts and mathematics that would be used to determine the yearly performance of schools in enabling students to meet the State's performance standards.

The Alabama Department of Education (ALDE) submitted, and the Department approved, evidence that it has content standards in at least reading/language arts and mathematics. In October 2000, ALDE submitted evidence of its final assessment system. The Department submitted that evidence to a panel of three assessment experts for peer review and following that review the Acting Assistant Secretary determined that Alabama must enter a compliance agreement with the Department. The ALDE submitted additional information and this evidence was peer reviewed in August 2001. Following that review, the Assistant Secretary for Elementary and Secondary Education concluded that ALDE's proposed final assessment system and performance standards did not meet a number of the Title I requirements.

Section 454 of GEPA, 20 U.S.C. 1234c, sets out the remedies available to the Department when it determines that a recipient ''is failing to comply substantially with any requirement of law'' applicable to Federal program funds the Department administers. Specifically, the Department is authorized to—

(1) Withhold funds;

(2) Obtain compliance through a cease and desist order;

(3) Enter into a compliance agreement with the recipient; or

(4) Take any other action authorized by law. 20 U.S.C. 1234c(a)(1) through (a)(4).

In a letter dated November 19, 2001, to Dr. Edward R. Richardson, Superintendent of Schools for the Alabama Department of Education, the Assistant Secretary notified ALDE that, in order to remain eligible to receive Title I funds, it must enter into a compliance agreement with the Department. The purpose of a compliance agreement is ''to bring the recipient into full compliance with the applicable requirements of law as soon as feasible and not to excuse or remedy past violations of such requirements.'' 20 U.S.C. 1234f(a). In order to enter into a compliance agreement with a recipient, the Department must determine, in written findings, that the recipient cannot comply until a future date with the applicable program requirements, and that a compliance agreement is a viable means for bringing about such compliance.

On April 8, 2002, the Assistant Secretary issued written findings, holding that compliance by ALDE with the title I standards and assessment requirements is genuinely not feasible until a future date. Having first submitted its assessment system for peer review in October 2000, ALDE was not able to make the significant changes to its system that the Department's peer review required in time to meet the spring 2001 statutory deadline to have approved assessments in place. As a result, ALDE administered its unapproved assessment system in 2001. The Assistant Secretary also determined that a compliance agreement represents a viable means of bringing about compliance because of the steps ALDE has already taken to comply, its commitment of resources, and the plan it has developed for further action. The agreement sets out the action plan that ALDE must meet to come into compliance with the title I requirements. This plan, coupled with specific reporting requirements, will allow the Assistant Secretary to monitor closely ALDE's progress in meeting the terms of the compliance agreement. Both the Superintendent of ALDE, Dr. Edward R. Richardson, and the Assistant Secretary signed the agreement on March 27, 2002.

As required by section 457(b)(2) of GEPA, 20 U.S.C. 1234f(b)(2), the text of the Assistant Secretary's written findings is set forth as appendix A and the compliance agreement is set forth as appendix B of this notice.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in Text or Adobe Portable Document Format (PDF), on the Internet at the following site: *www.ed.gov/legislation/FedRegister.*

To use PDF, you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO) toll free, at 1–888–293–6498; or in the Washington, DC area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** is available on GPO access at: *http://www.access.gpo.gov/nara/index.html.*

(**Authority:** 20 U.S.C. 1234c, 1234f, 6311)

Dated: February 13, 2003.

Eugene W. Hickock,

Under Secretary of Education.

Appendix A—Text of the Written Findings of the Assistant Secretary for Elementary and Secondary Education

I. Introduction

The Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) of the U.S. Department of Education (Department) has determined, pursuant to 20 U.S.C. 1234c and 1234f, that the Alabama Department of Education (ALDE) has failed to comply substantially with certain requirements of title I, part A of the Elementary and Secondary Education Act of 1965 (title I), 20 U.S.C. 6301 *et seq.*, and that it is not feasible for ALDE to achieve full compliance immediately. Specifically, the Assistant Secretary has determined that ALDE failed to meet a number of the title I requirements concerning the development of performance standards and an aligned assessment system within the statutory timeframe.

For the following reasons, the Assistant Secretary has concluded that it would be appropriate to enter into a compliance agreement with ALDE to bring it into full compliance as soon as feasible. During the effective period of the compliance agreement, which ends three years from the date of these

findings, ALDE will be eligible to receive title I funds as long as it complies with the terms and conditions of the agreement as well as the provisions of title I, part A and other applicable Federal statutory and regulatory requirements.

II. Relevant Statutory and Regulatory Provisions

A. Title I, Part A of the Elementary and Secondary Education Act of 1965

Title I, part A of the Elementary and Secondary Education Act of 1965 (title I), 20 U.S.C. 6301 *et seq.*, provides financial assistance, through State educational agencies, to local educational agencies to provide services in high-poverty schools to students who are failing or at risk of failing to meet the State's student performance standards. Under title I, each State, including the District of Columbia and Puerto Rico, was required to develop or adopt, by the 1997–98 school year, challenging content standards in at least reading/language arts and mathematics that describe what the State expects all students to know and be able to do and performance standards, aligned with those content standards, that describe three levels of proficiency to determine how well students are mastering the content standards.

By the 2000–2001 school year, title I required each State to develop or adopt a set of student assessments in at least reading/language arts and mathematics that would be used to determine the yearly performance of schools and school districts in enabling students to meet the State's performance standards. These assessments must meet the following requirements:

- The assessments must be aligned to a State's content and performance standards.
- They must be administered annually to students in at least one grade in each of three grade ranges: grades 3 through 5, grades 6 through 9, and grades 10 through 12.
- They must be valid and reliable for the purpose for which they are used and of high technical quality.
- They must involve multiple measures, including measures that assess higher-order thinking skills.
- They must provide for the inclusion of all students in the grades assessed, including students with disabilities and limited English proficient students.
- They must provide individual reports on the students tested.
- Results from the assessments must be disaggregated and reported by major racial and ethnic groups and other categories.
- 20 U.S.C. 6311(b)(3).[1]

B. The General Education Provisions Act

The General Education Provisions Act (GEPA) provides a number of options when the Assistant Secretary determines a recipient of Department funds is ''failing to comply substantially with any requirement of law applicable to such funds.'' 20 U.S.C. 1234c. In such case, the Assistant Secretary is authorized to—

(1) Withhold funds;

(2) Obtain compliance through a cease and desist order;

(3) Enter into a compliance agreement with the recipient; or

(4) Take any other action authorized by law. 20 U.S.C. 1234c(a)(1) through (a)(4).

Under section 457 of GEPA, the Assistant Secretary may enter into a compliance agreement with a recipient that is failing to comply substantially with specific program requirements. 20 U.S.C. 1234f. The purpose of a compliance agreement is ''to bring the recipient into full compliance with the applicable requirements of the law as soon as feasible and not to excuse or remedy past violations of such requirements.'' 20 U.S.C. 1234f(a). Before entering into a compliance agreement with a recipient, the Assistant Secretary must hold a hearing at which the recipient, affected students and parents or their representatives, and other interested parties are invited to participate. At that hearing, the recipient has the burden of persuading the Assistant Secretary that full compliance with the applicable requirements of law is not feasible until a future date and that a compliance agreement is a viable means for bringing about such compliance. 20 U.S.C. 1234f(b)(1). If, on the basis of all the available evidence, the Assistant Secretary determines that compliance until a future date is genuinely not feasible and that a compliance agreement is a viable means for bringing about such compliance, the Assistant Secretary must make written findings to that effect and publish those findings, together with the substance of any compliance agreement, in the **Federal Register**. 20 U.S.C. 1234f(b)(2).

A compliance agreement must set forth an expiration date, not later than three years from the date of these written findings, by which time the recipient must be in full compliance with all program requirements. 20 U.S.C. 1234f(c)(1). In addition, a compliance agreement must contain the terms and conditions with which the recipient must comply during the period that agreement is in effect. 20 U.S.C. 1234f(c)(2). If the recipient fails to comply with any of the terms and conditions of the compliance agreement, the Assistant Secretary may consider the agreement no longer in effect and may take any of the compliance actions described previously. 20 U.S.C. 1234f(d).

III. Analysis

A. Overview of Issues To Be Resolved in Determining Whether a Compliance Agreement Is Appropriate

In deciding whether a compliance agreement between the Assistant Secretary and ALDE is appropriate, the Assistant Secretary must first determine whether compliance by ALDE with the title I standards and assessment requirements is genuinely not feasible until a future date. 20 U.S.C. 1234f(b). The second issue that the Assistant Secretary must resolve is whether ALDE will be able, within a period of up to three years, to come into compliance with the title I requirements. Not only must ALDE come into full compliance by the end of the effective period of the compliance agreement, it must also make steady and measurable progress toward that objective while the compliance agreement is in effect. If such an outcome is not possible, then a compliance agreement between the Assistant Secretary and ALDE would not be appropriate.

B. ALDE Has Failed To Comply Substantially With Title I Standards and Assessment Requirements

In October 2000, ALDE submitted evidence of its final assessment system. The Assistant Secretary submitted that evidence to a panel of three assessment experts for peer review. Alabama submitted additional information and this evidence was peer reviewed in August 2001. Following that review, the

[1] On January 8, 2002, title I of the Elementary and Secondary Education Act was reauthorized by the No Child Left Behind Act of 2001 (NCLB) (Pub. L. 107–110). The NCLB made several significant changes to the Title I standards and assessment requirements. First, it requires that each State develop academic content and student achievement standards in science by the 2005–06 school year. Second, by the 2005–06 school year, it requires a system of aligned assessments in each of grades 3 through 8 and once during grades 10 through 12. Third, it requires science assessments in at least three grade spans by the 2007–08 school year. Fourth, the NCLB significantly changes the definition of adequate yearly progress each State must establish to hold schools and school districts accountable, based on data from the 2001–02 test administration. Finally, by the 2002–03 school year, the NCLB requires State and school district report cards that include, among other things, assessment results disaggregated by various subgroups, two-year trend data, and percent of students tested.

Assistant Secretary for Elementary and Secondary Education concluded that ALDE's proposed final assessment system did not meet a number of the title I requirements. Specifically, the Assistant Secretary determined that ALDE must do the following:

- Develop or select an academic assessment system that represents the full range of the ALDE's academic content standards and academic achievement standards in at least reading/language arts and mathematics and is consistent with the title I requirements for use of multiple measures of student achievement, including measures that assess higher-order thinking and understanding. Document the alignment of the assessment system with ALDE's academic content and student achievement standards.
- Provide evidence that the State assessment shall be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments.
- Provide evidence supporting the proposed Alabama Student Assessment Program that includes information on the financial capacity of Alabama to complete this system so that it meets the requirements of title I, including performance standards, alignment, technical quality, inclusion of all students, reporting, and use in the State's accountability system.
- Provide evidence of performance standards having three performance levels, with cut scores for all components of the assessment system, and the process to be used to determine that these performance standards are aligned with content standards and performance descriptors for all components of the assessment system incorporated into the State's accountability system.
- Provide evidence of participation rates for each grade assessed, each subject (reading and math), and, for students with disabilities (SWD) and limited English proficiency (LEP) populations, the total enrollment, number assessed, and number exempted. The number assessed should be broken down by types of assessment accommodation (regular, standard accommodations, non-standard accommodations, and alternate) for all components of the State assessment system that are included in the accountability system.
- Provide evidence of an approved comprehensive policy on assessment guidelines and accommodations for LEP students, clear guidance to LEAs and schools related to the use of language proficiency tests for the LEP team decisions on accommodations for assessments, and a plan for implementing the new LEP inclusion policies and for monitoring LEA compliance with those policies.
- Provide evidence on the process used to incorporate data for SWD and LEP students into the assessment and accountability systems.
- Provide evidence regarding the extent to which all components of the Alabama assessment program contribute to the alignment of the content and performance standards; a description of the State's approach for ensuring alignment; and information on the cognitive complexity of all of the Alabama assessments.
- Provide evidence of a technical manual for the writing component and technical information on all the proposed components when they are available.
- Provide evidence to show how Alabama will disaggregate its performance data in grade spans 3–5 and 6–9 by economically disadvantaged students versus non-economically disadvantaged, race/ethnicity, and LEP status at the State, LEA, and school levels and on how Alabama will disaggregate its performance data by all the required categories at the high school level.
- Provide evidence on how ALDE will provide individual student reports and State, LEA, and school profiles by student performance standards and how it will report and disseminate student performance information to the necessary stakeholders at the LEA and school levels.

C. ALDE Cannot Correct Immediately Its Noncompliance With the Title I Standards and Assessment Requirements

Under the title I statute, ALDE was required to implement its final assessment system no later than the 2000–2001 school year. 20 U.S.C. 6311(b)(6). ALDE submitted evidence of its assessment system in October 2000 and August 2001 but the Assistant Secretary determined, on the basis of that evidence, that ALDE's system did not fully meet the title I requirements. Due to the enormity and complexity of developing a new assessment system that addressed the Assistant Secretary's concerns, ALDE was not able to complete that task between the time it first submitted its system for review and the spring 2001 assessment window. Thus, in spring 2001, ALDE administered the assessment that the Assistant Secretary had determined did not meet the title I requirements. As a result, the Assistant Secretary finds that it is not genuinely feasible for ALDE to come into compliance until a future date.

D. ALDE Can Meet the Terms and Conditions of a Compliance Agreement and Come into Full Compliance With the Requirements of Title I Within Three years

At the public hearing, ALDE presented evidence of its commitment and capability to come into compliance with the title I standards and assessment requirements within three years. For example, Alabama successfully amended a law in 2000 that required the State Board of Education to implement a nationally normed test to assist in the assessment of student achievement in grades three through 11. Since that time, the State has been busy designing a new accountability system and adopting a new assessment plan for its schools, one that maintains high standards and comports with Federal law.

Finally, ALDE has developed a comprehensive action plan, incorporated into the compliance agreement, that sets out a very specific schedule that ALDE has agreed to meet during the next three years for attaining compliance with the title I standards and assessment requirements. As a result, ALDE is committed not only to coming into full compliance within three years, but to meeting a stringent, but reasonable, schedule for doing so. The action plan also demonstrates that ALDE will be well on its way to meeting the new standards and assessment requirements of the No Child Left Behind Act of 2001. The compliance agreement also sets out documentation and reporting procedures that ALDE must follow. These provisions will allow the Assistant Secretary to ascertain promptly whether ALDE is meeting each of its commitments under the compliance agreement and is on schedule to achieve full compliance within the effective period of the agreement.

The task of developing an assessment system that meets the title I requirements is not a quick or easy one. However, the Assistant Secretary has determined that, given the commitment of ALDE to comply with the terms and conditions of the compliance agreement, it is possible for ALDE to come into full compliance with the title I standards and assessment requirements within three years.

IV. Conclusion

For the foregoing reasons, the Assistant Secretary finds the following:

(1) That full compliance by ALDE with the standards and assessment requirements of title I is not feasible until a future date; and (2) that ALDE can meet the terms and conditions of the attached compliance agreement and come into full compliance with the title I standards and assessment requirements within three years of the date of these findings. Therefore, the Assistant Secretary has determined that it is appropriate to enter into a compliance agreement with ALDE. Under the terms of 20 U.S.C. 1234f, that compliance agreement becomes effective on the date of these findings.

Dated: March 27, 2002.

Susan B. Neuman,

Assistant Secretary, Office of Elementary and Secondary Education.

Appendix B—Text of the Compliance Agreement

Compliance Agreement Under Title I of the Elementary and Secondary Education Act Between the United States Department of Education and the Alabama Department of Education

Introduction

Title I of the Elementary and Secondary Education Act of 1965 (title I) required each State, including the District of Columbia and Puerto Rico, to develop or adopt, by the 1997–98 school year, challenging content standards in at least reading/language arts and mathematics that describe what the State expects all students to know and be able to do. Title I also required each State to develop or adopt performance standards, aligned with those content standards, that describe three levels of proficiency to determine how well students are mastering the content standards. By the 2000–2001 school year, title I required each State to develop or adopt a set of student assessments in at least reading/language arts and mathematics that would be used to determine the yearly performance of schools and school districts in enabling students to meet the State's performance standards.

The Alabama Department of Education (ALDE) was not able to meet these requirements by the statutory deadlines. In order to be eligible to continue to receive title I funds while working to comply with the statutory requirements, Dr. Edward R. Richardson, Superintendent of ALDE, indicated ALDE's interest in entering into a compliance agreement with the Office of Elementary and Secondary Education (OESE) of the United States Department of Education. On January 31, 2002, OESE conducted a public hearing regarding ALDE's ability to come into compliance with the title I standards and assessment requirements within three years. Based on testimony at that hearing, Dr. Joseph Morton, Deputy State Superintendent, determined that ''Alabama was one of the states that did not meet the deadline for title I compliance with all rules and regulations.'' The Deputy State Superintendent stated, ''I am here today to testify that it can be done within a three-year span from the date of initiation of a signed compliance agreement.'' The Deputy State Superintendent's written findings are attached to, and incorporated by reference into, this Agreement.

Pursuant to this Compliance Agreement under 20 U.S.C. 1234f, ALDE must be in full compliance with the requirements of title I no later than three years from the date of the Assistant Secretary's written findings, a copy of which is attached to, and incorporated by reference into, this Agreement. Specifically, ALDE must meet, and document that it has met, the following requirements:

1. Develop or select an academic assessment system that represents the full range of ALDE's academic content standards and academic achievement standards in at least reading/language arts and mathematics and is consistent with the title I requirements for use of multiple measures of student achievement, including measures that assess higher-order thinking and understanding. Document the alignment of the assessment system with ALDE's academic content and student achievement standards.

2. Provide evidence that the State assessment shall be used for purposes for which such assessments are valid and reliable, and be consistent with relevant, nationally recognized professional and technical standards for such assessments.

3. Provide evidence supporting the proposed Alabama Student Assessment Program that includes information on the financial capacity of Alabama to complete this system so that it meets the requirements of title I, including performance standards, alignment, technical quality, inclusion of all students, reporting, and use in the State's accountability system.

4. Provide evidence of performance standards having three performance levels, with cut scores for all components of the assessment system, and the process to be used to determine that these performance standards are aligned with content standards and performance descriptors for all components of the assessment system incorporated into your State's accountability system.

5. Provide evidence of participation rates for each grade assessed, each subject (reading and math), and, for SWD and LEP populations, the total enrollment, number assessed, and number exempted. The number assessed should be broken down by types of assessment accommodation (regular, standard accommodations, non-standard accommodations, and alternate) for all components of the State assessment system that you included in the accountability system.

6. Provide evidence of an approved comprehensive policy on assessment guidelines and accommodations for LEP students, clear guidance to LEAs and schools related to the use of language proficiency tests for the LEP team decisions on accommodations for assessments, and a plan for implementing the new LEP inclusion policies and for monitoring LEA compliance with those policies.

7. Provide evidence on the process used to incorporate data for SWD and LEP students into the assessment and accountability systems.

8. Provide evidence regarding the extent to which all components of the Alabama assessment program contribute to the alignment of the content and performance standards, a description of your State's approach for ensuring alignment; and information on the cognitive complexity of all of the Alabama assessments.

9. Provide evidence of a technical manual for the writing component and technical information on all the proposed components when they are available.

10. Provide evidence to show how Alabama will disaggregate its performance data in grade spans 3–5 and 6–9 by economically disadvantaged students versus non-economically disadvantaged, race/ethnicity, and LEP status at the State, LEA, and school levels and on how Alabama will disaggregate its performance data by all the required categories at the high school level.

11. Provide evidence on how your agency will provide individual student reports and State, LEA, and school profiles by student performance standards and how it will report and disseminate student performance information to the necessary stakeholders at the LEA and school levels.

During the period that this Compliance Agreement is in effect, ALDE is eligible to receive title I, part A funds if it complies with the terms and conditions of this Agreement, as

well as the provisions of title I, part A and other applicable Federal statutory and regulatory requirements. Specifically, the Compliance Agreement sets forth action steps ALDE must meet to come into compliance with the title I standards and assessment requirements. ALDE must submit documentation concerning its compliance with these action steps.

The action steps incorporated into this Compliance Agreement may be amended by joint agreement of the parties, provided full compliance can still be accomplished by the expiration date of the Agreement.

In addition to all of the terms and conditions set forth above, ALDE agrees that its continued eligibility to receive title I, part A funds is predicated upon compliance with statutory and regulatory requirements of that program that have not been addressed by this Agreement, including the requirements of the No Child Left Behind Act of 2001.

If ALDE fails to comply with any of the terms and conditions of this Compliance Agreement, including the action steps, the Department may consider the Agreement no longer in effect and may take any action authorized by law, including the withholding of funds or the issuance of a cease and desist order. 20 U.S.C. § 1234f(d).

For the Alabama Department of Education:

Dated: March 27, 2002.

Edward R. Richardson,

State Superintendent of Schools.

For the United States Department of Education:

Dated: March 27, 2002.

Susan B. Neuman,

Assistant Secretary, Office of Elementary and Secondary Education.

Date this compliance agreement becomes effective: April 8, 2002.

Expiration date of this agreement: April 8, 2005.

BILLING CODE 4000–01–P

3/28/02

STATE OF ALABAMA
ACTION PLAN FOR TITLE I COMPLIANCE AGREEMENT

Action Steps	Completion/ Submission Date to USDOE	Responsible Office	Documentation
Financial Capacity:			
1. Pursue funding though state legislature to support assessment and accountability system.	9-30-01	State Superintendent	FY2002 budget
2. Pursue increased funding for FY2003 to support proposed changes in the assessment and accountability system through state legislature currently in session.	9-30-02	State Superintendent	FY2003 budget
Assessment (IASA Sec. 1111(b):			
1. Send copy of RFP requesting services for CRT (augmented NRT) test development and administration to U.S. Department of Education.	4-30-02	Student Assessment	Copy of RFP Addendum to RFP

2. Release RFP for test development and administration of *Alabama Direct Assessment of Writing: Grade Ten.*	4-30-02	Student Assessment	Copy of RFP
3. Negotiate agreement with vendor for services to develop and administer *Alabama Direct Assessment of Writing: Grade Ten.*	7-31-02	Student Assessment	Purchase order
4. Meet with vendor to plan the design and implementation of development and pilot of *Alabama Direct Assessment of Writing: Grade Ten.*	7-31-02	Student Assessment	Minutes of planning meeting
5. Select norm-referenced test (NRT) in Grades 3-8 that allows augmentation in reading/language arts and mathematics in order to ensure alignment with Alabama content standards, resulting in CRT (augmented NRT).*	9-30-02	Student Assessment	Recommendation of Test Selection Committee and Technical Advisory Committee (4-member, external advisory group of university professors with expertise in research/measurement and education of students of special populations)

			State Board of Education resolution
6. Negotiate agreement with vendor for services to administer NRT, augment NRT, pilot CRT (augmented NRT), and administer CRT (augmented NRT).	9-30-02	Student Assessment	Purchase order
7. Meet with vendor to plan the design and implementation of augmentation of NRT (including validity, reliability, and bias studies).	10-31-02	Student Assessment	Minutes of planning meeting
8. Develop and pilot *Alabama Direct Assessment of Writing: Grade Ten* with appropriate accommodations for students with disabilities and LEP.	2-28-03	Student Assessment	Test blueprint Testing schedule Test administration manual
9. Customization of NRT by augmenting test items in Grades 3-8 in order to (1) ensure alignment with Alabama's content standards	8-31-03	Student Assessment	Documentation of alignment of customized NRT to Alabama's content standards

resulting in CRT (augmented NRT), and (2) include measures of higher order thinking skills and understanding.*			Test blueprint
10. Pilot CRT (augmented NRT) in Grades 3-8 with appropriate accommodations for students with disabilities and LEP.*	11-30-03	Student Assessment	Testing schedule Test administration manual
Content Standards (IASA Sec. 1111(b)(1)(D)(i) :			
1. Document involvement of a broad base of stakeholders in the revision of content standards.	8-31-02	Curriculum Development	List of committee members
2. Review, revise, and adopt Alabama's content standards in language arts.	10-31-02	Curriculum Development	Description of process followed State Board of Education resolution Copy of revised content standards
3. Review, revise, and adopt Alabama's content	2-28-03	Curriculum Development	Description of process followed

standards in mathematics.			State Board of Education resolution Copy of revised content standards
Academic Achievement Standards (IASA Sec. 1111(b)(1):			
1. Review and revise Alabama's labels for academic achievement standards.	7-31-02	Student Assessment	Recommendation of Test Advisory Committee State Board of Education resolution
2. Document involvement of a broad base of stakeholders in the development of the academic achievement standards for the *Alabama Alternate Assessment* (AAA).	7-31-02	Student Assessment and Special Education	List of committee members
3. Standard setting to establish academic achievement standards for the AAA.	7-31-02	Student Assessment and Special Education	Description of process followed Report of results of standard setting
4. Document involvement of a broad base of	2-28-03	Student Assessment and	List of committee members

stakeholders in the development of the working draft of academic achievement standards descriptors and exemplars for the CRT (augmented NRT).		Curriculum Development	
5. Working draft of academic achievement standards descriptors and exemplars to be used in development of CRT (augmented NRT).	2-28-03	Student Assessment and Curriculum Development	Copy of working draft of academic achievement standards descriptors and exemplars
6. Document involvement of a broad base of stakeholders in the development of the academic achievement standards for the *Alabama Occupational Portfolio Assessment* (AOPA).	7-31-03	Student Assessment and Special Education	List of committee members
7. Standard setting to establish academic achievement standards for the AOPA.	7-31-03	Student Assessment and Special Education	Description of process followed Report of results of standard setting
8. Document involvement of	7-31-04	Student	List of committee members

a broad base of stakeholders in the standard setting process (descriptors, exemplars, and cut scores) for the CRT (augmented NRT) and the *Alabama High School Graduation Exam* (AHSGE).		Assessment	
9. Standard setting to establish academic achievement standards including final descriptors, exemplars, and cut scores for CRT (augmented NRT)* and AHSGE (addition of advanced level).	7-31-04	Student Assessment	Description of process followed Report of results of standard settings State Board of Education resolution
Content, Grade Levels, and Administration (IASA Sec. 1111(b)(3)(A)(D)(E):			
1. Adoption of Proposed Alabama Student Assessment Program to include multiple measures which assess higher-order thinking skills and understanding to be administered annually to all students in the designated grades and content areas.	7-31-02	Student Assessment	Recommendation of Test Advisory Committee (principles and assessments) State Board of Education resolution.

2. Administer new NRT in Grades 3-8 (transitional assessments) that will be used for accountability purposes for the spring 2003.	4-30-03	Student Assessment	Testing schedule
3. Administer *Alabama Direct Assessment of Writing: Grade Ten.*	2-28-04	Student Assessment	Testing schedule Test administration manual
4. Administer CRT (augmented NRT) in Grades 3-8.*	4-30-04	Student Assessment	Testing schedule Test administration manual

Inclusion (IASA Sec. 1111(b)(3)(A)(F):			
1. Administer *Alabama Alternate Assessment* (AAA) [assessment for special education students in Grades K-12 who cannot participate in the regular state assessments] and develop and pilot *Alabama Occupational Portfolio Assessment* (AOPA) [assessment for special education students in	4-30-02	Student Assessment and Special Education	Testing schedule Test administration manuals

Grades 11 and 12 who are exiting with an Alabama Occupational Diploma; small percentage of students whose IEP Teams determine this to be the exit document the students will pursue].			
2. Monitor the inclusion of students with disabilities receiving special education services in the state assessment program.	6-30-02 (annually)	Special Education	Focused Review Reports and LEA Profile
3. Educate local education agencies (LEAs) regarding the participation of all students in the Alabama Student Assessment Program.	7-31-02	Student Assessment and Special Education	Agendas from 2002 Spring System Test Coordinator's Workshop and Special Education Coordinator's Meeting and the Student Assessment Handbook, section "Special Services." PowerPoint presentation from February 7, 2002, teleconference with Special Education Coordinators

			Flyer announcing assessment sessions at the 2002 Special Education Summer Academy
4. Survey of LEAs to determine the need for tests in languages other than English (number of LEP students by grade by primary home language).	10-31-02	Student Assessment and Federal Programs	Copy of survey form Results of survey
5. Review and revise *Alabama Student Assessment Program Policies and Procedures for Students of Special Populations*, Bulletin 1998, No. 11 (Includes appropriate accommodations for special education students, 504 students, and LEP students).	5-31-03	Student Assessment	Revised document
6. Monitor the inclusion of LEP students in the state assessment program.	6-30-03 (annually)	Federal Programs	Forms to be developed
7. Educate LEAs on revised *Alabama Student Assessment*	7-31-03	Student Assessment	Training schedule

Program Policies and Procedures for Students of Special Populations, Bulletin 1998, No. 11.			Copy of training materials
Alignment (IASA Sec. 1111(b)(3)(B) :			
1. Request technical assistance from U.S. Department of Education regarding revision of content standards and the relationship to assessments.	4-30-02	Student Assessment	Letter requesting assistance
2. Contract with consultants regarding revision of content standards and development of academic achievement standards to include alignment in reading/language arts and mathematics.	5-31-02	Curriculum Development and Student Assessment	Copy of contracts
3. Analysis of alignment of the *Alabama Direct Assessment of Writing: Grade Ten* with the content standards and academic achievement standards identifying any weaknesses.	11-30-02	Student Assessment	Report of Content and Bias Review Committee Report of Independent Evaluator

Make needed adjustments to ensure alignment.			
4. Analysis of alignment of the customized CRT (augmented NRT) with content standards and academic achievement standards identifying any weaknesses. Make needed adjustments to ensure alignment.	8-31-03	Student Assessment	Report of Content and Bias Review Committees Report of Independent Evaluator
5. Based on data of first administration, make necessary adjustments of academic achievement standards descriptors and exemplars in order to ensure alignment with content standards and the *Alabama Direct Assessment of Writing: Grade Ten*.	8-31-04	Student Assessment	Report of committee Copy of final academic achievement standards descriptors and exemplars
6. Conduct standard setting for CRT (augmented NRT) assessments in order to establish cut scores for academic achievement levels using data from the first administration. Make any	7-31-04	Student Assessment	Report of committees Copy of final academic achievement standards descriptors and exemplars

necessary adjustments of academic achievement standards descriptors and exemplars in order to ensure alignment with content standards and the CRT (augmented NRT).			
Technical Quality (IASA Sec. 1111(b)(3)(C):			
1. Report technical data for the AAA and *Alabama Direct Assessment of Writing: Grade Five* and *Alabama Direct Assessment of Writing: Grade Seven* (ADAW:5&7).	8-31-02	Student Assessment	Technical reports
2. Report technical data for NRT.	10-31-02	Student Assessment	Technical report
3. Report technical data for the AOPA.	10-31-03	Student Assessment	Technical report
4. Report technical data for the *Alabama Direct Assessment of Writing: Grade Ten* (ADAW:10).	10-31-03	Student Assessment	Technical report
5. Report technical data for CRT (augmented NRT).*	12-31-04	Student Assessment	Technical report

Reporting (IASA Sec. 1111(b)(3)(H):			
1. Develop reports that communicate to educators, parents, and stakeholders how the assessment relates to the content standards and the academic achievement standards for the *Alabama Direct Assessment of Writing: Grade Ten*.	4-30-04	Student Assessment	Copy of reports
2. Develop reports that communicate to educators, parents, and stakeholders how the assessment relates to the content standards and the academic achievement standards for the CRT (augmented NRT).	5-31-04	Student Assessment	Copy of reports
3. Develop and pilot new standards-based accountability system using state assessments that include all students.	8-31-04	Student Assessment and Information System Services	Accountability model State Board of Education resolution

4. Report accountability system incorporating academic achievement standards.	8-31-04 (annually)	Student Assessment, Information System Services, and Office of Communication	Press release, reports to LEAs, and post on website
Disaggregated Reporting (IASA Sec. 1111(b)(3)(I):			
1. Report achievement data for current assessments including disaggregation and participation rates by subgroups.	8-31-02	Student Assessment, Information System Services, and Office of Communication	Press release, reports to LEAs, and post on website
2. Report achievement data for new assessments including disaggregation and participation rates by subgroups.	8-31-04 (annually)	Student Assessment, Information System Services, and Office of Communication	Press release, reports to LEAs, and post on website
No Child Left Behind Act of 2001:			
1. Review, revise, and adopt Alabama's content standards in science. - Distributed for stakeholder review and	8-31-04	Curriculum Development	State Board of Education resolution Copy of revised content standards

comment. - Completed and adopted by State Board of Education.	8-31-05		
2. Development of standards-based assessments in Grades 3, 5, and 7. - Complete test blueprints. - Draft and field test items. - Pilot assessments.	11-30-03 4-30-04 4-30-05	Student Assessment	Test blueprint Field test data Pilot test administration manuals
3. Dissemination of disaggregated data (gender, major racial/ethnic groups, English proficiency status, migrant status, students with disabilities as compared to nondisabled students, and economically disadvantaged students as compared to students who are not economically disadvantaged) at school	8-31-02 as available 8-31-03 all subgroups (annually)	Student Assessment, Information System Services, and Office of Communication	Sample reports based on tests administered in 2001-02

and district levels for assessments currently in use.			
4. Distribution of an itemized score analysis to support instructional improvement.	8-31-03 (annually)	Student Assessment and Office of Communication	Sample report based on tests administered in 2001-02
5. Implementation of the English language proficiency testing required under Title I and Title III. - Issue RFP. - Selection and approval of assessment. - Educate LEAs on language proficiency assessment. - Administer to all LEP students. - Define annual measurable objectives for gains in English proficiency as required in Sec. 3122.	8-31-03 (annually)	Student Assessment and Federal Programs	Copy of RFP Report of committee Training schedule Testing schedule Report of committee Copy of reports

- Report results as required by NCLB.			
6. Participate in the National Assessment of Educational Progress in 2003 and 2005 and, if selected, participate in the field test in off-years.	3-31-02	Student Assessment	Consolidated application
7. Distribution of state report card as required under Section 1111 of Title I to include: - Disaggregation of student achievement results by performance levels. - Percent of students not tested (disaggregated). - Comparison of annual objectives and actual performance for each student group. - All other report	9-30-02 8-31-03 8-31-05	Office of Communication	Copy of state report card

card requirements will be met as quickly as possible consistent with implementation of final assessments.			
8. A. Continued identification of schools in need of improvement based on data from the current assessments for all students in the grades assessed, and to also include: - Report performance of subgroups (of statistically reliable size). - Report the application of the 95% participation rule. - High school graduation rates and the other indicators required by NCLB. B. Establish AYP baseline, based on data from new assessments for all students in the grades	9-30-02 as available 8-31-03 8-31-03 8-31-04 8-31-05	Student Assessment, Information System Services, and Office of Communication	Description of school accountability system, to include the data source (assessments) and formula or decision sequence used to determine school classifications List of schools and districts identified for improvement Communication of baseline values and AYP design to schools and districts List of schools and districts identified for improvement

assessed. - Use transitional rules under NCLB, Sec. 1116 to identify schools and districts in need of improvement.			
9. Annual report to the Secretary as described in Sec. 1111(h)(4). - Information on state progress in developing all required state assessments. - Student achievement data disaggregated. - Data on acquisition of English proficiency by LEP. - Number and names of schools identified for school improvement, the reason for identification, and measures taken to address achievement problems.	8-31-02 (annually) 8-31-03 8-31-03 8-31-03 8-31-03 8-31-03 8-31-03	Federal Programs	Annual report to the Secretary

- Number of students and schools that participated in public school choice and supplemental services. - Information on quality of teachers and percent of classes taught by highly qualified teachers.			
10. All other requirements of NCLB pertaining to schools identified for improvement, corrective action, or restructuring during the period of the compliance agreement.	8-31-03	Federal Programs	Implementation and documentation of choice, supplemental services, corrective actions, as appropriate

* Note: No final decision has been made to augment a NRT in Grades 3, 5, and 7. Instead, a CRT may be developed and no NRT will be administered. This decision will be made after a review of the NRT that is selected in September 2002 and after input from the Test Advisory

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