Federal Register

Thursday,
November 13, 2008

Part III

Department of Education

Compliance Agreement; Notice

DEPARTMENT OF EDUCATION

Compliance Agreement

AGENCY: Department of Education.

ACTION: Notice of written findings and compliance agreement with the Hawaii Department of Education.

SUMMARY: This notice is being published in the **Federal Register** consistent with section 457(b)(2) of the General Education Provisions Act (GEPA). Section 457 of GEPA authorizes the U.S. Department of Education (the Department) 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 with the applicable program requirements until a future date and that a compliance agreement is a viable means of bringing about such compliance.

On August 29, 2008, the Department entered into a compliance agreement with the Hawaii Department of Education (HIDOE). Section 457(b)(2) of GEPA requires the Department to publish written findings leading to a compliance agreement, with a copy of the compliance agreement, in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Dr. Valeria Ford, U.S. Department of Education, Office of Elementary and Secondary Education, 400 Maryland Avenue, SW., room 3W118, Washington, DC 20202–6132. Telephone: (202) 260–0826.

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

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SUPPLEMENTARY INFORMATION: Title I of the Elementary and Secondary Education Act of 1965 (Title I), as amended by the No Child Left Behind Act of 2001, requires each State receiving Title I funds to satisfy certain requirements.

Under Title I, each State was required to adopt academic content and student academic achievement standards in at least mathematics, reading or language arts, and, beginning in the 2005–2006 school year, science. These standards must include the same knowledge and levels of achievement expected of all public school students in the State. Content standards must specify what all students are expected to know and be able to do; contain coherent and rigorous content; and encourage the teaching of advanced skills. Achievement standards must be aligned with the State's academic content standards and must describe at least three levels of proficiency to determine how well students in each grade are mastering the content standards. A State must provide descriptions of the competencies associated with each student's academic achievement level and must determine the assessment scores (''cut scores'') that differentiate among the achievement levels.

Title I also requires each State to implement a student assessment system used to evaluate whether students are mastering the subject material reflected in the State's academic content standards. By the 2005–2006 school year, States were required to administer mathematics and reading or language arts assessments yearly during grades 3–8 and once during grades 10–12. Further, beginning with the 2007–2008 school year, each State was required to administer a science assessment in at least one grade in each of the following grade spans: 3–5, 6–9, and 10–12.

In addition to a general assessment, Title I requires States to develop and administer at least one alternate assessment for students with disabilities who cannot participate in the general assessment, with or without accommodations. An alternate assessment may be based on grade-level achievement standards, alternate achievement standards, or modified achievement standards. Like the general assessment, any alternate assessment must satisfy the requirements for high technical quality, including validity, reliability, accessibility, objectivity, and consistency with nationally recognized professional and technical standards.

In August 2007, HIDOE submitted evidence of its standards and assessment system. The Assistant Secretary for Elementary and Secondary Education (Assistant Secretary) submitted that evidence to a panel of experts for peer review. Following that review, the Assistant Secretary concluded that HIDOE's standards and assessment system 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) Compel 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).

In a letter dated October 30, 2007, to Patricia Hamamoto, Superintendent of Education for HIDOE, the Assistant Secretary notified HIDOE that, to remain eligible to receive Title I funds, it would have to 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.

In accordance with the requirements of section 457(b) of GEPA, 20 U.S.C. 1234f(b), on March 27, 2008, Department officials conducted a public hearing in Hawaii to assess whether a compliance agreement with HIDOE might be appropriate. Patricia Hamamoto, the Superintendent of Education for HIDOE, and Dr. Robert Campbell, the Director of Program Support and Development for HIDOE, testified at this hearing. The Department considered the testimony provided at the March 2008 public hearing and all other relevant information and materials and concluded that HIDOE would not be able to correct its non-compliance with Title I standards and assessment requirements immediately.

On August 29, 2008, the Assistant Secretary issued written findings, holding that compliance by HIDOE with the Title I standards and assessment requirements is genuinely not feasible until a future date. Under Title I, HIDOE was required to implement its final assessment system no later than the 2005–2006 school year. The evidence that HIDOE submitted in August 2007 indicated that, well after the statutory deadline had passed, its standards and assessment system still did not fully meet Title I requirements. In addition, due to the enormity and complexity of the work needed to bring HIDOE's standards and assessment system into full compliance, HIDOE cannot

immediately comply with all of the Title I requirements.

The Assistant Secretary also determined that a compliance agreement represents a viable means of bringing about compliance because of the steps HIDOE has already taken to comply and the plan it has developed for further action. The compliance agreement sets out the action plan that HIDOE must implement to come into compliance with Title I requirements. This plan, coupled with specific reporting requirements, will allow the Assistant Secretary to monitor closely HIDOE's progress in meeting the terms of the compliance agreement.

The Superintendent of Education for HIDOE, Patricia Hamamoto, signed the compliance agreement on July 30, 2008, and the Assistant Secretary signed the compliance agreement on August 29, 2008.

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.

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

Dated: November 6, 2008.

Kerri L. Briggs,

Assistant Secretary for Elementary and Secondary Education.

BILLING CODE 4000–01–P

Appendix A

Written Findings of the Assistant Secretary

For Elementary and Secondary Education

Regarding the Compliance Agreement

Between

the United States Department of Education

and the Hawaii Department of Education

WRITTEN FINDINGS OF THE ASSISTANT SECRETARY FOR ELEMENTARY AND SECONDARY EDUCATION REGARDING THE COMPLIANCE AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF EDUCATION AND THE HAWAII DEPARTMENT OF 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 Hawaii Department of Education (HIDOE) has failed to comply substantially with certain requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (Title I), as amended by the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 *et seq.*, and that it is not feasible for HIDOE to achieve full compliance immediately. Specifically, the Assistant Secretary has determined that HIDOE did not meet, within the statutory timeframe, a number of the Title I requirements concerning the technical quality, alignment, and reporting of results for the Hawaii State Assessment, the State's general assessment; the Hawaiian Aligned Portfolio Assessment, the State's Hawaiian native language assessment; and the Hawaii State Alternate Assessment, the State's alternate assessment for students with the most significant cognitive disabilities who cannot take the general assessment even with accommodations.

For the following reasons, the Assistant Secretary has concluded that it would be appropriate to enter into a compliance agreement with HIDOE 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, HIDOE 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 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, as amended by the No Child Left Behind Act of 2001

Title I of the Elementary and Secondary Education Act of 1965 (Title I), as amended by the No Child Left Behind Act of 2001, 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 academic achievement standards. Under Title I, each State, including the District of Columbia and Puerto Rico, was required to adopt academic content and student academic achievement standards in at least mathematics, reading or language arts, and science. These standards must include the same knowledge and levels of achievement expected of all public school students in the State. Content standards must specify what all students are expected to know and be able to do; contain coherent and rigorous content; and encourage the teaching of advanced skills. Achievement standards must be aligned with the State's academic content standards and must describe at least three levels of proficiency to determine how well students in each grade are mastering the content standards. A State must provide descriptions of the competencies

associated with each student's academic achievement level and must determine the assessment scores ("cut scores") that differentiate among the achievement levels.

Each State was also required to implement a student assessment system used to evaluate whether students are mastering the subject material reflected in the State's academic content standards. By the 2005–2006 school year, States were required to administer mathematics and reading or language arts assessments yearly during grades 3-8 and once during grades 10-12. Further, beginning with the 2007–2008 school year, each State was required to administer a science assessment in at least one grade in each of the following grade spans: 3-5, 6-9, and 10-12. A State's assessment system must:

- Be the same assessment system used to measure the achievement of all public school students in the State;
- Be designed to provide coherent information about student attainment of State academic content standards across grades and subjects;
- Provide for the inclusion of all students in the grades assessed, including students with disabilities and limited English proficient (LEP) students;
- Be aligned with the State's academic content and student academic achievement standards;
- Express student results in terms of the State's student academic achievement standards;
- Be valid, reliable, and of adequate technical quality for the purposes for which they are used and be consistent with nationally recognized professional and technical standards;
- Involve multiple measures of student academic achievement, including measures that assess higher order thinking skills and understanding of challenging content;
- Objectively measure academic achievement, knowledge, and skills without evaluating or assessing personal family beliefs and attitudes;
- Enable results to be disaggregated by gender, each major racial and ethnic group, migrant status, students with disabilities, English proficiency status, and economically disadvantaged students;
- Provide individual student reports; and
- Enable itemized score analyses.

20 U.S.C. § 6311(b)(3); 34 C.F.R. § 200.2.

In addition to a general assessment, States were required to develop and administer at least one alternate assessment for students with disabilities who cannot participate in the general assessment, with or without accommodations. 34 C.F.R. § 200.6(a)(2). An alternate assessment may be based on grade-level academic achievement standards, alternate academic achievement standards, or modified academic achievement standards. Like the general assessment, any alternate assessment must satisfy the requirements for high technical quality, including validity, reliability, accessibility, objectivity, and consistency with nationally recognized professional and technical standards.

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 a case, the Assistant Secretary is authorized to:

(1) Withhold funds;
(2) Compel 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).

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 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 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 evidence presented, the Assistant Secretary determines that full compliance is genuinely not feasible until a future date 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 must 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 the 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 to be no longer in effect, and may take any of the compliance actions set forth above. 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 HIDOE is appropriate, the Assistant Secretary must first determine whether compliance by HIDOE with the Title I standards and assessment requirements is genuinely not feasible until a future date. 20 U.S.C. § 1234f(b)(2). Second, the Assistant Secretary must determine whether HIDOE will, within a period of up to three years from the date of these written findings, be able to come into compliance with the Title I requirements. Not only must HIDOE 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 HIDOE would not be appropriate.

B. HIDOE Has Failed to Comply Substantially With Title I Standards and Assessment Requirements

In August 2007, HIDOE submitted evidence of its standards and assessment system. The Assistant Secretary submitted that evidence to a panel of experts for peer review. Following that review, the Assistant Secretary concluded that HIDOE's standards and assessment system did not meet a number of the Title I requirements. Specifically, the Assistant Secretary determined that, to demonstrate its compliance, HIDOE had to submit the following evidence:

ACADEMIC ACHIEVEMENT STANDARDS

Hawaii State Assessment (HSA):

1. The subject area representation for panels that reviewed the performance level descriptors.
2. A plan and process for the future selection of panels to ensure representation of all relevant stakeholder groups.

Hawaii State Alternate Assessment (HSAA):

1. Evidence of approved and adopted alternate academic achievement standards for students with the most significant cognitive disabilities in reading and mathematics for each of grades 3-8 and 10.
2. Evidence that the alternate academic achievement standards include the following for each content area:
    a. At least three levels of achievement, including two levels of high achievement (*e.g.*, proficient and advanced) that determine how well students are mastering the State's academic content standards, and a third level of achievement (*e.g.*, basic) to provide information about the progress of lower-achieving students toward mastering the two levels of high achievement;
    b. Descriptions of the competencies associated with each achievement level; and
    c. Assessment scores ("cut scores") that differentiate among the achievement levels.
3. Documentation that the State has reported separately the number and percentage of students with disabilities assessed using an alternate assessment based on alternate academic achievement standards, an alternate assessment based on grade-level academic achievement standards, and the general HSA assessment, both with and without accommodations.
4. Evidence that the State has documented the involvement of diverse stakeholders in the development of its alternate academic achievement standards.

TECHNICAL QUALITY

HSA:

1. Plan and timeline for conducting a consequential validity study.
2. Documentation of how the State will address inter-rater agreement rates for short-answer and extended-response items that were less than the established target.
3. Procedures for the standardization of the accommodation that allows for the explanation of directions using simplified vocabulary.
4. Plan and timeline for conducting a study to determine the extent to which the use of accommodations and alternate assessments yield meaningful scores including the use of simplified language and read aloud accommodations (consistent with requirements described under Critical Elements 4.3 d and 4.5 c & d of the Peer Review Guidance).

HSAA:

1. Evidence that the State has documented validity (in addition to the alignment of the HSAA with the academic content standards), as described in the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999).
2. Evidence that the State has provided documentation of the standards-setting process, including a description of the selection of judges, methodology employed, and final results.
3. Evidence that the State has considered the issue of reliability, as described in the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999).
4. Evidence that the State has ensured that its alternate assessment system is fair and accessible to all eligible students, including students with limited English proficiency.
5. Evidence that the State has taken steps (such as bias review of items) to ensure fairness in the development of the alternate assessment.
6. If different test forms or formats are used for the alternate assessment, evidence that the State has ensured that the meaning and interpretation of the results are consistent.
7. Evidence that the State has established:
    a. Clear criteria for the administration, scoring, analysis, and reporting components of its alternate assessment; and
    b. A system for monitoring and improving the on-going quality of its alternate assessment.

Hawaii Aligned Portfolio Assessment (HAPA):

1. Evidence that the cut scores for 2007 operationalize the content-specific performance level descriptors that are used for both the HAPA and the HSA. This evidence should include documentation related to the process of reviewing the 2006 cut scores for use in 2007, including a description of the preparation of the panel(s) for their task, a demographic description of the participants, and results of their deliberations.
2. Evidence that the State's scoring for oral fluency is valid and consistent across scorers.
3. Evidence that all students are being included in the assessment program.

4. Documentation of the comparability of the oral fluency tasks for the HAPA and the items from the HSA.

ALIGNMENT

HSA:

1. The blueprints for reading and mathematics for each required tested grade with the number of items developed for each standard.
2. Documentation showing that the full range of knowledge is assessed for each required tested grade for reading and mathematics.
3. Results of the item review panel, including the number of items reviewed, rejected, and revised, as well as alignment to benchmark and depth of knowledge levels for each required tested grade for reading and mathematics.
4. Documentation showing how the State addressed each of the cells in the December 2006 Rob Ely alignment analysis that resulted in ratings of "weak" or "no" alignment, including the number and extent of changes made.

HSAA:

1. Evidence that the State has taken steps to ensure alignment between its alternate assessments and its academic content and alternate student academic achievement standards.
2. Evidence that the State has developed ongoing procedures to maintain and improve alignment between the alternate assessment(s) and academic content and alternate student academic achievement standards over time, particularly if gaps have been noted.

HAPA:

1. Evidence showing how the State addressed or will address the concerns from the September 2006 Rob Ely alignment analysis.
2. Documentation demonstrating how the State addressed or will address the comments related to "Source of Challenge" identified by reviewers participating in the alignment analysis.

INCLUSION

HSA:

1. Statewide spring 2007 participation rates for reading and mathematics in the required grades. Totals must be disaggregated by gender, ethnicity, special education status, LEP status, economically disadvantaged status, and migrant status.

HSAA:

1. Evidence that the State has implemented alternate assessments for students whose disabilities do not permit them to participate in the regular assessment even with accommodations.

2. Evidence of guidelines and training that the State has in place to ensure that all students with disabilities taking the alternate assessment are included appropriately in the State assessment system.
3. Evidence that the State has developed clear guidelines for Individualized Educational Program (IEP) Teams to apply in determining which assessment is most appropriate for a student.
4. Regarding the alternate academic achievement standards:
    a. Evidence that the State has developed clear guidelines for IEP Teams to apply in determining when a child's cognitive disability justifies assessment based on alternate academic achievement standards; and
    b. Evidence showing the steps the State has taken to instruct regular and special education teachers and appropriate staff on how to properly administer assessments (including making use of accommodations) for students with the most significant cognitive disabilities.

REPORTING

HSA:
1. Samples of the school-level achievement reports disaggregated by required subgroups by grade level and subject area for 2007.
2. Statewide achievement results disaggregated by the required subgroups by grade level and subject areas for 2007.

HSAA:
1. Evidence that the State's reporting system facilitates appropriate, credible, and defensible interpretation and use of its assessment data.
2. Evidence that the State has provided for the production of individual interpretive, descriptive, and (non-clinical) diagnostic reports that indicate relative strengths and instructional needs and possess the following characteristics:
    a. Express results in terms of the State's alternate academic achievement standards rather than numerical values (*e.g.*, scale scores or percentiles);
    b. Provide information for parents, teachers, and principals to help them understand and address a student's specific academic needs; and
    c. Display the information in a format and language that is understandable to parents, teachers, and principals (*e.g.*, through the use of descriptors that describe what students know and can do at different performance levels) and include interpretative guidance for these audiences.
3. Evidence that the State ensures that these individual student reports will be delivered to parents, teachers, and principals as soon as possible after the alternate assessment has been administered.

HAPA:
1. A complete set of reports for individual students and schools.

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

Under Title I, HIDOE was required to implement its final assessment system no later than the 2005–2006 school year. 20 U.S.C. § 6311(b)(3). The evidence that HIDOE submitted in August 2007 indicated that, well after the statutory deadline had passed, its standards and assessment system still did not fully meet Title I requirements. In addition, due to the enormity and complexity of the work that is needed to be done to bring HIDOE's standards and assessment system into full compliance, HIDOE cannot immediately comply with all of the Title I requirements. As a result, the Assistant Secretary finds that it is not genuinely feasible for HIDOE to come into compliance until a future date.

D. HIDOE 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, which was held on March 27, 2008, HIDOE presented evidence of its commitment and capability to come into compliance with the Title I standards and assessment requirements within three years. For example, HIDOE has begun working with a technical advisory committee and is providing clarifying information and gathering evidence related to the Hawaii State Assessment and the Hawaiian Aligned Portfolio Assessment. HIDOE also plans to work with technical advisors to develop a new alternate assessment based on alternate academic achievement standards for students with disabilities who are unable to participate in the general assessment, even with appropriate accommodations.

Finally, HIDOE has developed a comprehensive action plan, incorporated into the compliance agreement, which sets out a very specific schedule that HIDOE has agreed to meet during the next three years for attaining compliance with the Title I standards and assessment requirements. As a result, HIDOE 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 sets out documentation and reporting requirements with which HIDOE must comply. These provisions will allow the Assistant Secretary to ascertain promptly whether HIDOE 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 a standards and 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 HIDOE to comply with the terms and conditions of the compliance agreement, it is possible for HIDOE 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 HIDOE with the standards and assessment requirements of Title I is genuinely not feasible until a future date; and (2) that HIDOE can meet the terms and conditions of the attached compliance agreement and come into full compliance with the standards and assessment requirements of Title I 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 HIDOE. Under the terms of 20 U.S.C. § 1234f, that compliance agreement becomes effective on the date of these findings.

Dated: November 6, 2008

/s/

Kerri L. Briggs, Ph.D.
Assistant Secretary
Office of Elementary and Secondary Education

Appendix B

Compliance Agreement

Under Title I of the Elementary and

Secondary Education Act

Between

The United States Department of Education

And

The Hawaii Department of Education

August 29, 2008

COMPLIANCE AGREEMENT UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT BETWEEN THE UNITED STATES DEPARTMENT OF EDUCATION AND THE HAWAII DEPARTMENT OF EDUCATION

Title I of the Elementary and Secondary Education Act of 1965 (Title I), as amended by the No Child Left Behind Act of 2001, requires each State receiving Title I funds to satisfy certain requirements.

Each State was required to adopt academic content and student academic achievement standards in at least mathematics, reading or language arts, and, beginning in the 2005-2006 school year, science. These standards must include the same knowledge and levels of achievement expected of all public school students in the State. Content standards must specify what all students are expected to know and be able to do; contain coherent and rigorous content; and encourage the teaching of advanced skills. Achievement standards must be aligned with the State's academic content standards and must describe at least three levels of proficiency to determine how well students in each grade are mastering the content standards. A State must provide descriptions of the competencies associated with each student's academic achievement level and must determine the assessment scores ("cut scores") that differentiate among the achievement levels.

Each State was also required to implement a student assessment system used to evaluate whether students are mastering the subject material reflected in the State's academic content standards. By the 2005-2006 school year, States were required to administer mathematics and reading or language arts assessments yearly during grades 3-8 and once during grades 10-12. Further, beginning with the 2007-2008 school year, each State is required to administer a science assessment in at least one grade in each of the following grade spans: 3-5, 6-9, and 10-12. A State's assessment system must:

- Be the same assessment system used to measure the achievement of all public school students in the State;
- Be designed to provide coherent information about student attainment of State academic content standards across grades and subjects;
- Provide for the inclusion of all students in the grades assessed, including students with disabilities and limited English proficient (LEP) students;
- Be aligned with the State's academic content and student academic achievement standards;
- Express student results in terms of the State's student academic achievement standards;
- Be valid, reliable, and of adequate technical quality for the purposes for which they are used and be consistent with nationally recognized professional and technical standards;
- Involve multiple measures of student academic achievement, including measures that assess higher order thinking skills and understanding of challenging content;
- Objectively measure academic achievement, knowledge, and skills without evaluating or assessing personal family beliefs and attitudes;
- Enable results to be disaggregated by gender, each major racial and ethnic group, migrant status, students with disabilities, English proficiency status, and economically disadvantaged students;
- Provide individual student reports; and

- Enable itemized score analyses.

In addition to a general assessment, States were required to develop and administer at least one alternate assessment for students with disabilities who cannot participate in the general assessment, with or without accommodations. An alternate assessment may be based on grade-level achievement standards, alternate achievement standards, or modified achievement standards. Like the general assessment, any alternate assessment must satisfy the requirements for high technical quality, including validity, reliability, accessibility, objectivity, and consistency with nationally recognized professional and technical standards.

States were also required to implement an annual assessment of English language proficiency in the four domains of reading, writing, speaking, and listening.

The Hawaii Department of Education (HIDOE) failed to timely meet certain requirements relating to its Hawaii State Assessment, Hawaiian Aligned Portfolio Assessment, and Hawaii State Alternate Assessment. In order to be eligible to continue to receive Title I funds while working to comply with the statutory and regulatory requirements, Patricia Hamamoto, Superintendent of Education, indicated HIDOE's interest in entering into a compliance agreement with the United States Department of Education (Department). On March 27, 2008, the Department conducted a public hearing regarding: (1) whether HIDOE's full compliance with Title I is not feasible until a future date; and (2) HIDOE's ability to come into compliance with the Title I requirements for an alternate assessment system within three years.

Pursuant to this Compliance Agreement under 20 U.S.C. Section 1234f, HIDOE must be in full compliance with the outstanding requirements 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. In order to achieve compliance with the standards and assessment requirements, HIDOE must submit the following evidence:

ACADEMIC ACHIEVEMENT STANDARDS

Hawaii State Assessment (HSA):

3. The subject area representation for panels that reviewed the performance level descriptors.
4. A plan and process for the future selection of panels to ensure representation of all relevant stakeholder groups.

Hawaii State Alternate Assessment (HSAA):

5. Evidence of approved and adopted alternate academic achievement standards for students with the most significant cognitive disabilities in reading and mathematics for each of grades 3-8 and 10.
6. Evidence that the alternate academic achievement standards include the following for each content area:
    a. At least three levels of achievement, including two levels of high achievement (*e.g.*, proficient and advanced) that determine how well students are mastering the State's academic content standards, and a third level of achievement (*e.g.*, basic) to provide information about the progress of lower-achieving students toward mastering the two levels of high achievement;

b. Descriptions of the competencies associated with each achievement level; and

c. Assessment scores ("cut scores") that differentiate among the achievement levels.

7. Documentation that the State has reported separately the number and percentage of students with disabilities assessed using an alternate assessment based on alternate academic achievement standards, an alternate assessment based on grade-level academic achievement standards, and the general HSA assessment, both with and without accommodations.
8. Evidence that the State has documented the involvement of diverse stakeholders in the development of its alternate academic achievement standards.

TECHNICAL QUALITY

HSA:

5. Plan and timeline for conducting a consequential validity study.
6. Documentation of how the State will address inter-rater agreement rates for short-answer and extended-response items that were less than the established target.
7. Procedures for the standardization of the accommodation that allows for the explanation of directions using simplified vocabulary.
8. Plan and timeline for conducting a study to determine the extent to which the use of accommodations and alternate assessments yield meaningful scores including the use of simplified language and read aloud accommodations (consistent with requirements described under Critical Elements 4.3 d and 4.5 c & d of the Peer Review Guidance).

HSAA:

8. Evidence that the State has documented validity (in addition to the alignment of the HSAA with the academic content standards), as described in the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999).
9. Evidence that the State has provided documentation of the standards-setting process, including a description of the selection of judges, methodology employed, and final results.
10. Evidence that the State has considered the issue of reliability, as described in the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999).
11. Evidence that the State has ensured that its alternate assessment system is fair and accessible to all eligible students, including students with limited English proficiency.
12. Evidence that the State has taken steps (such as bias review of items) to ensure fairness in the development of the alternate assessment.
13. If different test forms or formats are used for the alternate assessment, evidence that the State has ensured that the meaning and interpretation of the results are consistent.
14. Evidence that the State has established:
    a. Clear criteria for the administration, scoring, analysis, and reporting components of its alternate assessment; and
    b. A system for monitoring and improving the on-going quality of its alternate assessment.

Hawaii Aligned Portfolio Assessment (HAPA):

5. Evidence that the cut scores for 2007 operationalize the content-specific performance level descriptors that are used for both the HAPA and the HSA. This evidence should include documentation related to the process of reviewing the 2006 cut scores for use in 2007, including a description of the preparation of the panel(s) for their task, a demographic description of the participants, and results of their deliberations.
6. Evidence that the State's scoring for oral fluency is valid and consistent across scorers.
7. Evidence that all students are being included in the assessment program.
8. Documentation of the comparability of the oral fluency tasks for the HAPA and the items from the HSA.

ALIGNMENT

HSA:

5. The blueprints for reading and mathematics for each required tested grade with the number of items developed for each standard.
6. Documentation showing that the full range of knowledge is assessed for each required tested grade for reading and mathematics.
7. Results of the item review panel, including the number of items reviewed, rejected, and revised, as well as alignment to benchmark and depth of knowledge levels for each required tested grade for reading and mathematics.
8. Documentation showing how the State addressed each of the cells in the December 2006 Rob Ely alignment analysis that resulted in ratings of "weak" or "no" alignment, including the number and extent of changes made.

HSAA:

3. Evidence that the State has taken steps to ensure alignment between its alternate assessments and its academic content and alternate student academic achievement standards.
4. Evidence that the State has developed ongoing procedures to maintain and improve alignment between the alternate assessment(s) and academic content and alternate student academic achievement standards over time, particularly if gaps have been noted.

HAPA:

3. Evidence showing how the State addressed or will address the concerns from the September 2006 Rob Ely alignment analysis.
4. Documentation demonstrating how the State addressed or will address the comments related to "Source of Challenge" identified by reviewers participating in the alignment analysis.

INCLUSION

HSA:

2. Statewide spring 2007 participation rates for reading and mathematics in the required grades. Totals should be disaggregated by gender, ethnicity, special education status, LEP status, economically disadvantaged status, and migrant status.

HSAA:

5. Evidence that the State has implemented alternate assessments for students whose disabilities do not permit them to participate in the regular assessment even with accommodations.
6. Evidence of guidelines and training that the State has in place to ensure that all students with disabilities taking the alternate assessment are included appropriately in the State assessment system.
7. Evidence that the State has developed clear guidelines for Individualized Educational Program (IEP) Teams to apply in determining which assessment is most appropriate for a student.
8. Regarding the alternate academic achievement standards:
    c. Evidence that the State has developed clear guidelines for IEP Teams to apply in determining when a child's cognitive disability justifies assessment based on alternate academic achievement standards; and
    d. Evidence showing the steps the State has taken to instruct regular and special education teachers and appropriate staff on how to properly administer assessments (including making use of accommodations) for students with the most significant cognitive disabilities.

REPORTING

HSA:

3. Samples of the school-level achievement reports disaggregated by required subgroups by grade level and subject area for 2007.
4. Statewide achievement results disaggregated by the required subgroups by grade level and subject areas for 2007.

HSAA:

4. Evidence that the State's reporting system facilitates appropriate, credible, and defensible interpretation and use of its assessment data.
5. Evidence that the State has provided for the production of individual interpretive, descriptive, and (non-clinical) diagnostic reports that indicate relative strengths and instructional needs and possess the following characteristics:
    a. Express results in terms of the State's alternate academic achievement standards rather than numerical values (*e.g.*, scale scores or percentiles);
    b. Provide information for parents, teachers, and principals to help them understand and address a student's specific academic needs; and
    c. Display the information in a format and language that is understandable to parents, teachers, and principals (*e.g.*, through the use of descriptors that describe what students know and can do at different performance levels) and include interpretative guidance for these audiences.
6. Evidence that the State ensures that these individual student reports will be delivered to parents, teachers, and principals as soon as possible after the alternate assessment has been administered.

HAPA:

2. A complete set of reports for individual students and schools.

During the duration of this Compliance Agreement, HIDOE is eligible to receive Title I, Part A funds if it complies with the terms and conditions of this Agreement, the

provisions of Title I, Part A beyond those covered in this Compliance Agreement, and other applicable Federal statutory and regulatory requirements. The attached action steps provide a detailed plan and specific timeline for how HIDOE will come into compliance with the Title I standards and assessment requirements. These action steps are incorporated into this Compliance Agreement and may be amended by joint written agreement of the parties, provided full compliance is still feasible by the expiration of the Agreement.

In addition to all terms and conditions set forth above, HIDOE agrees that its continued eligibility to receive Title I, Part A funds is predicated upon its compliance with all statutory and regulatory requirements of that program beyond those covered in this Compliance Agreement, including those that are not specifically addressed by this Agreement, such as any amendments to the No Child Left Behind Act of 2001.

If HIDOE fails to comply with any of the terms and conditions of this Compliance Agreement, including the action steps attached hereto, 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).

The effective date of this agreement shall be this 29th day of August, 2008.

For the Hawaii Department of Education:

/s/ — July 30, 2008

Patricia Hamamoto — Date
Superintendent of Education

For the United States Department of Education:

/s/ — August 29, 2008

Kerri L. Briggs, Ph.D. — Date
Assistant Secretary
Office of Elementary and Secondary Education

Date this Compliance Agreement becomes effective: August 29, 2008

Expiration Date of this Agreement: August 29, 2011

Action Plan and Timeline for

Compliance Agreement

Between

The United States Department of Education

And

The Hawaii Department of Education

State of Hawaii Department of Education
Compliance Agreement - Action Plan and Timeline
July 29, 2008

2.0 ACADEMIC ACHIEVEMENT STANDARDS

HSA:

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
1. The subject area representation for panels that reviewed the performance level descriptors.	• Communicate to ED that subject area information not previously collected. • Provide assurance to ED that subject area information will be collected whenever future panels are convened.	• Letter to ED.	SAO	None	Submission of evidence to ED: August 30, 2008.
2. A plan and process for future selection of panels to ensure representation of all relevant stakeholder groups.	• Discuss with TAC at March 2008 meeting for recommendations. • Draft panel selection policy and guidelines. • Present policy and guidelines to the BOE for review and adoption. • Present the policy to ED.	• Panel selection policy and guidelines. • Minutes of BOE meeting affirming adoption. • Distribute new policy and guidelines to TAC at October 2008 meeting.	SAO	None	Submission of evidence to ED: August 30, 2008.

HSAA:

1. Evidence of approved and adopted alternate academic achievement standards for students with the most significant cognitive disabilities in reading and mathematics for each of grades 3-8 and 10.	• Reorganize document to increase and clarify the focus on the essences (or extended standards) and reduce the number of AAIs (or objectives) to establish a more precise number of assessment targets that are clearly linked to the extended standards. Convene stakeholders to review and revise. • Define alternate academic achievement descriptors to reflect student achievement expectations at the elementary (grades 3-5), middle (grades 6-8), and high school (grades 9-12) levels. These new descriptors will be foundational to subsequent standard setting activities.	• Incorporate these action steps in RFP. • Convene a panel of educators to assist the DOE in clarifying the extended standards and objectives that will become the assessment targets. • Convene a group of stakeholders to advise the DOE in developing the new alternate student academic achievement standards. • Summary report of efforts with stakeholders and results of those efforts.	SAO SPED	Est. cost $25,000	Action steps in contract awarded February 28, 2009. New student alternate academic achievement standards finalized by May 31, 2009. The standards will be forwarded for Board of Education review and adoption at a time to be scheduled subsequently but not later than October 1, 2009. Summary report of work with stakeholders by May 31, 2009. Descriptor and cut scores differentiation affirmed by May 31, 2009.

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
2. Evidence that the alternate academic achievement standards include the following for each content area: a. At least three levels of achievement, including two levels of high achievement (e.g., proficient and advanced) that determine how well students are mastering the State's academic content standards, and a third level of achievement (e.g., basic) to provide information about the progress of lower-achieving students toward mastering the two levels of high achievement; b. Descriptions of the competencies associated with each achievement level; and c. Assessment scores ("cut scores") that differentiate among the achievement levels.	• Simultaneous with the revisions of the Essence document, alternate academic achievement descriptors will be developed. Simultaneous development will expedite revision reflecting a clear horizontal alignment of the proficient level descriptor with the Essence document and vertical alignment of the performance levels within and across grade levels based on the proficient level. • Content and skills descriptors will be developed for each performance level at each grade span. • Cut scores will be established after the first administration of the revised assessment to reflect changes in the assessment. • Cut scores will be submitted to the Hawaii State Board of Education for review and adoption.	• Provide documentation of the revision process and outcomes to ED. • Provide documentation to ED. • Documentation for Standard Setting process, methodology, participants, results, and technical report. • Documentation of adoption by the Hawaii State Board of Education as shown in Board minutes.	SAO SPED SAO SPED SAO Contractor SAO	Est. cost $25,000 Est. cost $25,000 Est. cost $100,000 None	Revision process documented by November 30, 2009. Content and skills descriptors developed by November 30, 2009. Documentation completed for inclusion in Technical Manual to be completed by December 31, 2010. Completed by September 30, 2010.
3. Documentation that the State has reported separately the number and percentage of students with disabilities assessed using an alternate assessment based on alternate academic achievement standards, an alternate assessment based on grade-level	• Cut scores for the existing alternate assessment were adopted on June 22, 2006, by the Hawaii State Board of Education. • Guidelines and parent information process currently exit. Review to ensure guidelines continue appropriateness for the revised assessment. • Training information will be examined and revised for modifications related to revised assessment. • State will continue reporting and documenting number and percent assessed based on alternate	• Revised cut scores need to be developed following the first administration of the revised assessment to reflect changes in the assessment. • Contractor will lead a stakeholder committee in standard setting using a recognized methodology, will thoroughly document that standard setting procedure, activities and results, and report this	Contractor SAO SPED SAO SPED Contractor SAO SPED SAO	Est. cost $100,000 None	Revised cut scores adopted by August 30, 2010. Standard setting process conducted in Spring 2010 with reports completed by August 30, 2010. Training materials

academic achievement standards, and the general HSA assessment with and without accommodations.	achievement standards.	information in a technical report and a supporting document as appropriate. • Documentation of training materials • State report on number and percent assessed			revised by November 30, 2009. State report completed by August 30, 2010.
4. Evidence that the State has documented the involvement of diverse stakeholders in the development of its alternate academic achievement standards.	• State will document that diverse stakeholders with both content and special education expertise, participate in development of the revised alternate assessment.	• Documentation of stakeholder participation collected and maintained	SAO SPED	None	Participation documented and related summary reports completed by July 31, 2009

3.0 STATEWIDE ASSESSMENT SYSTEM					
HSAA:					
Description	**Action Steps**	**Evidence**	**Office Responsible**	**Fiscal Resources**	**Completion Time**
1. Evidence that the State demonstrates comparable results and alignment with the academic content and achievement standards.	• The State will issue an RFP[1] to revise the alternate assessment that ensures compliance with all requirements of NCLB and Peer Review guidelines. The alternate assessment design will provide alignment with the academic content and alternate achievement standards and comparability across forms, students, scores, and years. The design will also consider adding items annually to provide a means of continuously improving the assessment and ensuring that students do not repeatedly encounter the same items.	• Issue RFP	SAO	Est. cost to develop the RFP $25,000	Submission of evidence to ED: Upon completion and issuance of the Request for Proposals for a new HSAA[3] November 30, 2008.
	• Review with TAC.	• TAC minutes	SAO	None	March 31, 2009.
		• Alignment study and report.	Contractor SAO	Est. cost $25,000[2]	September 30, 2010.

[1] Almost all action steps and the generation of related evidence will be included in the RFP as prerequisites for development of a new HSAA. Thus, related information will be included in the contract that is awarded to the successful bidder. The RFP will be submitted to the TAC for review and comment prior to its release.

[2] The estimated three-year cost to develop, field-test, and implement a new HSAA is $9M including staff development activities. Thus, all costs listed in this column of the action plan and timeline for HSAA activities are estimates only at this time and will be adjusted once a contractor is selected.

[3] Most of the completion times for HSAA associated activities are dependent on developing and issuing an RFP for the new assessment and also on awarding of a contract for that purpose. Thus, it is highly likely that some timelines will have to be revised after the contract is awarded.

4.0 TECHNICAL QUALITY					
HSA:					
Description	**Action Steps**	**Evidence**	**Office Responsible**	**Fiscal Resources**	**Completion Time**
1. Plan and timeline for conducting consequential validity study.	• Inform ED that study planned for fall 2007 was not conducted. • Discussion with TAC at March 2008 meeting regarding a comprehensive study. • Determine feasibility of various methodologies. • Determine implementation plan and costs. • Establish a plan and timeline for conducting study.	• Final consequential validity study plan and timeline.	SAO	Est. cost $35,000	October 31, 2008.
2. Documentation of how the State will address inter-rater agreement rates for short answer and extended-response items that were less than the established target.	• Inter-rater agreement rates and related analysis.	• Narrative description of how Hawaii addresses inter-rater agreement rates when they are less than the established targets.	Contractor	None	June 30, 2008.
3. Procedures for the standardization of the accommodation that allows for the explanation of directions using simplified vocabulary.	• Describe how standardization of the accommodation for simplified vocabulary is assured across test administrations. • Discuss at March 2008 TAC meeting.	• Clarification of how accommodation is reviewed in annual training for Administrators and Test Coordinators. • TAC notes.	SAO	None	August 30, 2008.
4. Plan and timeline for conducting a study to determine the extent to which the use of the accommodations and alternate assessments yield meaningful scores including the use of simplified language and read aloud accommodations (consistent with requirements described under Critical Elements 4.3 d and 4.5 c & d of the Peer Review Guidance).	• Discussion with TAC at March 2008 meeting regarding AIR proposal and elements of a comprehensive study. • Review and evaluate AIR proposal with TAC at March 2008 meeting. • Discuss with TAC various methodologies and approaches taken by other States. • Evaluate TAC recommendations and finalize implementation plan and costs. • Hire a consultant to develop	• Final study plan and timeline.	SAO	Est. cost $20,000	August 30, 2008.

	study and timeline for conducting study in fall 2008. • Review final plan with TAC in October 2008 prior to conducting study.				

HSAA:

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
1. Evidence that the State has documented validity (in addition to the alignment of the HSAA with the academic content standards), as described in the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999). a. Decisions based on the results of its assessments consistent with the purposes for which the assessments were designed ***and*** b. Intended and unintended consequences ***and*** c. Scoring and reporting structures consistent with sub-domain structures of its academic content standards (i.e., are item interrelationships consistent with the framework from which the test arises)? ***and*** d. Test and item scores related to internal or external variables as intended (e.g., scores are correlated strongly with relevant measures of academic achievement and are weakly correlated, if at all, with irrelevant characteristics, such as demographics)? e. Standard setting process. Describe the selection of judges, methodology.	• The State will issue an RFP to revise the alternate assessment that sets forth the intended purpose of the assessment. • These requirements will be included in the RFP as factors that must be addressed and reported in the Technical Manual that will be developed for the new HSAA. • Discussion with TAC.	• Documentation of required evidence for validity. • Documentation of the standard setting methodology, process, participants, and results. • Technical Manual. • TAC minutes.	SAO SAO Contractor SAO Contractor SAO	Est. cost $275,000 None	Submission of evidence to ED in two parts: First will be the awarded RFP documenting the plan to establish validity by February 28, 2009. Second will be the Technical Manual by December 31, 2010. Fall 2009.

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
2. Reliability, as described in the *Standards for Educational and Psychological Testing* (AERA/APA/NCME, 1999), with respect to ***all*** of the following categories: a. Reliability of the scores, based on data for its own student population and each reported subpopulation? ***and*** b. Conditional standard error of measurement and student classification that is consistent at each cut score specified in its academic achievement standards? ***and*** c. Evidence of generalizability for all relevant sources, such as variability of groups, internal consistency of item responses, variability among schools, consistency from form to form of the test, and inter-rater consistency in scoring.	• The State will issue an RFP to revise the alternate assessment. The revised assessment will have a clear plan for standardization of administration, scoring parameters, and protocols. • Reliability study and results that document all categories a-c included in the Technical Manual. • Technical Manual with all reliability evidence required by Peer Review guidelines. • Discussion with TAC.	• RFP Documentation • Documentation of required evidence for reliability. • Technical Manual • TAC minutes	SAO SAO Contractor	Est. cost $175,000 all related activities	Submission of evidence to ED in two parts: First will be the awarded RFP documenting the plan to establish validity by February 28, 2009. Second will be the Technical Manual by December 31, 2010.
3. The assessment is fair and accessible assessment for target population a. Appropriate variety of accommodations for students with disabilities? ***and*** b. Appropriate variety of linguistic accommodations for students with limited English proficiency? ***and*** c. DIF analysis or bias review of items, to ensure fairness ***and*** d. Use of accommodations and/or alternate assessments yield meaningful scores	• The State will issue an RFP to revise the alternate assessment. • Accommodations list specifically relevant to all the target population of the alternate assessment will be developed. • Studies of accommodations specific to the to students with limited English Language proficiency • Bias and content reviews of all items of all items to ensure fairness. • Study relevant to the use of accommodations as related to scores	• Documentation of accommodations policies and list. • Accommodations list relevant to the ELL population of the alternate assessment. • Documentation of bias and content reviews • Documentation of study	SAO SAO Contractor SAO SPED SAO Contractor	Est. cost $10,000 Estimated cost $10,000 Estimated Cost $100,000	February 28, 2009. March 31, 2009. April 30, 2010. August 30, 2011.

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
4. When different test forms or formats are used, ensure that the meaning and interpretation of results are consistent. a. Consistency of test forms over time. b. On-line and paper and pencil test comparability, if both are used.	• Development of a methodology for ensuring consistency in the meaning and interpretation of test results by 2010. • Contactor will be required to ensure consistency when test forms are refreshed with new items. • Contractor will ensure that if alternate assessment consists of online and paper-pencil that the test is comparable for both forms.	• Documentation of methodology to be applied related to determining consistency in meaning and interpretation of test results from year to year. • Documentation ensuring consistency between test forms and types.	SAO Contractor SAO Contractor	Est. cost $50,000	Submission of evidence to ED in two parts: First will be the awarded RFP documenting the plan to establish validity by February 28, 2009. Second will be the Technical Manual by December 31, 2010.
5. The State has established: a. Clear criteria for the administration, scoring, analysis, and reporting components of its assessment system, including alternate assessment(s); b. System for monitoring and improving the on-going quality of its assessment system.	• Contractor will document criteria for administration, scoring, analysis, and reporting components of the assessment. • Procedures will be established for monitoring all elements of the assessment.	• Documentation (manuals, reports, etc.) developed to report criteria for administration, scoring, analysis, and reporting components. • Documentation showing monitoring procedures.	SAO Contractor SAO Contractor	Est. cost $50,000 $5,000	Submission of evidence to ED in two parts: First will be the awarded RFP documenting the plan to establish validity by February 28, 2009. Second will be the Technical Manual by December 31, 2010.
6. The State evaluates use of accommodations. a. Accommodations consistent with instruction and monitor availability of accommodations during test administration. b. Scores for students with disabilities based on accommodated administration conditions are valid	• Develop plan to establish, implement, and review results from accommodations monitoring. • Conduct study to review results and analyze if scores are valid using accommodations.	• Documentation from monitoring plan for accommodations. • Documentation from study on score validity.	SAO Contractor Contractor External Contractor	Est. cost $15,000 Est. cost $25,000	Submission of evidence to ED in two parts: First will be the awarded RFP documenting the plan to establish validity by February 28, 2009. Second will be the Technical Manual by December 31, 2010.

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
HAPA:					
1. Evidence that the cut scores for 2007 operationalize the content-specific performance level descriptors that are used for both the HAPA and HSA. This evidence should include documentation related to the process of reviewing the 2006 cut scores for use in 2007, including a description of the preparation of the panel(s) for their task, a demographic description of the participants, and the results of their deliberations.	• Clarify that cut scores for HAPA were set in 2006. Cut scores for HSA were set in 2007. • Affirm that PLDs are same as those in HSA. • Describe how cut scores align with PLDs. • Describe training of panelists who review PLDs.	• May 11, 2007, review of PLDs (PowerPoint presentation). • List of reviewers and demographics. • Written confirmation that PLDs are used with HSA. • Performance level descriptor review committee report (Appendix 5c, Technical Manual 2007).	SAO	None	Submission of evidence to ED: August 30, 2008.
2. Evidence that the State's scoring for oral fluency is valid and consistent across scorers.	• Provide documentation related to scoring procedures for oral fluency.	• HAPA technical manual, 2005-2006 (pages 45-46). • HAPA scoring center paper.	SAO	None	Submission of evidence to ED: August 30, 2008.
3. Evidence that all students are being included in the assessment program.	• Describe steps the State will take to ensure full participation of all students in the State's annual assessment system; especially those participating in HAPA. • Review by State staff of HAPA participation rates. Where those rates fall below 95% at the school level, a meeting will be held with administrators to develop plans to ensure full participation of all eligible students.	• Critical Element 2.1, State Accountability Workbook. • Written description of how the State ensures full participation.	SAO	None	Submission of evidence to ED: August 30, 2008.
4. Documentation of the comparability of the oral fluency tasks for the HAPA and the items from the HSA.	• Review evidence related to scoring for oral fluency to determine whether it is consistent and valid in the same way across scorers.	• Review determines that the requirement is met, documented, and interpretive narrative is provided.	SAO	None	Submission of evidence to ED: August 30, 2008.

5.0 ALIGNMENT					
HSA:					
Description	**Action Steps**	**Evidence**	**Office Responsible**	**Fiscal Resources**	**Completion Time**
1. The blueprints for reading and mathematics for each required tested grade with the number of items developed for each standard.	• Send blueprints to ED.	• Blueprints. • Statement from AIR affirming that 2006 assessment used for alignment study was an intact version of the new HSA.	Contractor	None	Submission of evidence to ED: August 30, 2008.
2. Documentation showing that the full range of knowledge is assessed for each required tested grade for reading and mathematics.	• Review the Rob Ely study (December 2006) regarding DOK levels. • Discussion at March 2008 TAC meeting. • Develop responses to the Rob Ely report findings indicating steps the State has taken to address DOK deficiencies.	• Recommendations from and State responses to TAC regarding Ely alignment study findings. • Technical Manual. • State's responses to Rob Ely alignment study findings to address DOK levels.	Contractor	None	Submission of evidence to ED: August 30, 2008.
3. Results of the item review panel, including the number of items reviewed, rejected, and revised, as well as alignment to benchmarks and depth of knowledge levels for each required tested grade for reading and mathematics.	• Request AIR to provide information.	• Report from AIR.	Contractor	None	Submission of evidence to ED: August 30, 2008.
4. Documentation showing how the State addressed each of the cells in the December 2006 Rob Ely alignment analysis that resulted in a rating of "weak" or "no" alignment, including the number and extent of changes made.	• Review the Rob Ely study (December 2006) regarding alignment ratings. • Discussion at March 2008 TAC meeting. • Develop responses to the Rob Ely report findings indicating steps the State has taken to address alignment ratings.	• Recommendations from and State responses to TAC regarding Ely alignment ratings. • Technical Manual. • State's responses to Rob Ely alignment study findings to address alignment ratings.	Contractor	None	Submission of evidence to ED: August 30, 2008.

HSAA:					
Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
1. Evidence that the State has taken steps to ensure alignment between alternate assessment and the academic content and student academic achievement standards.	• Develop preliminary plan to guide conduct of new alignment study based on 2010 operational test. • Review plan with TAC.	• A plan to guide the alignment study. • TAC minutes. • Documentation of alignment study on 2010 operational test. • Technical Manual.	SAO Contractor	Est. cost $30,000	Preliminary plan completed by September 30, 2009. Documentation of alignment study by September 30, 2010. Technical Manual by December 31, 2010.
2. Evidence that the State alternate assessment is based on alternate academic achievement standards and shows a clear link to the content standards. That the alternate assessment and the standards are aligned comprehensively, reflecting the full range of content standards.	• Develop preliminary plan to guide conduct of new alignment study based on 2010 operational test. • Develop plan and procedures to guide Hawaii DOE in maintaining and improving alignment between HSAA and State academic content standards over time.	• Related plan and procedures. • Documentation of alignment study on 2010 operational test. • Technical Manual.	SAO Contractor	Est. cost $10,000	Preliminary plan completed by September 30, 2009. Documentation of alignment study by September 30, 2010. Technical Manual by December 31, 2010.
3. Evidence that the assessment and the standards are aligned in terms of both content and process.	• Develop preliminary plan to guide conduct of new alignment study based on 2010 operational test.	• Documentation of alignment study on 2010 operational test. • Technical Manual.	SAO Contractor	Est. cost $10,000	Preliminary plan completed by September 30, 2009. Documentation of alignment study by September 30, 2010. Technical Manual by December 31, 2010.

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
4. Evidence the state assessment and alternate assessment reflect the same degree and pattern of emphasis.	• Documentation of alignment study on 2010 operational test. • Technical Manual.	• Documentation of alignment study on 2010 operational test. • Technical Manual.	SAO Contractor	Est. cost $15,000	Preliminary plan completed by September 2009. Documentation of alignment study by September 30, 2010. Technical Manual by December 31, 2010.
5. Evidence that the assessment yields scores that reflect the full range of achievement implied by the State's alternate academic achievement standards.	• Develop a detailed blueprint that maps the complexity and difficulty of items. • Documentation of study that shows scores reflect the full range of achievement.	• Test Blueprint. • Study on range of scores that reflect range of achievement. • Technical Manual.	SAO Contractor	Est. cost $75,000	Test blueprint completed by September 30, 2009. Study completed by September 30, 2010. Technical Manual by December 31, 2010.
6. Evidence that the assessment results express terms of the alternate achievement standards.	• Develop score reports and informational documents that explain meaning of alternate academic achievement standards at each grade-level skill	• Documentation of score reports and parent informational report.	SAO Contractor	Est. cost $10,000	Develop score reports and information documents by February 28, 2010. Include related information in Technical Manual December 31, 2010.
7. Evidence of procedures for maintaining and improving alignment between the assessment and standards over time.	• Documentation of alignment study on 2010 operational test. • Technical Manual.	• Documentation of alignment study on 2010 operational test. • Technical Manual.	SAO Contractor	$10,000	Preliminary plan completed by September 30, 2009. Documentation of alignment study by September 30, 2010. Technical Manual by December 31, 2010.

HAPA:

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
1. Evidence showing how the State addressed or will address the concerns from the September 2006 Rob Ely alignment analysis.	• Staff review and analysis of concerns.	• List and description of changed items by subject and grade.	SAO	None	Submission of evidence to ED: August 30, 2008.
2. Documentation demonstrating how the State addressed or will address the comments related to "Source of Challenge" identified by reviewers participating in the alignments analysis.	• Staff review and analysis of comments.	• Clarification of meaning and impact on alignment of Ely Source of Challenges. • List of reviewers' perceived "Source of Challenges" and changes made to items as a result.	SAO	None	Submission of evidence to ED: August 30, 2008.

6.0 INCLUSION					
HSA:					
Description	**Action Steps**	**Evidence**	**Office Responsible**	**Fiscal Resources**	**Completion Time**
1. Statewide spring 2007 participation rates for reading and mathematics in the required grades. Totals should be disaggregated by gender, ethnicity, special education status, LEP status, economically disadvantaged status, and migrant status.	• Provide disaggregated spring 2007 statewide participation rates.	• Statewide spring 2007 disaggregated participation rates.	SAO	None	Submission of evidence to ED: August 30, 2008.
HSAA:					
1. Evidence that the State's participation data indicates that all students in the tested grade ranges are included in the assessment system.	• Develop documentation that demonstrates that all eligible students are included in the alternate assessment.	• Analysis of participation data and changes, if any, to eligibility criteria. • Test Administrator Manual. • Technical Manual.	SAO	Est. cost $15,000	Analysis of participation data by August 30, 2010. Test Administrator Manual by February 28, 2010. Technical Manual by December 31, 2010.
2. Evidence of guidelines and training that the State has in place to ensure that all students with disabilities taking the alternate assessment are included appropriately in the State accountability system.	• Review related program materials and procedures. • Determine changes needed in guidelines and training and develop those. • Plan and conduct survey of teacher opinions related to HSAA, including guidelines, training, student eligibility, and areas needing improvement.	• Analysis of participation data and changes, if any, to eligibility criteria. • List of changes in guidelines and training procedures. • Training Materials. • Test Administrator Manual.	SAO OCISS	Est. cost of materials review, development of training materials, and survey $50,000	Review of related materials by February 28, 2009. Training materials by November 30. 2009. Test Administrator Manual by November 30, 2010. Complete survey by July 31, 2010.

		• Results and analysis of teacher survey.			

Description	Action Steps	Evidence	Office Responsible	Fiscal Resources	Completion Time
3. Evidence that the State has in place guidelines for including all students with limited English Proficiency in the tested grade range in the assessment system.	• Review files for related documentation. • Review eligibility criteria with respect to understanding and implementation by IEP teams and others. • Review eligibility criteria to ensure the assessment is available to all qualified students.	• Results and related changes, if any, made to eligibility criteria as well as to guidelines and training provided to teachers. • Training Materials. • Test Administrator Manual.	SAO OCISS SAO Contractor SAO Contractor SAO Contractor	Est. cost $25,000 None None RFP contract RFP contract	Results and related changes by November 30, 2009. Training materials by November 30, 2009. Test Administrator Manual by November 30, 2009. Submission of evidence to ED: Upon completion of the Request for Proposals for a new HSAA.
4. Evidence that the State's policies and practices have in place to ensure the identification and inclusion of migrant and other mobile students in the tested grade span in the assessment system.	• Review files for related documentation. • Review eligibility criteria to ensure the assessment is available to all qualified students.	• Results and related changes, if any, made to eligibility criteria as well as to guidelines and training provided to teachers. • Test Administrator Manual. • Technical Manual.	SAO OCISS SAO Contractor SAO Contractor	Est. cost $150,000 None None	Results and related changes by November 30, 2009. Test Administrator Manual by November 30, 2009. Technical Manual by December 31, 2010. Submission of evidence to ED: Upon completion of the Request for Proposals for a new HSAA.

7.0 REPORTING					
HSA:					
Description	**Action Steps**	**Evidence**	**Office Responsible**	**Fiscal Resources**	**Completion Time**
1. Samples of the school-level achievement reports disaggregated by required subgroups by grade level and subject area for 2007.	• Collect samples of school level of achievement reports as specified.	• Reports provided to ED.	SAO	None	Submission of evidence to ED: August 30, 2008.
2. Statewide achievement results disaggregated by the required subgroups by grade level and subject areas for 2007.	• Provide disaggregated spring 2007 statewide achievement results.	• Statewide spring 2007 disaggregated achievement results.	Contractor	None	Submission of evidence to ED: August 30, 2008.
HSAA:					
1. Evidence that the State's reporting system facilitates appropriate, credible, and defensible interpretation and use of its alternate assessment data.	• Review the State's procedures related to reporting student achievement results and otherwise evaluate all interpretive materials to ensure that they meet expected standards. • Develop statement and identify supporting evidence related to how the State believes that its reporting system meets the NCLB requirements.	• Summary of results of State's study of its reporting procedures and materials including changes, if any, made as a result. • Statement and supporting evidence.	SAO Contractor	Est. cost $10,000 Est. cost $10,000	Complete review of State's procedures by November 30, 2009. Develop statement and supporting evidence by February 28, 2010.
2. Evidence that the State reports participation and assessment results for all students and for each of the required subgroups in its reports at the school, LEA, and State levels.	• Review the State's procedures related to reporting student achievement results and otherwise evaluate all interpretive materials to ensure that they meet expected standards. • Develop statement and identify supporting evidence related to how the State believes that its reporting system meets the NCLB requirements.	• Summary of results of State's study of its reporting procedures and materials including changes, if any, made as a result. • Statement and supporting evidence.	SAO Contractor	Est. cost $10,000 Est. cost $10,000	Complete review of State's procedures by November 30, 2009. Develop statement and supporting evidence by February 28, 2010.
3. Evidence that the State provides for the production of individual interpretive, descriptive, and diagnostic reports following each administration of its assessments. a. That individual student reports provide valid and reliable information	• Review the State's procedures related to reporting student achievement results and otherwise evaluate all interpretive materials to ensure that they meet expected standards. • Review reports with TAC. • Develop statement and identify supporting evidence related to how the State believes	• Summary of results of State's study of its reporting procedures and materials including changes, if any, made as a result. • TAC minutes. • Documentation and illustration as to	SAO Contractor SAO	Est. cost $10,000 Est. cost $10,000	Develop summary and report by September 30, 2009. Document and illustrate reporting by January 31, 2010.

regarding achievement on the assessments. b. Individual student reports provide information for parents, teachers, and principals to help understand and address a student's needs. c. Ensure that individual student reports will be delivered to parents, teachers, and principals in a timely manner.	that its reporting system meets the NCLB requirements. • Convene focus groups that include parents, teachers, and administrators to provide feedback on the adequacy and understandability of the reports and where improvements may be needed.	how the State reports meet the related criteria in March 2007 Peer Review. • Summary of focus group discussions	SAO Contractor	Est. cost $25,000	Convene focus groups and prepare summary of feedback and changes made as a result by February 28, 2010.
Description	**Action Steps**	**Evidence**	**Office Responsible**	**Fiscal Resources**	**Completion Time**
4. Evidence that the State ensures that student-level assessment data are maintained securely to protect student confidentiality.	• Review the State's procedures related to reporting student achievement results and otherwise evaluate all interpretive materials to ensure that they meet expected standards. • Review training procedures to ensure student confidentiality is secure.	• Summary of State's reporting procedures and materials including description of changes, if any, made as result of the review. • Summary report of training procedures reviewed, processes used in the review, and changes, if any, made as a result of the review.	SAO Contractor	$5,000 $10,000	Complete review of reporting procedures by November 30, 2009. Complete review of training procedures by November 30, 2009.
5. Evidence that the State produces itemized score analyses so that parents, teachers, and principals can interpret and address the specific academic needs of students.	• Review the State's procedures related to reporting student achievement results and otherwise evaluate all interpretive materials to ensure that they meet expected standards. • Develop statement and identify supporting evidence related to how the State believes that its reporting system meets the NCLB requirements.	• Summary of results of State's study of its reporting procedures and materials including changes, if any, made as a result. • Statement developed and supporting evidence, identified.	SAO Contractor	Est. cost $30,000	Complete review and evaluation by November 30, 2009. Statement developed and evidence collected by February 28, 2010.
HAPA:					
1. Complete set of reports for individual students and schools.	• Collect set of required reports.	• Reports submitted to ED.	SAO	None	Submission of evidence to ED: August 30, 2008.

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