

*Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.*



## UNITED STATES DEPARTMENT OF EDUCATION

December 7, 2016

Dear Chief State School Officers,

I am writing to update guidance that the U.S. Department of Education (Department) released in February 2016 to support implementation of [President Obama's Testing Action Plan](#). In that plan, published in October 2015, the Obama Administration (Administration) described the important role that assessments play as tools to support learning, promote equity, measure progress, and improve outcomes for our nation's students. At the same time, the Administration acknowledged that in too many communities an overemphasis on testing and test preparation places a burden on instructional time, and that some of this Administration's policies played a role in that overemphasis. The Testing Action Plan encourages States and local educational agencies (LEAs) to address instances where students spend too much time taking standardized tests, as well as instances where such tests are redundant, out of date, or fail to provide useful information for students, parents, families, or educators. States and LEAs across the country are already taking a close look at the assessments they are administering, and the Department is committed to continuing to support States, LEAs, and schools in administering high-quality and fair assessments that require the minimum time necessary and reflect the expectation that all students will graduate ready for college and careers.

In December 2015, President Obama signed the Every Student Succeeds Act (ESSA), which reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA) and amends many of the provisions from the ESEA under the No Child Left Behind Act of 2001 (NCLB). As

### **NOTICE OF SIGNIFICANT GUIDANCE**

The U.S. Department of Education has determined that this letter is significant guidance under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See <http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m07-07.pdf>. Significant guidance is non-binding and does not create or impose new legal requirements.

The Department is issuing this letter to provide States and local educational agencies with information to assist them in meeting their obligations under the ESEA, as amended by the ESSA. This guidance also provides members of the public with information about their rights under the law and regulations.

If you are interested in commenting on this letter, please email us your comment at [OESE.guidance@ed.gov](mailto:OESE.guidance@ed.gov) or write to us at the following address: U.S. Department of Education, Office of State Support, 400 Maryland Ave. SW., Washington D.C., 20202. For further information about the Department's guidance processes, please visit [www2.ed.gov/policy/gen/guid/significant-guidance.html](http://www2.ed.gov/policy/gen/guid/significant-guidance.html).

400 MARYLAND AVE., SW, WASHINGTON, DC 20202

<http://www.ed.gov/>

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

we transition to implementation of the ESEA, as amended by the ESSA,<sup>1</sup> we want to ensure that States and LEAs understand how they might build upon the work they have already begun. This guidance is aligned with the statutory and regulatory provisions under which States will be operating beginning in the 2017–2018 school year.

### Principles for High-Quality Assessment Systems

The Testing Action Plan provides a set of key principles and steps to help States and LEAs reduce overtesting by eliminating unnecessary and low-quality assessments. It does so while protecting the vital role that high-quality assessments play in measuring student progress each year so parents, families, and teachers have the most accurate and up-to-date information — thus supporting improved outcomes and ensuring equity for all learners. As described in more detail in the Testing Action Plan, every assessment should be:

- **Worth taking:** Assessments should be aligned with the content and skills a student is learning, require the same kind of complex work students do in an effective classroom and the real world, and provide timely, actionable feedback. Assessments that are low quality or redundant should be eliminated.
- **High quality:** Assessments should measure student knowledge and skills against the full range of State-developed, college- and career-ready standards in a way that elicits complex student demonstrations of knowledge, and provide a valid, accurate, and reliable measure of student achievement and growth.
- **Time-limited:** States and LEAs should determine how to best balance instructional time and the need for high-quality assessments by considering whether each assessment serves a unique, essential role in ensuring all students are learning.
- **Fair and supportive of equity in educational opportunity:** Assessments should provide fair measures of what all students, including English learners and students with disabilities, are learning. As one component of a robust assessment system, States should administer key assessments statewide, as required by the ESEA, to provide a clear picture of which schools and students may need additional interventions and supports.
- **Fully transparent to students, parents, and families:** States and LEAs should ensure that students, parents, and families have information on required assessments in a language and format they can understand, including: (1) the purpose of the assessments; (2) the source of the requirement for the assessments; (3) when the information about student performance will be provided to parents, families, and teachers; (4) how teachers, principals, and district officials will use student performance information; and (5) how parents and families can use that information to help their child succeed.
- **Just one of multiple measures:** No single assessment should ever be the sole factor in making an educational decision about a student, an educator, or a school.
- **Tied to improved learning:** Assessment outcomes should be used not only to identify what students know, but also to inform and guide additional teaching, supports, and interventions.

---

<sup>1</sup> Unless otherwise indicated, references to the ESEA are to the ESEA, as amended by the ESSA.

## How the ESEA Supports the Principles of High-Quality Assessment Systems

Section 1111(b)(2)(B) of the ESEA maintains the requirement that States administer annual statewide assessments to ensure that teachers, parents, and families can track the progress and performance of all public school students in reading/language arts and mathematics every year from third through eighth grade and at least once in high school, and in science at least once in each grade span (3-5, 6-9, and 10-12). It also strengthens protections to ensure that assessments are fair and accessible for all students, including English learners and children with disabilities, to help ensure that State assessments can be used to identify students' academic needs, target resources and supports to those who need them most, and evaluate school and program effectiveness—thereby improving the overall quality of our education system and increasing opportunity for all students, while closing existing achievement gaps.

The Department wishes to take this opportunity to highlight several new provisions in the ESEA that support high-quality, fair assessments and transparent testing policies, consistent with the principles and practices outlined in the President's Testing Action Plan. These provisions may also help States and LEAs improve assessment literacy and reduce unnecessary testing through efforts to evaluate and streamline existing assessments and to strive for continued improvement and innovation in assessment systems. Attached to this letter are examples of how funds available under the ESEA may be used to address these testing issues.

### ***Ensuring High-Quality Assessments for All Students***

The ESEA includes several provisions that reiterate the importance of developing and administering high-quality assessment systems—those that provide essential information that parents and families can use to ensure that their child is mastering grade-level content and making progress toward graduating high school ready for college or a career. Most notably, this is the first time that Federal law requires that all States adopt challenging academic standards that are aligned with entrance requirements for public institutions of higher education in the State and relevant career and technical education standards (ESEA section 1111(b)(1)(D)).

To help determine whether students are on track to meet the State's standards and succeed in college and career, section 1111(b)(2)(B)(ii) of the ESEA and 34 CFR 200.2(b)(3) require each State's annual statewide assessments to be aligned with the State's standards and provide information about how students are performing against the challenging academic content standards for their grade level. State assessments must cover the depth and breadth of a State's challenging academic standards including measures that assess students' higher-order thinking skills such as critical thinking, reasoning, analysis, complex problem solving, effective communication, and understanding of challenging content. The ESEA encourages States to consider using assessments that involve measures of student growth and that include more complex question types, such as extended performance tasks (ESEA section 1111(b)(2)(B)(vi) and 34 CFR 200.2(b)(7)). State assessments must continue to be valid, reliable, fair, of adequate technical quality, and consistent with nationally recognized professional and technical standards. Finally, the law emphasizes requirements for the accessibility of State assessment systems to all students, including by requiring States to provide appropriate accommodations for children with disabilities and English learners and to develop assessments, to the extent practicable, based on the principles of universal design for learning (ESEA section 1111(b)(2)(B)(vii) and (xiii); 34 CFR 200.2(b)(2), 200.6(b), and 200.7(a)(1)).

In addition to requiring that all States have statewide assessment systems that meet nationally recognized professional testing standards, Title I, Part B of the ESEA allows the Department to grant innovative assessment demonstration authority, initially for up to seven States. Under this authority, a State may administer an innovative assessment— initially in a subset of LEAs— in place of the statewide assessment, and use those results in the State’s accountability and reporting system as the State scales up the new system, until it is used statewide. This authority may help States develop new and different ways to measure student knowledge and skills that provide more timely and useful feedback to students, parents, and families, and educators, and that may serve as a model to other States and LEAs. If a State does not wish to use an innovative assessment for accountability and reporting purposes, it does not need demonstration authority to pilot an innovative assessment system. Only those States that wish to use the innovative assessment in place of the statewide assessment, including for the purposes of accountability and reporting under Title I, Part A, in at least one school, require innovative assessment demonstration authority.

Taken together, these provisions will help support States in developing high-quality assessment systems, consistent with the principles in the President’s Testing Action Plan, as they transition to implementing the ESSA. Moreover, the Department’s external peer review of State assessment systems under section 1111(a)(4) of the ESEA will continue to provide valuable feedback to States on the quality of their assessment systems, support continuous improvement, and ensure all State assessments meet statutory and regulatory requirements.<sup>2</sup> Formula funding for State assessments provided under section 1201 of the ESEA, as described in greater detail in the attached document, can be leveraged to help States further improve their assessment systems and take advantage of the opportunities in the ESEA to administer high-quality, college- and career-ready standards and aligned assessments to all students.

### ***Reducing Testing Time and Eliminating Unnecessary Testing***

To support State and local efforts to reduce testing time, section 1111(b)(2)(L) of the ESEA allows each State, at its discretion, the option to set a limit on the aggregate amount of time devoted to the administration of assessments during a school year. In the Testing Action Plan, we noted that while it is up to States and districts how to balance instructional time and the need for high-quality assessments, we recommend that States place a cap on the percentage of instructional time students spend taking required statewide standardized assessments to ensure that no child spends more than 2 percent of classroom time taking these tests. If a State chooses to establish a limit on the amount of time allowed for the administration of assessments, the limit should be set for each grade level and expressed as a percentage of the annual instructional hours. We encourage States to also consider a limit on the amount of instructional time spent on test preparation and the actions the State might take to distribute best practices on test preparation and strategies for reducing or eliminating low-quality test preparation.

The ESEA also provides resources to support State efforts to reduce unnecessary or redundant testing. Section 1203(a)(3) of the ESEA allows the Secretary to set aside up to 20 percent of funds from the formula funds provided to States under section 1201 of the ESEA to provide grants to SEAs to conduct an inventory of their assessments and to seek feedback on State assessment systems.

---

<sup>2</sup> For more information on the Department’s ongoing peer review of State assessment systems, see: <http://www2.ed.gov/admins/lead/account/saa/dcletterassepeerreview1072016ltr.pdf>.

Under section 1202 of the ESEA, States can receive funds from this set aside to conduct an inventory of State and local assessment system(s), develop a plan to eliminate unnecessary assessments, disseminate best practices from LEAs or other States that have successfully improved assessment quality and efficiency to improve teaching and learning, and support LEAs in streamlining local assessments. Under section 1202(f)(1), States receiving these funds must reserve not less than 20 percent of the grant funds to make subgrants to LEAs, based on demonstrated need, to enable the LEAs to eliminate unnecessary assessments, improve assessment delivery, increase assessment literacy by helping teachers to better use the data from existing assessments, and improve the dissemination of assessment data.

### ***Clear, Transparent Information for Parents and Families***

To help ensure that States and LEAs provide clear and transparent information related to State and LEA assessments to parents and families, section 1112(e)(2) of the ESEA includes new requirements pertaining to parents' right-to-know as part of LEA plans under Part A of Title I, which must be approved by each State, consistent with ESEA section 1112(a)(3).

#### ***Information on Student Participation in Assessments***

Section 1112(e)(2)(A) of the ESEA requires each LEA receiving funds under Title I, Part A to notify the parents and families of each student attending a Title I school served by the LEA that they may request information on any State or LEA policy regarding student participation in the assessments required under section 1111(b)(2) of the ESEA (*e.g.*, statewide reading/language arts, mathematics, and science general assessments; alternate assessments aligned to alternate academic achievement standards in these subjects for students with the most significant cognitive disabilities; and English language proficiency assessments and assessments required by the State or LEA).

If a parent or family requests such information, and the State or LEA has such a policy, it must provide it to the parent and family in a timely manner and include information, *where applicable*, on any policy, procedure, or parental right to not have his or her child participate in such an assessment.

This provision does not require States or LEAs to adopt or amend any policy or procedure regarding student participation in assessments, nor does it relieve States of the requirement under section 1111(b)(2)(B)(i) of the ESEA that the State “measure the achievement of all public elementary school and secondary school students in the State” using the same academic assessments in reading/language arts, mathematics, and science, and for such assessments to “be administered to all public elementary school and secondary school students in the State.” This is important so that parents, families, and educators have a full and accurate picture of how individual students are performing against the State’s challenging college- and career-ready standards, as well as for providing overall information to the public about educational progress and achievement in each school and across the State.

It is also critical to maintain the integrity of States’ systems of accountability, which identify and direct resources to, and required evidence-based interventions for, the schools and students that need help the most. High-quality, annual statewide assessment systems that include all students are essential to providing local leaders, principals, educators, parents, and families with the information they need to identify the resources and supports that are necessary to help every student succeed in college and in a career. Such systems are not only required under the ESEA, but also help preserve the law’s civil rights legacy by highlighting the need for high academic expectations for *all* students and for continued progress toward equity and closing achievement gaps among subgroups of historically

underserved students. We encourage States and LEAs to actively consider how they can most meaningfully share this information with parents in order to further those goals.

The updated parents' right-to-know provisions do not relieve States of the requirements under section 1111(c)(4)(E) of the ESEA and 34 CFR 200.15 that States annually measure, for school accountability purposes, whether at least 95 percent of all students, and 95 percent of all students in each subgroup, participated in the statewide reading/language arts and mathematics assessments. States must factor this requirement into their systems of annual meaningful differentiation, so that each school with assessment participation rates below 95 percent (for all students or for any subgroup) must take meaningful action and develop a plan – with feedback from the community – to improve participation rates in the following year.

#### *Information on the Purpose and Time Spent on Required Assessments*

To help further improve the information provided to parents, families, and the public about required assessments – including assessments that are required by States and LEAs – section 1112(e)(2)(B) of the ESEA specifies that each LEA receiving funds under Title I, Part A must make widely available to the public information on each assessment, by grade level, that is:

- required by the State to comply with section 1111(b)(2) of the ESEA (*e.g.*, statewide reading/language arts, mathematics, and science general assessments; alternate assessments aligned to alternate academic achievement standards in these subjects for students with the most significant cognitive disabilities; and English language proficiency assessments);
- required by the State for other purposes (*e.g.*, statewide assessments in social studies or civics; kindergarten readiness assessments administered to all students); or
- required by the LEA and administered districtwide, where information is available and feasible to report (*e.g.*, a set of interim mathematics assessments given to all students).

We believe this information should be available and feasible for both States and LEAs to report, and we encourage States to provide standardized information that LEAs may use for purposes of meeting the reporting requirements for assessments required by the State. We also encourage States and LEAs to post such information before the beginning of each school year, so that parents and families have timely access to the information.

For each of the required assessments above, section 1112(e)(2)(B)(i)-(iii) of the ESEA states that the information made available by the LEA must include:

- the subject matter assessed;
- the purpose for which the assessment is designed and used; and
- the source of the requirement for the assessment (*e.g.*, a Federal, State, or local requirement).

Additionally, under section 1112(e)(2)(B)(iv), an LEA must also include the following information, where it is available:

- the amount of time students will spend taking the assessment;
- the schedule for administering the assessment; and
- the time and format for disseminating results from the assessment.

At a minimum, this information about assessments must be posted in a clear and accessible manner on the LEA's website and, where practicable, on the website of each school served by the LEA (ESEA section 1112(e)(2)(B)). If an LEA does not operate a website, section 1112(e)(2)(C) of the ESEA

specifies that the LEA must determine how to make the information widely available, which may include distributing the information to the media, other public agencies, or directly to parents and families. However, given that some parents and families may lack internet access, the Department encourages all LEAs to consider providing the information to parents and families directly, in addition to posting it on their websites.

The Department also reminds States that making information provided through electronic and information technology, such as on websites, accessible to individuals with disabilities helps ensure equal access for all.<sup>3</sup> Further, in accordance with section 1112(e)(4) of the ESEA, all notices and information for parents and families under the right-to-know provisions must be in an understandable and uniform format and, to the extent practicable, provided by the LEA in a language or format accessible to parents and families. To ensure all parents and families have access to this critical information, LEAs should provide written translations for parents and families with limited English proficiency, or if it is not practicable to provide written translations, orally translate the required information. To make certain the information is also accessible to a parent who is an individual with a disability, LEAs should provide information in an alternative format accessible to that parent—either upon request or, ideally, by proactively making these alternative formats available.

#### Use of Federal Funds to Support the Principles for High-Quality Assessment Systems

The attached document provides examples of how funds from certain ESEA programs, beginning with FY 2017 appropriations (generally available on July 1, 2017 for activities conducted during the 2017-2018 school year), may support States and LEAs in improving assessments, conducting assessment inventories, and developing systems to support the use of assessment results to improve teaching and learning.

I encourage you and your staff to reach out to your State’s program officer in the Department’s Office of State Support to ask questions about the Testing Action Plan and this guidance. It is my hope that the examples and other information provided in the enclosed document will be helpful in your efforts

---

<sup>3</sup> Although the ESEA and its implementing regulations require that certain information on State or LEA websites be “accessible,” the requirement that websites be accessible to individuals with disabilities is also based on the Federal civil rights requirements of Section 504 of the Rehabilitation Act, 29 U.S.C. 794, Title II of the Americans with Disabilities Act, 42 U.S.C. 12131 et seq., and their implementing regulations, all of which are enforced against SEAs and LEAs by the Department’s Office for Civil Rights (OCR). While the Department does not currently require States and LEAs to use specific website accessibility standards, under the ESEA and Federal civil rights laws and regulations, States and LEAs must ensure that information provided through electronic and information technology, such as on Web sites, is accessible to individuals with disabilities. In OCR’s enforcement experience, where a State or LEA provides required information through websites, it is difficult to ensure compliance with accessibility requirements without adherence to modern standards such as the WCAG 2.0 Level AA standard, which includes criteria that provide comprehensive web accessibility to individuals with disabilities—including those with visual, auditory, physical, speech, cognitive, developmental, learning, and neurological disabilities. Accordingly, we strongly encourage States and LEAs that disseminate information via websites to consider that standard as they take steps to ensure that their websites comply with requirements of these regulations and with Federal civil rights laws. WCAG 2.0 has been designed to be technology neutral to provide web developers more flexibility to address accessibility of current as well as future web technologies; in addition, Level AA conformance is widely used, indicating that it is generally feasible for web developers to implement. The developers of WCAG 2.0 have made an array of technical resources available on the W3C website at no cost to assist entities in implementing the standard. For more information, see: [www.w3.org/WAI](http://www.w3.org/WAI).

to ensure the assessments in your State and LEAs are high quality, provide timely and useful data, support and inform good instruction, and do not unnecessarily take needed time from instruction.

Sincerely,

/s/

Ann Whalen  
Senior Advisor to the Secretary  
Delegated the authority of Assistant Secretary for  
Elementary and Secondary Education Enclosure

cc: Title I directors  
Title II directors  
Title III directors  
State Assessment Directors  
State Directors of Special Education  
Council of Chief State School Officers

## Examples of Leveraging ESEA Funds to Support Fewer, Smarter, High-Quality Assessments

The examples below highlight how State educational agencies (SEAs) or local educational agencies (LEAs) can use Federal funds to support fewer, smarter, high-quality assessments consistent with the Testing Action Plan and the requirements of the ESEA. These examples identify some of the ways in which SEAs or LEAs may use funds made available under the ESEA to support assessment transparency and reporting, the use of assessments to improve instruction, and improving the quality of assessments. Each Federal grant program has requirements that govern the use of funds, including allowable costs, and the information below includes some examples of allowable uses of Federal grant funds that may support the improvement of student assessments to help advance teaching and learning. To identify additional opportunities, allowable uses, or restrictions such as supplement not supplant or maintenance of effort, please review statutes, regulations, and guidance for each Federal program, or contact your program officer in the Department's Office of State Support.

### I. Assessment Transparency & Reporting to Parents

A key component of the Testing Action Plan, reinforced by the ESEA, calls for the provision of better and timely information to parents and families, educators, and the public about the purpose and use of tests, and information about how the assessments within the comprehensive system are worth taking, high quality, time limited, fair, and tied to improved learning. Certain Federal funds may be used to conduct an inventory of State and local assessment systems, and enhance the timeliness and quality of communication among the State, LEAs, schools, educators, and students and their families. The following examples demonstrate how Federal funds may be used to ensure assessment transparency.

#### Conducting State and District Assessment Inventories

Certain Federal funds may be used to support States and LEAs in creating an inventory of their assessments in order to review which assessments are given and for what purpose, and then to make decisions about whether to continue administering or revise particular assessments based on those findings.

A State might use State assessment formula funds available under section 1201 of the ESEA (State assessment grants) to conduct an inventory, in collaboration with LEAs and educators, of its statewide assessment system or to assist its LEAs in conducting assessment inventories of local systems. For example, a State might use State assessment grants to modify an existing inventory tool or template so that it could be used across LEAs within the State to collect information on the number and type of assessments administered by LEAs or schools (*e.g.*, screening, diagnostic,

**Notice:** The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document. This guidance contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items and examples do not reflect their importance, nor are they intended to represent or be an endorsement by the U.S. Department of Education of any views expressed, or materials provided.

formative, interim, benchmark), for what purpose, and how the results are used. Such information may be used to determine what, if any, action the State or LEAs should take to reduce unnecessary or redundant testing or otherwise improve the quality of State and local assessment systems.

An LEA might use ESEA Title II, Part A funds to conduct an inventory of its assessments, designed to improve the quality of instruction and reduce unnecessary or low-quality testing, thereby making its schools more attractive places to work and supporting the recruitment and retention of effective teachers.

The information gathered through an assessment inventory may be helpful to LEAs in meeting the right-to-know requirements of section 1112(e)(2)(B) of the ESEA, which specifies that each LEA receiving funds under ESEA Title I, Part A must provide information to parents, families, and the public about required assessments. Please see the Dear Colleague Letter released with this document for guidance on the reporting requirements.

#### Making Assessment Results More Usable and Understandable

A State might use State assessment grants to design easy-to-understand State and LEA report cards or improve the quality of individual student interpretive, descriptive, and diagnostic reports to help educators, parents, and families to understand and address the specific academic needs of students.

An LEA also might reserve ESEA Title I, Part A funds off the top of its Title I allocation to: (1) prepare information for educators, parents, and families of students in Title I schools, in an understandable format, that is specifically designed to identify the needs of students based on assessment results and explain how instruction is being revised to raise achievement; (2) provide to educators in Title I schools detailed information regarding student performance that allows them to target instruction to address the specific deficits identified by the assessment results; and (3) provide targeted professional development to educators in Title I schools on how to understand and use assessment data to improve academic achievement, particularly for the lowest-achieving students.

In addition, LEAs receiving Rural Education Achievement Program funds may use such funds for these activities, provided that they supplement and do not supplant other Federal, State, or local funds.

A Title I school operating a schoolwide program might use ESEA Title I, Part A funds to host a family night focused on assessments to inform parents and families about the assessments their child will take and how parents and families can use the results to better understand their child's strengths and areas for growth in order to provide appropriate supports at home. In addition, an LEA might use the funds it retains from the 1 percent reservation for parent and family engagement under section 1116(a)(3) of the ESEA, consistent with its parent and family engagement policy, to provide parents and families of Title I students with similar information.

## **II. Improving Assessment Literacy**

A key aspect of the Obama Administration's Testing Action Plan is not only reducing the number of unnecessary or low-quality assessments, but also improving educators' understanding of, and ability to use, assessments to target resources and inform instruction. Federal funds may be used to support educators' efforts to make the assessments they give more useful, improve the ability of

educators to use the results, and to use assessment results to improve teaching and learning for all students, including English learners and children with disabilities.

#### Offering Professional Development on Creating Better Local Assessments

A State or LEA might use ESEA Title II, Part A funds to improve teaching by providing professional development to educators regarding how to develop new items for formative and interim assessments that include performance tasks and items that require the same kind of complex work students perform in the real world, and provide useful information to inform teaching and learning.

A State or LEA might use ESEA Title III funds in supplementary ways to provide professional development to teachers of English learners to train these teachers to examine existing assessment items, or to develop new items for formative and interim assessments that are aligned to a State's English language proficiency standards, to provide useful information for teachers to help English learners increase both their English language proficiency and academic achievement.

#### Using Assessment Data to Improve Teaching and Learning

A State might use ESEA Title I, Part A funds it reserves for State administration, or an LEA might reserve ESEA Title I, Part A funds off the top of its Title I allocation, to provide targeted information to teachers in Title I schools to better support the needs of low-achieving students by breaking down assessment results into discrete areas of strength and need and designing instructional modules to address specific needs.

An LEA might reserve ESEA Title I, Part A funds to hire a data coach to analyze assessment data for students in Title I schools and provide support to their teachers. In addition, a Title I school operating a schoolwide program, to the extent it is consistent with its comprehensive needs assessment, might hire a data coach for similar purposes.

Similarly, a State or LEA might use ESEA Title II, Part A funds to support educators working together to analyze assessment data to improve teaching and learning. For example, working in professional learning communities, groups of teachers and school leaders might work together to examine the purpose of assessments, learn how to interpret the results of assessments in order to better understand student strengths and needs, and then discuss how to use the data to improve classroom instruction and student outcomes.

### **III. Improving the Quality of State and Local Assessments**

Program funds may be used to support the development and implementation of high-quality assessments and related accommodations that are valid and reliable, maximize instructional goals, and have a clear purpose and utility, as well as to eliminate those assessments that do not meet these goals.

#### Increasing Validity and Reliability of Statewide Assessments

A State might use State assessment grants under ESEA section 1201 to develop and improve the statewide assessments required under the ESEA to ensure these assessments remain valid, reliable, and aligned with the State's challenging academic content and academic achievement standards. For example, a State might use State assessment grants to eliminate and replace out-of-date or unaligned assessment items or support the development or administration of modular assessments. A State might use State assessment grants to develop innovative strategies to improve the technical

quality of State assessments or decrease testing time; incorporate multiple measures to assess student academic achievement; and implement technology-based items, performance tasks, computer-adaptive assessments, or other innovative item types that require the same kind of complex work students do in an effective classroom or in the real world. A State might also engage with the community of researchers, technology experts, and innovators within the assessment community who are piloting new assessment models or innovative strategies to improve the inclusion of English learners and children with disabilities.

A State might use ESEA Title I, Part A funds it reserves for State administrative funds or consolidated State administrative funds to develop improved statewide assessments under the ESEA. For example, a State that amends its academic content standards to reflect the requirement in the ESEA to adopt college- and career-ready standards might use ESEA Title I, Part A State administrative funds or consolidated State administrative funds to make corresponding changes to its State assessments in order to eliminate and replace unaligned or low-quality items.

An LEA might use ESEA Title II, Part A funds to both: (1) improve the quality of LEA- or school-level assessments if done to improve recruitment and retention of effective teachers; and (2) have teachers work together in professional learning communities to improve the quality of those assessments.

#### Implementing Systems to Collect, Manage, and Analyze Assessment Data

An LEA might reserve ESEA Title I, Part A funds off the top of its Title I allocation to help educators in Title I schools learn to manage and analyze student data in order to improve instruction and decision-making for school improvement efforts.

A Title I school operating a schoolwide program, to the extent it is consistent with its comprehensive needs assessment, might develop and implement a data system to track student progress on classroom- or district-based formative and interim assessments to provide educators with comprehensive information about each student's progress.

An LEA might use funds under ESEA Title III in supplementary ways to analyze data from its annual English language proficiency assessment in order to tailor supports for individual English learners.

#### **IV. Additional Information & Resources**

There are a number of resources currently available to support States and LEAs in their efforts to improve their assessment systems. The Department does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document, but States and LEAs may find information and resources provided at the sites below that will inform their work in developing high-quality assessments, increasing assessment literacy, and creating assessment inventories.

- U.S. Department of Education Office of State Support  
<http://www2.ed.gov/about/offices/list/oese/oss/index.html>
- Center for Standards & Assessment Implementation  
<http://www.csai-online.org/>
- National Center on Educational Outcomes  
<https://nceo.info/>

#### Additional Guidance

- Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading  
<http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>
- Non-Regulatory Guidance: English Learners and Title III of the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act  
<http://www2.ed.gov/policy/elsec/leg/essa/essatitleiii-guidenglishlearners92016.pdf>

#### Tools for Assessment Inventories and Improvement

- Achieve - Assessment Inventory for School Districts  
<http://www.achieve.org/assessmentinventory>
- Center for Standards & Assessment Implementation - Assessment Design Toolkit  
<http://www.csai-online.org/spotlight/assessment-design-toolkit>
- Council of Chief State School Officers - Framework for the SEA role in Assessment  
<http://www.ccsso.org/Documents/Comprehensive%20Statewide%20Assessment%20Systems%20-%20A%20Framework%20Final%206-24.pdf>
- Education First - Assessment Toolkit for Educators  
<http://education-first.com/library/publication/fewer-and-better-local-assessments/>