



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 2, 2020

The Honorable Dr. Betty Rosa
Interim Commissioner
New York State Education Department
New York State Education Building
89 Washington Avenue
Albany, NY 12234

Dear Commissioner Rosa:

Thank you for your participation in the U.S. Department of Education's (the Department) assessment peer review process under Title I of the Elementary and Secondary Education Act of 1965 (ESEA). I appreciate the efforts of the New York State Education Department (NYSED) to prepare for the peer review, which occurred in March 2020. Specifically, NYSED submitted evidence regarding its State alternate assessments based on alternate academic achievement standards in reading/language arts, mathematics, and science.

State assessment systems provide essential information that States, districts, principals and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their children's advancement against and achievement of grade-level standards. The Department's peer review of State assessment systems is designed to provide feedback to States to support the development and administration of high-quality assessments.

External peer reviewers and Department staff carefully evaluated NYSED's submission and the Department found, based on the evidence received, that the components of your assessment system meet some, but not all, of the statutory and regulatory requirements of sections 1111(b)(1) and (2) of the ESEA, as amended by ESSA. Based on the recommendations from this peer review and our own analysis of the State's submission, I have determined the following:

- Alternate assessments based on alternate academic achievement standards (AA-AAAS) for grades 3-8 and high school in R/LA and mathematics (New York State Alternate Assessment (NYSAA)): **Partially meets requirements of the ESEA.**
- AA-AAAS for grades 4, 8, and high school in science (NYSAA): **Partially meets requirements of the ESEA.**

Partially meets requirements means that these assessments do not meet a number of the requirements of the statute and regulations and/or the NYSED will need to provide substantial additional information to demonstrate it meets the requirements. The Department expects that the NYSED may not be able to submit all of the required information within one year. Because NYSED must submit substantial additional

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

information, the Department will place a condition on the State’s 2020 Title I, Part A grant award. This condition will remain until the assessments in this review have been determined to meet all requirements. If the outcome of the re-review by peers indicates full approval, then the condition will be removed. If adequate progress is not made, the Department may take additional action.

Additionally, the Office of Special Education and Rehabilitative Services (OSERS) will monitor progress on matters pertaining to requirements in the Individuals with Disabilities Education Act (IDEA) related to the participation of students with disabilities in Title I assessments. In particular, OSERS will monitor progress against critical elements 5.1, 5.3, 5.4, 6.1 and 6.3.

The specific list of items required for the NYSED to submit is enclosed with this letter. I request that the NYSED submit a plan within 30 days outlining when it will submit all required additional documentation for peer review. I recognize the unprecedented situation affecting you and your schools due to widespread and extended school closures caused by the novel coronavirus, COVID-19. As a result, if you need more than 30 days to submit your plan, please let my staff know at ESEA.Assessment@ed.gov. Upon submission of the plan, the Department will reach out to the SEA to determine a mutually agreeable schedule. Resubmission should occur once all necessary evidence is complete (rather than in multiple submissions).

The full peer review notes from the review are enclosed. These recommendations to the Department formed the basis of our determination. Please note that the peers’ recommendations may differ from the Department’s feedback; we encourage you to read the full peer notes for additional suggestions and recommendations for improving your assessment system beyond what is noted in the Department’s feedback. Department staff will reach out to your assessment director in the next few days to discuss the peer notes and the Department’s determination and to answer any questions you have.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work. I appreciate the work you are doing to improve your schools and provide a high-quality education for your students.

If you have any questions, please contact my staff at: ESEA.Assessment@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

Enclosures

cc: Steve Katz, Assistant Commissioner for Assessment

Critical Elements Where Additional Evidence is Needed to Meet the Requirements for New York’s Assessment System

Critical Element	Additional Evidence Needed
1.3 – Required Assessments	For NYSED’s science assessments in high school: <ul style="list-style-type: none"> • Evidence that the State’s science content assessments must be the same assessments administered to all students in the tested grades
2.1 – Test Design and Development	For the NYSAA science: <ul style="list-style-type: none"> • Evidence that the test design addresses the full breadth and depth of the State’s academic content standards.
2.2 – Item Development	For the NYSAA science: <ul style="list-style-type: none"> • Evidence that clarifies how the development and review process for Essential Element Concept Maps (EECMs) contributes to a technically sound test item development process.
2.3 – Test Administration	For the NYSAA R/LA, mathematics and science: <ul style="list-style-type: none"> • Evidence of a contingency plan to address possible technology challenges during test administration.
2.4 – Monitoring Test Administration	For the NYSAA R/LA, mathematics and science: <ul style="list-style-type: none"> • Evidence that the State adequately monitors the administration of the NYSAA assessment to ensure that standardized test administration procedures are implemented with fidelity across districts and schools.
2.6 – Systems for Protecting Data Integrity and Privacy	For the NYSAA R/LA, mathematics and science: <ul style="list-style-type: none"> • Evidence that the State has policies and procedures in place to protect the integrity and confidentiality of its test materials, test-related data, and personally identifiable information, specifically: <ul style="list-style-type: none"> ○ To protect the integrity of its test-related data in test administration, scoring, storage and use of results. ○ To secure student-level assessment data and protect student privacy and confidentiality, including guidelines for districts and schools.
3.1 – Overall Validity, including Validity Based on Content	For the NYSAA science: <ul style="list-style-type: none"> • Evidence requested in critical element 2.1 will satisfy this critical element.
3.4 – Validity Based on Relationships with Other Variables	For the NYSAA science: <ul style="list-style-type: none"> • Evidence that the science tests are related as expected with similar variables (e.g., other measures of science achievement).
4.1 – Reliability	For the NYSAA science: <ul style="list-style-type: none"> • Evidence of updated reliability for its assessments for the following measures of reliability for the student population overall and each student group once certain conditions have been met (e.g., expansion of the item pool, increase of number of items per testlet, increase in the number of linkage levels).

Critical Element	Additional Evidence Needed
4.2 – Fairness and accessibility	<p>For the NYSAA science:</p> <ul style="list-style-type: none"> • Evidence of reasonable and appropriate steps to ensure that the assessments are accessible to all students and fair across student groups in the design, development and analysis of its assessments, including additional analysis by student subgroup to analyze test fairness.
4.7 – Technical Analysis and Ongoing Maintenance	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence of a system for monitoring, maintaining, and improving, as needed, the quality of its assessment system, including clear and technically sound criteria for the analyses of the assessments. • Evidence that adequate technical quality is made public, including on the State’s website.
5.1 – Procedures for Including Students with Disabilities	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence that students who participate in the NYSAA are not precluded from attempting to complete the requirements of a regular high school diploma.
5.3 - Accommodations	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence of a process to individually review and allow exceptional requests for a small number of students who require accommodations beyond those routinely allowed.
5.4 – Monitoring Test Administration for Special Populations	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence is needed that the State monitors test administration in its districts and schools to ensure that appropriate assessments, with or without accommodations, are selected for all students with disabilities and English learners (ELs) so that they are appropriately included in assessments and receive accommodations that are: <ul style="list-style-type: none"> ○ Consistent with accommodations provided to the students during instruction and/or practice. ○ Consistent with the assessment accommodations identified by a student’s IEP Team under IDEA, placement team convened under Section 504; or for students covered by Title II of the Americans with Disabilities Act (ADA), the individual or team designated by a district to make these decisions; or another process for an EL. ○ Administered with fidelity to test administration procedures.
6.1 – State Adoption of Academic Achievement Standards for All Students	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence needs to be provided that the State has formally adopted alternate academic achievement standards for reading/language arts, math, and science.
6.2 – Achievement Standards-Setting	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence that the State used a technically sound method and process that involved panelists with appropriate experience and expertise for setting alternate academic achievement standards.

Critical Element	Additional Evidence Needed
<p>6.3 – Challenging and Aligned Academic Achievement Standards</p>	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence that the alternate academic achievement standards (1) are aligned with the State’s challenging academic content standards for the grade in which a student is enrolled; (2) promote access to the general curriculum consistent with the IDEA; (3) reflect professional judgment as to the highest possible standards achievable for such students; (4) are designated in the IEP for each student for whom alternate academic achievement standards apply; and (5) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment.
<p>6.4 – Reporting</p>	<p>For the NYSAA R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence that the State reports to the public its assessment results for each student group at each achievement level. • Evidence that the State provides information to help parents, teachers, and principals interpret the test results and address the specific academic needs of students. • Evidence that score reports, upon request by a parent who is an individual with a disability as defined by the ADA, as amended, are provided in an alternative format accessible to that parent. • Evidence that the State follows a process and timeline for delivering individual student reports to parents, teachers, and principals as soon as practicable after each test administration.

U. S. DEPARTMENT OF EDUCATION

Peer Review of State Assessment Systems

March 2020 State Assessment Peer Review Notes



U. S. Department of Education
Office of Elementary and Secondary Education
Washington, D.C. 20202

Note: Peer review notes provide the combined recommendations of the individual peers to the U.S. Department of Education (Department), based on the statute and regulations, the Department's peer review guidance, and the peers' professional judgement of the evidence submitted by the State. These assessment peer review notes, however, do not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for assessment peer review. Although the peer notes inform the Secretary's consideration of each State's assessment system, the Department makes the final decision regarding whether the assessment system meets the requirements in the statute and regulations. As a result, these peer notes may not completely align with the final determination made by the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

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Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

SECTION 1: STATEWIDE SYSTEM OF STANDARDS AND ASSESSMENTS

Critical Element 1.1 – State Adoption of Academic Content Standards for All Students

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><u>For academic content standards:</u> The State formally adopted challenging academic content standards for all students in reading/language arts, mathematics and science and applies its academic content standards to all public schools and public school students in the State.</p>	<p>Evidence of adoption of New York’s Academic content standards for all students: reading/language arts and mathematics Evidence #001: June 2016 3-8 Peer Review Submission</p> <p>Evidence #99 Science Timeline Packet o Section 1.1 pp 5-7</p> <p>Evidence #002: January 2017 Peer Review Decision Letter, p 1 o State Assessment Peer Review Notes, Section 1.1, pp 7-8</p> <p>Evidence #003: Changes to the New York State Alternate Assessment Beginning with the 2015-16 School Year, p 2 Evidence #004: DLM Essential Elements for English Language Arts Evidence #005: DLM Essential Elements for Mathematics</p> <p>Evidence of adoption of New York’s Academic content standards for all students: science Evidence #006: December 2016 Board of Regents Executive Summary, p 17, 18 Evidence #007: New York State Board of Regents P-12 Committee Approves New P-12 Science Learning Standards Evidence #008: Introduction to the New York State P-12 Science Learning Standards, p 3 Evidence #009: New York State P-12 Science Learning Standards</p>	<p>The State provided sufficient evidence with respect to the formal adoption of reading, English language arts, mathematics, and science academic content standards.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<p>Evidence #010: Important Information Regarding Changes to the New York State Alternate Assessment (NYSAA) in Social Studies and Science, pp1-2</p> <p>Evidence #011: DLM Essential Elements for Science</p> <p>Documentation that New York applies its academic content standards to all public schools and public-school students in the State.</p> <p>Evidence #001: June 2016 3-8 Peer Review Submission</p> <ul style="list-style-type: none"> o Section 1.1 pp 5-7 <p>Evidence #002: January 2017 Peer Review Decision Letter, p 1</p> <ul style="list-style-type: none"> o State Assessment Peer Review Notes, Section 1.1, pp 7-8 <p>Evidence #012: NYSED Regulations of the Commissioner 100.1 (t)(2)</p>	
Section 1.1 Summary Statement		
x No additional evidence is required		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 1.2 – Challenging Academic Content Standards

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><u>For academic content standards:</u> The State’s challenging academic content standards in reading/language arts, mathematics, and science are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.</p>	<p>Evidence that the State’s academic content standards contain coherent and rigorous content and encourage the teaching of advanced skills. Evidence #001: June 2016 3-8 Peer Review Submission o Section 1.2 p 8</p> <p>Evidence #002: January 2017 Peer Review Decision Letter, p 1 o State Assessment Peer Review Notes, Section 1.2, p 9</p> <p>Evidence that the State’s academic content standards contain coherent and rigorous content and encourage the teaching of advanced skills-Science Evidence #013: January 2015 Board of Regents Summary, pp 2, 5, appendices A, C, D Evidence #014: Statewide Strategic Plan for Science, pp 1-2 Evidence #015: December 2016 Board of Regents Summary, pp 1-4, appendix A Evidence #008: Introduction to the New York State P-12 Science Learning Standards, pp 1-3 Evidence #009: New York State P-12 Science Learning Standards</p>	<p>Sufficient evidence was provided that the State’s challenging academic content standards in reading/language arts, mathematics, and science are aligned with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards.</p>
<p>Section 1.2 Summary Statement</p>		
<p><input checked="" type="checkbox"/> No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 1.3 – Required Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State’s assessment system includes annual general and alternate assessments aligned with <u>grade-level academic achievement standards</u> or alternate academic achievement standards in:</p> <ul style="list-style-type: none"> • Reading/language arts (R/LA) and mathematics in each of grades 3-8 and at least once in high school (grades 9-12); • Science at least once in each of three grade spans (3-5, 6-9 and 10-12). <p>AND</p> <p>The State’s <u>academic content assessments</u> must be the same assessments administered to all students in the tested grades, with the following exceptions:</p> <ul style="list-style-type: none"> • Students with the most significant cognitive disabilities may take an alternate assessment aligned with alternate academic achievement standards. • A State may permit an LEA to administer a nationally recognized high school academic assessment in lieu of the State high school assessment if certain conditions are met. • A State that administers an end-of-course high school mathematics assessment may exempt an 8th grade student from the mathematics assessment typically administered in 	<p>General Assessments in ELA, Mathematics, and Science</p> <ul style="list-style-type: none"> • Evidence # 016: The 2018-19 Elementary and Intermediate Testing Schedule • Evidence #017: June 2019 Regents Examination schedule • Evidence #018: Education Laws of New York, Title 1, General Provisions, Section 209, Academic examinations; admission and fees • Evidence #019: NYSED Regulations of the Commissioner 100.3 Program requirements for students, grades prekindergarten through four • Evidence #020: NYSED Regulations of the Commissioner 100.4 Program requirements for students, grades five through eight • Evidence #021: NYSED Regulations of the Commissioner 100.5 Diploma Requirements <p>Alternate Assessments in Mathematics, ELA, and Science</p> <ul style="list-style-type: none"> • Evidence #022: NYSED Regulations of the Commissioner 100.2 General School Requirements • Evidence #019: NYSED Regulations of the Commissioner 100.3 Program requirements for students grades prekindergarten through four • Evidence #020: NYSED Regulations of the Commissioner 100.4 Program requirements for students grades five through eight • Evidence #023: Eligibility Criteria for Participation in the New York State Alternate Assessment (NYSAA) • Evidence #024: Birthdate Ranges for Students with Disabilities Participating in the 2019-20 New York State Alternate Assessment (NYSAA) 	<p>NYSED had already met this requirement for R/LA and mathematics in the previous peer review.</p> <p>NYSED provided evidence demonstrating that it provides statewide assessments at the required grade levels and provides an alternate assessment for each of those grade levels for students with the most significant cognitive disabilities.</p> <p>However, NYSED has multiple Regents examinations in science, and it does not appear that one assessment is required for all students. This does not meet the requirement that the assessment must be the same one administered to all students in the tested grades.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

<p>eight grade and allow the student to take the State end-of-course mathematics test instead.</p> <ul style="list-style-type: none"> The Department may have approved the State, under the Innovative Assessment Demonstration Authority, to permit students in some LEAs to participate in a demonstration assessment system in lieu of participating in the State assessment. 	<ul style="list-style-type: none"> Evidence #025: A Parent’s Quick Guide to the New York State Alternate Assessment (NYSAA) 	
<p>Section 1.3 Summary Statement</p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> Evidence that the State’s science content assessments must be the same assessments administered to all students in the tested grades 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element 1.4 – Policies for Including All Students in Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State requires the inclusion of all public elementary and secondary school students in its assessment system and clearly and consistently communicates this requirement to districts and schools.</p> <ul style="list-style-type: none"> • For students with disabilities, policies state that all students with disabilities in the State, including those children with disabilities publicly placed in private schools as a means of providing special education and related services, must be included in the assessment system; • For ELs: <ul style="list-style-type: none"> ○ Policies state that all ELs must be included in all aspects of the content assessment system, unless the State has chosen the statutory option for recently arrived ELs under which such ELs are exempt from one administration of its reading/ language arts assessment. ○ If a State has developed native language assessments for ELs in R/LA, ELs must be assessed in R/LA in English if they have been enrolled in U.S. schools for three or more consecutive years, except, if a district determines, on a case-by-case basis, that native language assessments would yield more accurate and reliable information, the district may assess a student with native 	<p>Inclusion of all public elementary and secondary school students</p> <p>Evidence #026: School Administrator’s Manual New York State Testing Program English Language Arts and Mathematics Tests Grades 3-8, 2019</p> <ul style="list-style-type: none"> • Students to Be Tested, pp 9 – 10 <p>Evidence #027: School Administrator’s Manual, 2019 Edition Regents Examinations</p> <ul style="list-style-type: none"> • Section One, General Information <ul style="list-style-type: none"> ○ State Testing Requirements for Graduation, pp 1-1 – 1-2 <p>Evidence #028: New York State Diploma Requirements, January 2018</p> <p>Evidence #029: Diploma/Credential Requirements, Revised January 2018</p> <p>Inclusion of Students with Disabilities</p> <p>Evidence #030: NYSED Regulations of the Commissioner 200.4 Procedures for referral, evaluation, individualized education program (IEP) development, placement and review</p> <p>Evidence #031: NYSED Regulations of the Commissioner 200.6 Continuum of Services</p> <p>Evidence #032: NYSED Regulations of the Commissioner 200.7 Program standards for education programs for students and preschool students with disabilities being educated in private schools and State-operated or State-supported schools</p>	<p>The State provided a Testing Accommodations guide that clearly communicates the requirements described in this critical element.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

<p>language assessments for a period not to exceed two additional consecutive years.</p> <ul style="list-style-type: none"> ○ If the State uses the flexibility for Native American language schools and programs: (1) the State provides the content assessment in the Native American language to all students in the school or program; (2) the State submits such content assessment for peer review as part of its State assessment system; and (3) the State continues to provide ELP assessments and services for ELs as required by law. The State must assess in English the students’ achievement in R/LA in high school. 	<p>Evidence #026: School Administrator’s Manual New York State Testing Program English Language Arts and Mathematics Tests Grades 3-8, 2019</p> <ul style="list-style-type: none"> • Students to Be Tested, pp 9 – 10 • Appendix G: Testing Accommodations for Students with Disabilities, pp A-11 – A-13 • Appendix H: Specific Testing Accommodations, pp A-13 – A-17 • Appendix I: Information on Ungraded Students, p A-18 <p>Evidence #027: School Administrator’s Manual, 2019 Edition, Regents Examinations</p> <ul style="list-style-type: none"> • Section Two: Requesting and Administering Regents Examinations <ul style="list-style-type: none"> ○ Administering Exams to Students with Disabilities, pp 2-19 – 2-21 <p>Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision Making and Implementation, February 2018</p> <ul style="list-style-type: none"> • Introduction: p1 <p>Inclusion of English Learners</p> <p>Evidence #026: School Administrator’s Manual New York State Testing Program English Language Arts and Mathematics Tests Grades 3-8, 2019</p> <ul style="list-style-type: none"> • Students to Be Tested, pp 9 – 10 • Appendix F: Testing Accommodations for English Language Learners, pp A-7 – A-8 <p>Evidence #027: School Administrator’s Manual, 2019 Edition, Regents Examinations</p> <ul style="list-style-type: none"> • Section Two, Requesting and Administering Regents Examinations <ul style="list-style-type: none"> ○ Exams for English Language Learners/Multilingual Learners (ELLs/MLLS) p 2-6 	
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Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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	<p>o Administering Exams to EnglishLanguage Learners/ Multilingual Learners (ELLs/MLLs), pp 2-18–2-19</p> <p>Evidence #034: The Provision of Oral Translations for the New York State Alternate Assessments in English Language Arts, Mathematics, and Science</p> <p>Evidence #035: Testing Accommodations for Students with Disabilities and English Language Learners, February 2016</p>	
<p>Section 1.4 Summary Statement</p>		
<p><input checked="" type="checkbox"/> No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 1.5 – Meaningful Consultation in the Development of Challenging State Standards and Assessments

(Note: this is a new requirement under ESSA, so it does not apply to standards and assessments adopted prior to the passage of ESSA (December 2015)).

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State has developed or amended challenging academic standards and assessments, the State has conducted meaningful and timely consultation with:</p> <ul style="list-style-type: none"> • State leaders, including the Governor, members of the State legislature and State board of education (if the State has a State board of education). • Local educational agencies (including those located in rural areas). • Representatives of Indian tribes located in the State. • Teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents. 	<p>Evidence of Meaningful Consultation in the Development of Challenging State Standards and Assessments</p> <p>Evidence #036: New York State Board of Regents Website</p> <p>Evidence #007: New York State Board of Regents P12 Committee Approves New P-12 Science Learning Standards</p> <p>Evidence #015: December 2016 Board of Regents Summary, pp 1-4, appendix A</p> <p>Evidence #037: P-12 Science Presentation</p> <p>Evidence #014: Statewide Strategic Plan</p> <p>Evidence #038: New York State P-12 Science Learning Standards Implementation Roadmap</p> <p>Evidence #039: April 2016 Board of Regents Summary</p> <p>Evidence #040: 2015 NYSAA Contract, NYSAA Educator Advisory Panel, p 23</p> <p>Evidence #041: Educator Advisory Panel Member Invitation letter</p>	<p>New York adopted its science standards in December 2016. The State provided a description of its standards review process. The Statewide Leadership Team, Science Education Steering Committee, and Science Education Consortium served in a formal advisory capacity to NYSED staff throughout the development process. The SEA conducted two public surveys: summer 2013 compared current state science standards to the NGSS using a set of criteria, and a public survey in January-February 2016 on the draft standards. In conjunction with the three committees, NYSED staff worked with three committees to analyze quantitative and qualitative survey data and feedback. These committees included LEA representatives, educators, higher education, businesses, and stakeholder groups. However, there was no indication that representatives of Indian tribes located in the State were consulted.</p> <p>Department staff note that NYSED’s website indicates that revised reading/language arts and mathematics standards were adopted by the Board of Regents in September 2017. NYSED provided detailed evidence of consultation with numerous stakeholder groups, including LEA representatives, educators, parents, and stakeholder groups. No evidence was provided indicating that representatives of Indian tribes located in the State were consulted.</p>
Section 1.5 Summary Statement		
<p><u> </u>x The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence that the State consulted with tribal representatives in the State on the adoption of its reading/language arts, mathematics, and science standards. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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SECTION 2: ASSESSMENT SYSTEM OPERATIONS

Critical Element 2.1 – Test Design and Development

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State’s test design and test development process is well-suited for the content, is technically sound, aligns the assessments to <u>the depth and breadth of the State’s academic content standards</u> for the grade that is being assessed and includes:</p> <ul style="list-style-type: none"> • Statement(s) of the purposes of the assessments and the intended interpretations and uses of results; • Test blueprints that describe the structure of each assessment in sufficient detail to support the development of assessments that are technically sound, measure the depth and breadth of <u>the State’s grade-level academic content standards</u> and support the intended interpretations and uses of the results. • Processes to ensure that each academic assessment is tailored to the knowledge and skills included in <u>the State’s academic content standards</u>, reflects appropriate inclusion of challenging content, and requires complex demonstrations or applications of knowledge and skills (i.e., higher-order thinking skills). • If the State administers computer-adaptive assessments, the item pool and item selection procedures adequately support the test design 	<p>Submission states, “Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.”</p>	<p>The 2019 peer review notes for the DLM submission indicate that DLM did not provide sufficient evidence to satisfy this critical element.</p> <p>The peers were unable to find evidence that the State’s academic content standards for reading/language, math, and science align with DLM standards. Thus, it is not clear whether the State’s test design and test development process is well-suited for the content, is technically sound, and aligns the assessments to <u>the depth and breadth of the State’s academic content standards</u> for the grade that is being assessed.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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<p>and intended uses and interpretations of results.</p> <ul style="list-style-type: none"> • If the State administers a computer-adaptive assessment, it makes proficiency determinations with respect to the grade in which the student is enrolled and uses that determination for all reporting. • If the State administers a content assessment that includes portfolios, such assessment may be partially administered through a portfolio but may not be <i>entirely</i> administered through a portfolio. 		
<p>Section 2.1 Summary Statement</p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence needs to be provided that the State’s academic content standards are aligned to DLM submission. • All aspects of this critical element need to be addressed by DLM and the State. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element 2.2 – Item Development

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
The State uses reasonable and technically sound procedures to develop and select items to: <ul style="list-style-type: none"> • Assess student achievement based on the State’s academic content standards in terms of content and cognitive process, including higher-order thinking skills. 	Submission says: Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science	The State has opted to use its consortium submission for this critical element. No evidence provided by State.
<p>Section 2.2 Summary Statement</p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • See DLM peer review notes. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element 2.3 – Test Administration

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State implements policies and procedures for standardized test administration; specifically, the State:</p> <ul style="list-style-type: none"> • Has established and communicates to educators clear, thorough and consistent standardized procedures for the administration of its assessments, including administration with accommodations; • Has established procedures to ensure that general and special education teachers, paraprofessionals, teachers of ELs, specialized instructional support personnel, and other appropriate staff receive necessary training to administer assessments and know how to administer assessments, including, as necessary, alternate assessments, and know how to make use of appropriate accommodations during assessments for all students with disabilities; • If the State administers technology-based assessments, the State has defined technology and other related requirements, included technology-based test administration in its standardized procedures for test administration, and established contingency plans to address possible technology challenges during test administration. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #024: Birthdate Ranges for Students with Disabilities Participating in the 2019-20 New York State Alternate Assessment (NYSAA) Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation</p> <ul style="list-style-type: none"> • Appendix A • Appendix C • Appendix F • Appendix G • Appendix J <p>Evidence #034: The Provision of Oral Translations for the New York State Alternate Assessments in English Language Arts, Mathematics, and Science Memo Evidence #042: Accessibility Supports for Students with Severe Cognitive Disabilities Tested on the New York State Alternate Assessment (NYSAA) in English Language Arts and in Mathematics Evidence #033: Testing Accommodations for Students with Disabilities Policy and Tools to Guide Decision: Making and Implementation (p 18) Evidence #043: Professional Development Workshop on Testing Accommodations Brochure Evidence #044: DLM Test Administration Manual, pp 54-55 Evidence #045: Testlet Reset Procedure Evidence #046: WSWHE BOCES letter Evidence #047: NYSED Office of State Assessment NYSAA website Evidence #048: Assessment Coordinator Checklist</p>	<p>The peers were unable to find contingency plans to address possible technology challenges during test administration.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

	<p>Evidence #049: Educator Checklist Evidence #050: Important Dates to Remember document Evidence #051: New York State Alternate Assessment Printed Manuals Evidence #052: New York State Alternate Assessment (NYSAA) Parent Brochure memo Training: Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science. Evidence #053: NYSAA Training Agenda Evidence #055: The Instruction and Assessment Planner Evidence #056: Essential Elements and Mini-Maps Evidence #057: The DLM Website Resources Evidence #058: Data Management Training Evidence #059: Score Reports and Learning Profile Evidence #060: Educator Panel Discussion Evidence #061: NYSAA Listserv Message Evidence #062: Upstate New York NYSAA Training Registration Evidence #063: NYSAA Training Binder Evidence #064: NYSAA Training Sign-in Sheets Evidence #049: Educator Checklist Evidence #063: NYSAA Training Binder, p 147 Evidence #048: Assessment Coordinator Checklist Contingency plans for Technology-based Assessment Administration Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science. Evidence #065: Technology Specifications Manual Supplemental Information Evidence #066: Technology Coordinator Checklist Evidence #047: NYSED Office of State Assessment NYSAA website Evidence #067: NYSED Internal Matrix Evidence #068: New York State 2019 Incident File</p>	
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Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Section 2.3 Summary Statement		
<input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale: <ul style="list-style-type: none">• Evidence of a contingency plan in the event of technology challenges.		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 2.4 – Monitoring Test Administration

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State adequately monitors the administration of its State assessments to ensure that standardized test administration procedures are implemented with fidelity across districts and schools. Monitoring of test administration should be demonstrated for all assessments in the State system: the general academic assessments and the AA-AAAS.</p>	<p>Submission states: refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #069: NYSAA Bi-weekly Call Meeting Minutes</p> <p>Evidence #048: Assessment Coordinator Checklist, pp 1-3</p> <p>Evidence #047: NYSED Office of State Assessment NYSAA Website</p> <p>Evidence #070: Test Security Unit Update presented to the Board of Regents Meeting September 2014</p> <p>Evidence #071: Email Communication for Test Administration Observations</p> <p>Evidence #072: Dynamic Learning Maps® Consortium Member States Conference Call, May 24, 2019, presentation, p 9</p> <p>Evidence #073: Test Administration Observation Results</p> <p>Evidence #074: Using Kite® Collector for DLM Test Administration Observations</p> <p>Evidence #068: New York State 2019 Incident Report</p>	<p>NYSED provided evidence that it uses the DLM observation process to monitor testing and provided a summary of the results of testing as evidence that monitoring had occurred. However, the DLM observation process is designed to collect anonymous data about DLM implementation rather than to address specific issues in how a school or teacher administers the assessment. NYSED also provided evidence of a security monitoring process, but it did not provide a specific protocol or procedures for implementing the monitoring, and the materials are dated 2014, from before NYSED adopted DLM.</p>
<p>Section 2.4 Summary Statement</p>		
<p><u> </u> X The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence that the State adequately monitors the administration of the NYSAA assessment to ensure that standardized test administration procedures are implemented with fidelity across districts and schools. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 2.5 – Test Security

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has implemented and documented an appropriate set of policies and procedures to prevent test irregularities and ensure the integrity of test results through:</p> <ul style="list-style-type: none"> • Prevention of any assessment irregularities, including maintaining the security of test materials (both during test development and at time of test administration), proper test preparation guidelines and administration procedures, incident-reporting procedures, consequences for confirmed violations of test security, and requirements for annual training at the district and school levels for all individuals involved in test administration; • Detection of test irregularities; • Remediation following any test security incidents involving any of the State’s assessments; • Investigation of alleged or factual test irregularities. • Application of test security procedures to all assessments in the State system: the general academic assessments and the AA-AAAS. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #075: Additional Training Materials: Administration of NYSAA through DLM Alternate Assessment: Security Agreement Evidence #067: NYSED Internal Matrix Evidence #076: Submission to Board of Regents- Findings and Recommendations of the Independent Review of the Department's Test Integrity Policies and Procedures Evidence #077: Test Security, Data Privacy, and Educator Integrity Evidence #070: Test Security Unit Update presented to the Board of Regents Meeting September 2014</p> <ul style="list-style-type: none"> • TSU Corrective Action Plans, “Major Components, Mandatory test security training for all educators,” p11 • Promotion of Secure, Ethical Testing, “Increased test security training for educators,” p14 	<p>The Consortia submission addresses some test security policies and procedures, but additional information is needed about State policies and procedures for the NYSAA. The State evidence includes manuals describing test administration and procedures to address and remediate test improprieties (see Evidence #026, #033, and #044), procedures and decision tree to address test security issues (see Evidence #067), test security presentation (see Evidence #070), test security agreement (see Evidence #075), state summary of test security policies and procedures (see Evidence #076), tips to address test security, data privacy, and educator integrity tips (see Evidence 077), and example test impropriety reports and student incident files (see Evidence #046 and #068). However, it is not clear these documents apply to the NYSAA.</p> <p>Evidence #070 provided evidence of training in 2014, but the training did not address the NYSAA. Peers could not find evidence of recent trainings on test security for the NYSAA, nor that remedies were put in place after investigations (e.g., sample letter, log that includes incident and how followed up).</p>
<p>Section 2.5 Summary Statement</p>		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence that the State’s test security manuals and materials are up to date and apply to the NYSAA. • Evidence the State is engaged in preventative measures such as training. • Evidence of follow-up such as a letter or the remedies put in place after investigations. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 2.6 – Systems for Protecting Data Integrity and Privacy

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has policies and procedures in place to protect the integrity and confidentiality of its test materials, test-related data, and personally identifiable information, specifically:</p> <ul style="list-style-type: none"> • To protect the integrity of its test-related data in test administration, scoring, storage and use of results; • To secure student-level assessment data and protect student privacy and confidentiality, including guidelines for districts and schools; • To protect personally identifiable information about any individual student in reporting, including defining the minimum number of students necessary to allow reporting of scores for all students and student groups. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science</p> <p>Evidence #067: NYSED Internal Matrix Evidence #078: State Breach Response Plan Evidence #079: Information and Reporting Services Data Transfer Protocols (internal document) Evidence #080: Identity Verification and Authorization to Access or Disclose Confidential Education Information Regarding Pre-School, Elementary, Secondary, and Post-Secondary Education (form) Evidence #082: New York State Student Information Repository System (SIRS) Manual, 2015-2016 • Chapter 1: What is SIRS?, pp 6 - 8 • Appendix IV: Selected Federal and State Reporting Requirements, pp 249 – 253 Evidence #083: New York State Student Identification System (NYSSIS)Users Guide, Version 7, p 4 Evidence #084: NYSED’s Data Privacy and Security Website</p>	<p>Evidence #79 (p. 3) indicates that for the State report card the numbers are suppressed for fewer than five students, but it is not clear if this minimum number broadly applies to other places where results data are reported.</p> <p>Moreover, it is not evident that the State communicates data integrity and privacy procedures and policies to district test coordinators, building test coordinators, or other relevant personnel on a regular basis. The peers found that many of the pieces of evidence were out-of-date, and did not address the NYSAA. For example, Evidence #77 (Tips for Ethical Testing) was from 2015.</p> <p>While the state has policies and procedures in place to protect data, the state did not submit evidence regarding the storage and integrity of the use of results. For example, guidelines for handling test-related data such as printed student reports could not be located in the submitted evidence.</p>
<p>Section 2.6 Summary Statement</p>		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence that the minimum n-size and suppression rules apply to all public reporting. • Evidence regarding the storage and integrity of the use of results. • Evidence that the State communicates data integrity and privacy procedures and policies to district test coordinators, building test coordinators, or other relevant personnel. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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SECTION 3: TECHNICAL QUALITY – VALIDITY

Critical Element 3.1 – Overall Validity, Including Validity Based on Content

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate overall validity evidence for its assessments consistent with nationally recognized professional and technical testing standards. The State’s validity evidence includes evidence that:</p> <p><u>The State’s academic assessments</u> measure the knowledge and skills specified in the State’s academic content standards, including:</p> <ul style="list-style-type: none"> • Documentation of adequate alignment between the State’s assessments and the academic content standards the assessments are designed to measure in terms of content (i.e., knowledge and process), balance of content, and cognitive complexity; • Documentation that the assessments address the depth and breadth of the content standards; • If the State has adopted alternate academic achievement standards and administers alternate assessments aligned with those standards, the assessments show adequate alignment to the State’s academic content standards for the grade in which the student is enrolled in terms of content match (i.e., no unrelated content) and the breadth of content 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>No evidence provided by State.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

and cognitive complexity determined in test design to be appropriate for students with the most significant cognitive disabilities.		
Section 3.1 Summary Statement		
<input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale: <ul style="list-style-type: none">• See consortium submission.		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element 3.2 – Validity Based on Cognitive Processes

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
The State has documented adequate validity evidence that its assessments tap: <u>the intended cognitive processes</u> appropriate for each grade level as represented in the State’s academic content standards.	Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.	Not applicable – previously met by consortium.
Section 3.2 Summary Statement		
<input checked="" type="checkbox"/> No additional evidence is required		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element 3.3 – Validity Based on Internal Structure

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate validity evidence that the scoring and reporting structures of its assessments are consistent with the sub-domain structures of the State’s <u>academic content standards</u>.</p>	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>Not applicable – previously met by consortium.</p>
<p>Section 3.3 Summary Statement</p>		
<p>X No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

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Critical Element 3.4 – Validity Based on Relations to Other Variables

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
The State has documented adequate validity evidence that the State’s assessment scores are related as expected with other variables.	Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.	No evidence provided by State.
Section 3.4 Summary Statement		
<input checked="" type="checkbox"/> <u>X</u> The following additional evidence is needed/provide brief rationale: <ul style="list-style-type: none"> • See consortium submission. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

SECTION 4: TECHNICAL QUALITY – OTHER

Critical Element 4.1 – Reliability

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has documented adequate reliability evidence for its assessments for the following measures of reliability for the State’s student population overall and each student group consistent with nationally recognized professional and technical testing standards. If the State’s assessments are implemented in multiple States, measures of reliability for the assessment overall and each student group consistent with nationally recognized professional and technical testing standards, including:</p> <ul style="list-style-type: none"> • Test reliability of the State’s assessments estimated for its student population; • Overall and conditional standard error of measurement of the State’s assessments, including any domain or component sub-tests, as applicable; • Consistency and accuracy of estimates in categorical classification decisions for the cut scores, achievement levels or proficiency levels based on the assessment results; • For computer-adaptive tests, evidence that the assessments produce test forms with adequately precise estimates of a student’s academic achievement. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>No evidence provided by State.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
Section 4.1 Summary Statement		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • See consortium submission. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 4.2 – Fairness and Accessibility

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><i>For all State academic assessments,</i> assessments should be developed, to the extent practicable, using the principles of universal design for learning (UDL) (see definition¹).</p> <p>For academic content assessments, the State has taken reasonable and appropriate steps to ensure that its assessments are accessible to all students and fair across student groups in their design, development and analysis.</p>	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>No evidence provided by State.</p>
<p>Section 4.2 Summary Statement</p>		
<p><input checked="" type="checkbox"/> <u>X</u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • See consortium submission. 		

¹ see page 28 of “*A State’s Guide to the U.S. Department of Education’s Assessment Peer Review Process*”, September 24, 2018 available at: www.ed.gov/admins/lead/account/saa.html

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 4.3 – Full Performance Continuum

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
The State has ensured that each assessment provides an adequately precise estimate of student performance across the full performance continuum for academic assessments , including performance for high- and low-achieving students.	Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.	Not applicable – previously met by consortium.
Section 4.3 Summary Statement		
X No additional evidence is required		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 4.4 – Scoring

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has established and documented standardized scoring procedures and protocols for its assessments that are designed to produce reliable and meaningful results, facilitate valid score interpretations, and report assessment results in terms of the State’s <u>academic achievement standards</u>.</p>	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>Not applicable – previously met by consortium.</p>
<p>Section 4.4 Summary Statement</p>		
<p>X No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 4.5 – Multiple Assessment Forms

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State administers multiple forms of academic assessments within a content area and grade level, within or across school years, the State ensures that all forms adequately represent the State’s academic content standards and yield consistent score interpretations such that the forms are comparable within and across school years.</p>	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>Not applicable – previously met by consortium.</p>
<p>Section 4.5 Summary Statement</p>		
<p>X No additional evidence is required</p>		

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STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 4.6 – Multiple Versions of an Assessment

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>If the State administers any of its assessments in multiple versions within a subject area (e.g., online versus paper-based delivery; or a native language version of the academic content assessment), grade level, or school year, the State:</p> <ul style="list-style-type: none"> • Followed a design and development process to support comparable interpretations of results for students tested across the versions of the assessments; • Documented adequate evidence of comparability of the meaning and interpretations of the assessment results. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>Not applicable – previously met by consortium.</p>
<p>Section 4.6 Summary Statement</p>		
<p>X No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 4.7 – Technical Analysis and Ongoing Maintenance

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State:</p> <ul style="list-style-type: none"> • Has a system for monitoring, maintaining, and improving, as needed, the quality of its assessment system, including clear and technically sound criteria for the analyses of all of the assessments in its assessment system (i.e., general assessments and alternate assessments), and • Evidence of adequate technical quality is made public, including on the State’s website. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>Not applicable – previously met by consortium.</p>
<p>Section 4.7 Summary Statement</p>		
<p><input checked="" type="checkbox"/> No additional evidence is required</p>		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

SECTION 5: INCLUSION OF ALL STUDENTS

Critical Element 5.1 – Procedures for Including Students with Disabilities

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has in place procedures to ensure the inclusion of all public elementary and secondary school students with disabilities in the State’s assessment system. Decisions about how to assess students with disabilities must be made by a student’s IEP Team under IDEA, the placement team under Section 504, or the individual or team designated by a district to make that decision under Title II of the ADA, as applicable, based on each student’s individual abilities and needs.</p> <p>If a State adopts alternate academic achievement standards for students with the most significant cognitive disabilities and administers an alternate assessment aligned with those standards under ESEA section 1111(b)(1)(E) and (b)(2)(D), respectively, the State must:</p> <ul style="list-style-type: none"> • Establish guidelines for determining whether to assess a student with an AA-AAAS, including: <ul style="list-style-type: none"> ○ A State definition of “students with the most significant cognitive disabilities” that addresses factors related to cognitive functioning and adaptive behavior; • Provide information for IEP Teams to inform decisions about student assessments that: 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #012: NYSED Regulations of the Commissioner 100.1(t)(2)(iv)</p> <p>Evidence #030: NYSED Regulations of the Commissioner 200.4 Procedures for referral, evaluation, individualized education program (IEP) development, placement and review</p> <p>Evidence #023: Eligibility Criteria for Participation in the New York State Alternate Assessment (NYSAA), pp 1-9</p> <p>Evidence #085: Guide to Quality Individualized Education Program (IEP) Development and Implementation</p> <ul style="list-style-type: none"> • Individualized Education Program (IEP) Development, p 16 • Testing Accommodations, p 47 – 48 • Participation in State and District-wide Assessments, p 53 <p>Evidence #023: Eligibility Criteria for Participation in the New York State Alternate Assessment (NYSAA), pp 1-9</p> <p>Evidence #025: A Parent’s Quick Guide to the New York State Alternate Assessment (NYSAA)</p> <p>Evidence #022: NYSED Regulations of the Commissioner 100.2(s)</p> <p>Evidence #086: The Role of the Committee on Special Education in Relation to the Common Core Learning Standards</p>	<p>Evidence #012 provides a definition of students with severe disabilities – not a definition of students with the most significant cognitive disabilities. <i>According to NYSED Regulations of the Commissioner Section 100.1(t)(2)(iv) d “Students with severe disabilities means students who have limited cognitive abilities combined with behavioral and/or physical limitations and who require highly specialized education, social, psychological and medical services in order to maximize their full potential for useful and meaningful participation in society and for self-fulfillment. Students with severe disabilities may experience severe speech, language, and/or perceptual cognitive impairments, and evidence challenging behaviors that interfere with learning and socialization opportunities. These students may also have extremely fragile physiological conditions and may require personal care, physical/verbal supports and/or prompts and assistive technology devices” (p. 4). This document is from 2015, and it is unclear if the policy has been updated. The peers recommend that the State consider updating the policy to reflect terminology currently used in ESSA.</i></p> <p>The peers could not find a clear explanation of the difference between assessments aligned to grade-Level academic achievement standards and those aligned with alternate academic achievement standards in the evidence provided.</p> <p>The peers found evidence that students who take the NYSAA may be precluded from attempting to complete the requirements of the regular diploma. According to Evidence #23 (p. 5) students who participate in the NYSAA, “do not meet the expectations necessary to earn a</p>

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STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<ul style="list-style-type: none"> ○ Provides a clear explanation of the differences between assessments aligned with grade-level academic achievement standards and those aligned with alternate academic achievement standards, including any effects of State and local policies on a student's education resulting from taking an AA-AAAS, such as how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma; • Ensure that parents of students assessed with an AA-AAAS are informed that their child's achievement will be measured based on alternate academic achievement standards; • Not preclude a student with the most significant cognitive disabilities who takes an AA-AAAS from attempting to complete the requirements for a regular high school diploma; and • Promote, consistent with requirements under the IDEA, the involvement and progress of students with the most significant cognitive disabilities in the general education curriculum that is based on the State's academic content standards 	<p>Develop, disseminate information on, and promote the use of appropriate accommodations to ensure that a student with the most significant cognitive disabilities who does not take an AA-AAAS participates in academic instruction and assessments for the grade in which the student is enrolled.</p> <p>Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018, p 11</p> <p>Evidence that the State has in place and monitors implementation of guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards.</p> <p>Evidence #054: Office of Special Education Regional Office website</p> <p>Evidence #120: Special Education Quality Assurance Special Education Programs and Services Focused Review manual, pp 4, 8-9, 28-31, 37, 42, 45, 92</p> <p>Evidence #121: IDEA Determination Districts Module 3: CSE Process</p>	<p>regular high school diploma (i.e., local or Regents diploma) in NYS.” This is also again stated on p. 9 of the same document. Evidence needs to be provided that demonstrate policies have changed, and that participation in the NYSAA does not preclude a student from attempting to complete the requirements of a regular high school diploma.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>for the grade in which the student is enrolled; and</p> <ul style="list-style-type: none"> • Develop, disseminate information on, and promote the use of appropriate accommodations to ensure that a student with the most significant cognitive disabilities who does not take an AA-AAAS participates in academic instruction and assessments for the grade in which the student is enrolled. • The State has in place and monitors implementation of guidelines for IEP teams to apply in determining, on a case-by-case basis, which students with the most significant cognitive disabilities will be assessed based on alternate academic achievement standards, if applicable. Such guidelines must be developed in accordance with 34 CFR § 200.6(d).² 		
Section 5.1 Summary Statement		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence that provides a clear explanation of the differences between assessments aligned with grade-level academic achievement standards and those aligned with alternate academic achievement standards. • Evidence that State policies have changed, and that students who participate in the NYSAA are not precluded from attempting to complete the requirements of a regular high school diploma. 		

² See the full regulation at 34 CFR § 200.6(d) (online at https://www.ecfr.gov/cgi-bin/text-idx?SID=07e168e9e7a6c5931b4549cc15547ee9&mc=true&node=se34.1.200_16&rgn=div8)

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 5.2 – Procedures for Including English Learners in Academic Content Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has in place procedures to ensure the inclusion of all ELs in public elementary and secondary schools in the State’s academic content assessments and clearly communicates this information to districts, schools, teachers, and parents, including, at a minimum:</p> <ul style="list-style-type: none"> • Procedures for determining whether an EL should be assessed with a linguistic accommodation(s); • Information on accessibility tools and features available to all students and assessment accommodations available for ELs; • Assistance regarding selection of appropriate linguistic accommodations for ELs, including to the extent practicable, assessments in the language most likely to yield accurate and reliable information on what those students know and can do to determine the students’ mastery of skills in academic content areas until the students have achieved English language proficiency. 	<p>Guidance on Selection of Accommodations Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science. Evidence #087: English Language Learners (ELLs) Screening, Identification, Placement, Review, and Exit Criteria Evidence #088: Guide to the New York State Identification Test for English Language Learners (NYSITELL) Evidence #089: New York State English as a Second Language Achievement Test (NYSESLAT) School Administrator’s Manual Evidence #090: Guidance Determining English Language Learner/Multilingual Learner (ELL/MLL) Status of and Services for Students with Disabilities Evidence #091: Blueprint for English Language Learners (ELLs) Success Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018 • Appendix A, p xi</p> <p>Evidence #035: Testing Accommodations for Students with Disabilities and English Language Learners Evidence #034: The Provision of Oral Translations for the New York State Alternate Assessments in English Language Arts, Mathematics, and Science Evidence #026: School Administrator’s Manual, New York State Testing Program English Language Arts and Mathematics Tests Grades 3-8 2019 • Students to Be Tested</p>	<p>Evidence #33 (Accommodations Guide for Students with Disabilities) does not specifically address ELs with the most significant cognitive disabilities, and the accommodations they may use. Evidence #34 is a policy memo which addresses oral translations on the NYSAA, but this information is not included in the Accommodations Guide. Additionally, information is not provided about how to implement oral translations or other linguistic accommodations for ELs with the most significant cognitive disabilities. The peers find it unlikely that educators would refer to multiple documents to make accommodations decisions. Accommodations for ELs with the most significant cognitive disabilities should be included in the central document (i.e., Accommodation Guide for Students with Disabilities). The peers believe that the State must update its Accommodations Guide for Students with Disabilities to include linguistic accommodations for students participating in the NYSAA.</p> <p>See DLM Submission.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	<ul style="list-style-type: none"> ○ English Language Learners, p 9 • Appendix F: Testing Accommodations for English Language Learners, pp A-7 – A-8 Evidence #027: School Administrator’s Manual, 2019 Edition Secondary Level Examinations • Section Two: Requesting and Administering Regents Examinations <ul style="list-style-type: none"> ○ Exams for English Language Learners, p 6 ○ Administering Exams to English Language Learners, p 18 	
Section 5.2 Summary Statement		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Provide evidence that the State’s core documents (Accommodations Guide for Students with Disabilities) include linguistic accommodations for ELs with the most significant cognitive disabilities. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 5.3 – Accommodations

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State makes available appropriate accommodations and ensures that its assessments are accessible to students with disabilities and ELs, including ELs with disabilities. Specifically, the State:</p> <ul style="list-style-type: none"> • Ensures that appropriate accommodations, such as, interoperability with, and ability to use, assistive technology, are available to measure the academic achievement of students with disabilities. • Ensures that appropriate accommodations are available for ELs; • Has determined that the accommodations it provides (1) are appropriate and effective for meeting the individual student’s need(s) to participate in the assessments, (2) do not alter the construct being assessed, and (3) allow meaningful interpretations of results and comparison of scores for students who need and receive accommodations and students who do not need and do not receive accommodations; • Has a process to individually review and allow exceptional requests for a small number of students who require accommodations beyond those routinely allowed. • Ensures that accommodations for all required assessments do not deny 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #092: Accessibility Supports for Students with Severe Cognitive Disabilities Tested on the New York State Alternate Assessment (NYSAA) in English Language Arts and in Mathematics</p> <p>Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision: Making and Implementation, February 2018</p> <p>Section II: Learning about Testing Accommodations, pp 5-6</p> <ul style="list-style-type: none"> • Appendix A: Testing Accommodations Questions and Answers, pp i - xiv • Appendix C: Examples of Student Characteristics and Possible Testing Accommodations • Appendix D: Examples of Testing Accommodations for Special Populations: Blind or Visually Impaired • Appendix E: Examples of Testing Accommodations for Special Populations: Deaf or Hard of Hearing • Appendix J: Allowable Testing Accommodations Across the NYS Testing Program <p>Evidence #035: Testing Accommodations for Students with Disabilities and English Language Learners</p> <p>Evidence #034: The Provision of Oral Translations for the New York State Alternate Assessments in English Language Arts, Mathematics, and Science</p> <p>Appropriateness and effectiveness of accommodations</p> <p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM</p>	<p>Peers were unable to find evidence regarding a process to individually review and allow exceptional requests for a small number of students who require accommodations on the NYSAA beyond those routinely allowed.</p> <p>See the consortium submission.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>students with disabilities or ELs the opportunity to participate in the assessment and any benefits from participation in the assessment.</p>	<p>consortium on behalf of States that use the DLM alternate assessment for science. Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation • Appendix C, pp 63 - 64 Evidence #093: TAC Agenda, December 2016, p 2 Evidence #094: TAC Agenda, March 2016, p 7 Exceptional accommodations request Evidence #033 Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018 • Students Who Incur Disabilities Shortly Before Test Administration (pp 15-16) • Section IV: Implementing Testing Accommodations (p 17) • Appendix J: Allowable Testing Accommodations Across New York State’s Testing Programs • (pp i-ii)</p> <p>Evidence #095: Mediation Services for Special Education (website) Evidence #096: Request for Special Education Mediation (website) Evidence #097: New York State Complaint Procedures - Sample Complaint Form (website)</p>	
Section 5.3 Summary Statement		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> Evidence that the state has a process to individually review and allow exceptional requests for a small number of students who require accommodations beyond those routinely allowed on the NYSAA. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 5.4 – Monitoring Test Administration for Special Populations

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State monitors test administration in its districts and schools to ensure that appropriate assessments, with or without accommodations, are selected for all students with disabilities and ELs so that they are appropriately included in assessments and receive accommodations that are:</p> <ul style="list-style-type: none"> • Consistent with the State’s policies for accommodations; • Appropriate for addressing a student’s disability or language needs for each assessment administered; • Consistent with accommodations provided to the students during instruction and/or practice; • Consistent with the assessment accommodations identified by a student’s IEP Team under IDEA, placement team convened under Section 504; or for students covered by Title II of the ADA, the individual or team designated by a district to make these decisions; or another process for an EL; • Administered with fidelity to test administration procedures; • Monitored for administrations of all required academic content assessments and AA-AAAS. 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #023: Eligibility Criteria for Participation in the New York State Alternate Assessment (NYSAA), pp 1-9</p> <p>Evidence #033: Testing Accommodations for Students with Disabilities: Policy and Tools to Guide Decision-Making and Implementation, February 2018</p> <ul style="list-style-type: none"> • Section III: Recommending Appropriate Testing Accommodations, p 11 • Section IV: Implementing Testing Accommodations, p 17, p 13 <p>Evidence #030: Regulations of the Commissioner Section 200.4</p> <p>Evidence #085: Guide to Quality Individualized Education Program (IEP) Development and Implementation</p> <p>Evidence #035: Testing Accommodations for Students with Disabilities and English Language Learners</p> <p>Evidence #092: Accessibility Supports for Students with Severe Cognitive Disabilities Tested on the New York State Alternate Assessment (NYSAA) in English Language Arts and in Mathematics</p> <p>Evidence #071: Email Communication for Test Administration Observations, pp 1-4</p> <p>Evidence #074: Using Kite Collector for DLM Test Administration Observations</p> <p>Evidence #098: Kite Collector Questions for Test Administration Observations</p> <p>Evidence #073: Test Administration Observation Results</p>	<p>It is not clear how the state specifically determines whether the accommodations received for assessment are consistent with those used in instruction and/or practice. While, Evidence #033 states that “testing accommodations should not be provided for the first time during a State examination” (p. 19), there is no information about how the State monitors districts and schools to ensure this is not occurring.</p> <p>Evidence #92 indicates that the accommodation provided on the assessment are to be consistent with the student’s IEP, 504 plan, or another process for ELs, but it is not clear how this is monitored. For instance, while test administration observation results seem like a promising tool, is not clear how or whether the State examines this data and compares it to the accommodations in a student’s IEP, 504 plan, or another process for ELs.</p> <p>It is not clear how the test administration observation results (see Evidence #073) demonstrate fidelity. Peer reviewers would have found it helpful if this evidence had included a key or summary, so they could understand the results and determine whether this is evidence of fidelity. Evidence needs to be provided concerning fidelity.</p> <p>The peers did not find evidence that the State has a formal plan to monitor test administration. Much of the evidence provided by the State represents components of a formal plan; however, there isn’t a central document that describes the procedures, identifies each component, and includes a summary of monitoring events, results, etc. The peer reviewers note that Evidence #74 Using Kite Collector for DLM Test Administration Observations provides evidence that anonymous data are collected for consortia purposes,</p>

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STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
		<p>but this anonymous data is not useful for monitoring by the State.</p> <p>See consortia submission to see if some of the required evidence can satisfied in this way.</p>
Section 5.4 Summary Statement		
<p><u> X </u> The following additional evidence is needed/provide brief rationale: The state needs to provide evidence of:</p> <ul style="list-style-type: none"> • Evidence is needed that the State monitors test administration in its districts and schools to ensure that appropriate assessments, with or without accommodations, are selected for all students with disabilities and ELs so that they are appropriately included in assessments and receive accommodations that are: <ul style="list-style-type: none"> ○ Consistent with accommodations provided to the students during instruction and/or practice; ○ Consistent with the assessment accommodations identified by a student’s IEP Team under IDEA, placement team convened under Section 504; or for students covered by Title II of the ADA, the individual or team designated by a district to make these decisions; or another process for an EL; ○ Administered with fidelity to test administration procedures; ○ Monitored for administrations of all required academic content assessments and AA-AAAS. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

SECTION 6: ACADEMIC ACHIEVEMENT STANDARDS AND REPORTING

Critical Element 6.1 – State Adoption of Academic Achievement Standards for All Students

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><u>For academic content standards:</u></p> <p>The State formally adopted <u>challenging academic achievement standards</u> in reading/language arts, mathematics, and science for all students, specifically:</p> <ul style="list-style-type: none"> • The State formally adopted academic achievement standards in the required tested grades and, at its option, alternate academic achievement standards for students with the most significant cognitive disabilities; • The State applies its academic achievement standards to all public elementary and secondary school students enrolled in the grade to which they apply, with the exception of students with the most significant cognitive disabilities to whom alternate academic achievement standards may apply; <p>The State’s academic achievement standards and, as applicable, alternate academic achievement standards, include: (1) at least three levels of achievement, with two for high achievement and a third for lower achievement; (2) descriptions of the competencies associated with each achievement level; and (3) achievement scores that differentiate among the achievement levels.</p>	<p>Evidence #001: June 2016 3-8 Peer Review Submission AND ○ Section 6.1 pp 121-123</p> <p>Evidence #002: January 2017 Peer Review Decision Letter, p 1 ○ State Assessment Peer Review Notes, Section 6.1, pp 88-90</p> <p>Evidence #006: December 2016 Board of Regents Executive Summary, p 17, 18 Evidence #007: New York State Board of Regents P-12 Committee Approves New P-12 Science Learning Standards Evidence #099: New York State P-12 Science Standards Development, Adoption and Implementation, pp 1-4 Evidence #100: New York Assessment Letter Dated February 26, 2008 Evidence #003: Changes to the New York State Alternate Assessment Beginning with the 2015-16 School Year, p 2 Evidence #010: Important Information Regarding Changes to the New York State Alternate (NYSAA) in Social Studies and Science, pp1-2 Evidence #022: NYSED Regulations of the Commissioner 100.2(p) Evidence #101: NYSED Regulations of the Commissioner 100.18(b)(14) Evidence #102: Sample Score Report in English Language Arts Evidence #103: Sample Score Report in Mathematics Evidence #104: Sample Score Report in Science</p>	<p>Peers could not find evidence that alternate academic achievement standards were formally adopted for reading/language arts, math, and science.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
	Evidence #059: Score Reports and Learning Profiles, Fall 2019 Training Evidence #105: DLM Performance Level Descriptors: ELA Evidence #106: DLM Performance Level Descriptors: Math Evidence #107: DLM Performance Level Descriptors: Science Evidence #108: NYSAA Cut Scores for ELA, Math, and Science	
Section 6.1 Summary Statement		
<input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale: <ul style="list-style-type: none"> • Evidence needs to be provided that the State has formally adopted alternate academic achievement standards for reading/language arts, math, and science. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 6.2 – Achievement Standards Setting

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State used a technically sound method and process that involved panelists with appropriate experience and expertise for setting:</p> <ul style="list-style-type: none"> • <u>Academic achievement standards and, as applicable, alternate academic achievement standards.</u> 	<p>Academic Achievement Standards Evidence #001: June 2016 3-8 Peer Review Submission o Section 6.1 pp 124-127 Evidence #002: January 2017 Peer Review Decision Letter, p 1 o State Assessment Peer Review Notes, Section 6.2, pp 91-92</p> <p>Evidence #100: New York Assessment Letter Dated February 26, 2008</p> <p>Alternate Achievement Standards Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science. Evidence #109: Call Notes for 3-9-16 One-Off Standard Setting Evidence #110: Follow-up 3-9 Standard Setting Call Evidence #111: May 12, 2016 NYSAA Educator Advisory Panel Agenda Evidence #112: Process for Determining NYSAA Cut Scores for ELA, Math, and Science</p>	<p>The state is a member of a consortium, and claims that the consortium submission (i.e., West Virginia DLM submission) will address the requirements for CE 6.2. This is evident in table 3 of the state’s index as well as the evidence section for Critical Evidence 6.2; however, the State did not use those results and instead set their own cut scores. Therefore, the State needs to provide evidence that it used a technically sound method and process that involved panelists with appropriate experience and expertise for setting alternate academic achievement standards.</p> <p>The peers could not find evidence that the academic content standards were taken into consideration when making the cuts.</p> <p>State’s plan to not administer and report science in grade 4/5 in 2021 (Evidence #99) may not be compliant.</p>
<p>Section 6.2 Summary Statement</p>		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence needs to be provided that the State used a technically sound method and process that involved panelists with appropriate experience and expertise for setting alternate academic achievement standards. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 6.3 – Challenging and Aligned Academic Achievement Standards

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p><u>For academic achievement standards:</u></p> <p>The State’s academic achievement standards are challenging and aligned with the State’s academic content standards and with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards such that a student who scores at the proficient or above level has mastered what students are expected to know and be able to do by the time they graduate from high school in order to succeed in college and the workforce.</p> <p>If the State has adopted alternate academic achievement standards for students with the most significant cognitive disabilities, the alternate academic achievement standards (1) are aligned with the State’s challenging academic content standards for the grade in which a student is enrolled; (2) promote access to the general curriculum consistent with the IDEA; (3) reflect professional judgment as to the highest possible standards achievable for such students; (4) are designated in the IEP for each student for whom alternate academic achievement standards apply; and (5) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue</p>	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p>	<p>If the State adopts DLM academic achievement standards in the future, it may be able to use DLM evidence for peer review. If the State continues to use its own academic achievement standards, the State must provide evidence that the academic achievement standards are challenging and align with the alternate academic content standards.</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
postsecondary education or competitive integrated employment.		
Section 6.3 Summary Statement		
<p><input checked="" type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence needs to be provided that: <ul style="list-style-type: none"> ○ The State’s academic achievement standards are challenging and aligned with the State’s academic content standards and with entrance requirements for credit-bearing coursework in the system of public higher education in the State and relevant State career and technical education standards such that a student who scores at the proficient or above level has mastered what students are expected to know and be able to do by the time they graduate from high school in order to succeed in college and the workforce. ○ If the State has adopted alternate academic achievement standards for students with the most significant cognitive disabilities, the alternate academic achievement standards (1) are aligned with the State’s challenging academic content standards for the grade in which a student is enrolled; (2) promote access to the general curriculum consistent with the IDEA; (3) reflect professional judgment as to the highest possible standards achievable for such students; (4) are designated in the IEP for each student for whom alternate academic achievement standards apply; and (5) are aligned to ensure that a student who meets the alternate academic achievement standards is on track to pursue postsecondary education or competitive integrated employment. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element 6.4 – Reporting

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State reports its assessment results for all students assessed, and the reporting facilitates timely, appropriate, credible, and defensible interpretations and uses of those results by parents, educators, State officials, policymakers and other stakeholders, and the public.</p> <p>The State reports to the public its assessment results on <u>student academic achievement for all students and each student group at each achievement level³</u></p> <p>For <u>academic content assessments</u>, the State reports assessment results, including itemized score analyses, to districts and schools so that parents, teachers, principals, and administrators can interpret the results and address the <u>specific academic needs of students</u>, and the State also provides interpretive guides to support appropriate uses of the assessment results.</p> <ul style="list-style-type: none"> The State provides for the production and delivery of individual student interpretive, descriptive, and diagnostic reports after each administration of its academic content assessments that: 	<p>Refer to submission done on behalf of the consortium by West Virginia. Refer to the submission by the DLM consortium on behalf of States that use the DLM alternate assessment for science.</p> <p>Evidence #113: 2019 New York State Report Card Evidence #114: Downloads NYSED Data Site Evidence #115: NYSED NYSAA Computer Based Testing (CBT) website: Where are the Student Learning Profiles/Score Reports? Evidence #102: Sample Score Report in English Language Arts Evidence #103: Sample Score Report in Mathematics Evidence #104: Sample Score Report in Science Evidence #117: Sample Student Learning Profile in English Language Arts Evidence #118: Sample Student Learning Profile in Mathematics Evidence #119: Sample Student Learning Profile in Science Evidence #115: NYSED NYSAA Computer Based Testing (CBT) website: Where are the Student Learning Profiles/Score Reports? Evidence #116: NYSED NYSAA Computer Based Testing (CBT) website: Distribution of NYSAA Student Learning Profiles announcement Evidence #059: Score Reports and Learning Profiles, Fall 2019 Training</p>	<p>Peers were unable to find evidence that the reports are available in alternate formats upon request by a parent who is an individual with a disability as defined by the ADA.</p> <p>Peers could not find evidence of a process and timeline for delivering individual student reports to parents, teachers, and principals as soon as practicable after each test administration.</p> <p>Peers could not find evidence that the State provided information to help parents, teachers, and principals interpret the test results and address the specific <u>academic needs of students</u>.</p>

³ Although all students with disabilities must be included in a State’s assessment system, requirements for public reporting in ESEA section 1111(h)(1)(C)(ii) apply only to children with disabilities as defined in section 602(3) of the IDEA.

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<ul style="list-style-type: none"> ○ Provide valid and reliable information regarding a <u>student’s academic achievement</u>; ○ Report the <u>student’s academic achievement</u> in terms of the State’s grade-level academic achievement standards; ○ Provide information to help parents, teachers, and principals interpret the test results and address the specific <u>academic needs of students</u>; ○ Are provided in an understandable and uniform format; ○ Are, to the extent practicable, written in a language that parents and guardians can understand or, if it is not practicable to provide written translations to a parent or guardian with limited English proficiency, are orally translated for such parent or guardian; ○ Upon request by a parent who is an individual with a disability as defined by the ADA, as amended, are provided in an alternative format accessible to that parent. ● The State follows a process and timeline for delivering individual student reports to parents, teachers, and principals as soon as practicable after each test administration. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
Section 6.4 Summary Statement		
<p><u> X </u> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • Evidence needs to be provided that: <ul style="list-style-type: none"> ○ Information is provided to help parents, teachers, and principals interpret the test results and address the specific <u>academic needs of students</u>. ○ Upon request by a parent who is an individual with a disability as defined by the ADA, as amended, are provided in an alternative format accessible to that parent. ○ The State follows a process and timeline for delivering individual student reports to parents, teachers, and principals as soon as practicable after each test administration. 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

SECTION 7: LOCALLY SELECTED NATIONALLY RECOGNIZED HIGH SCHOOL ACADEMIC ASSESSMENTS

(if applicable; evidence for this section would be submitted in ADDITION to evidence for sections 1 through 6)

Critical Element 7.1 – State Procedures for the Use of Locally Selected, Nationally Recognized High School Academic Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State has established technical criteria to use in its review of any submission of a locally selected, nationally recognized high school academic assessment. The State has completed this review using its established technical criteria and has found the assessment meets its criteria prior to submitting for the Department’s assessment peer review.</p> <p>The State’s technical criteria include a determination that the assessment:</p> <ul style="list-style-type: none"> • Is aligned with the challenging State academic standards; and • Addresses the depth and breadth of those standards. <p>AND</p> <p>The State has procedures in place to ensure that a district that chooses to use a nationally recognized high school academic assessment administers the same assessment to all high school students in the district except for students with the most significant</p>	<p>Not applicable</p>	<p>Not applicable</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>cognitive disabilities who may be assessed with an AA-AAAS.</p> <p>AND</p> <p>The technical criteria established by the State in reviewing a locally selected, nationally recognized high school academic assessment must ensure that the use of appropriate accommodations does not deny a student with a disability or an EL—</p> <ul style="list-style-type: none"> • The opportunity to participate in the assessment; and • Any of the benefits from participation in the assessment that are afforded to students without disabilities or students who are not ELs. 		
<p>Section 7.1 Summary Statement</p>		
<p><input type="checkbox"/> No additional evidence is required or</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • [list additional evidence needed w/brief rationale] 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Element 7.2 –State Monitoring of Districts Regarding the Use of Locally Selected, Nationally Recognized High School

Academic Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The State must have procedures in place to ensure that:</p> <p>Before a district requests approval from the State to use a nationally recognized high school academic assessment, the district notifies all parents of high school students it serves—</p> <ul style="list-style-type: none"> • That the district intends to request approval from the State to use a nationally recognized high school academic assessment in place of the statewide academic assessment; • Of how parents and, as appropriate, students may provide meaningful input regarding the district’s request (includes students in public charter schools who would be included in such assessments); and • Of any effect of such request on the instructional program in the district. 	<p>Not applicable</p>	<p>Not applicable</p>
<p>Section 7.2 Summary Statement</p>		
<p><input type="checkbox"/> No additional evidence is required or</p> <p><input type="checkbox"/> The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • [list additional evidence needed w/brief rationale] 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Element 7.3 –Comparability of the Locally Selected Nationally Recognized High School Academic Assessments with the State Assessments

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
<p>The locally selected, nationally recognized high school academic assessment:</p> <ul style="list-style-type: none"> • Is equivalent to or more rigorous than the statewide assessment, with respect to— <ul style="list-style-type: none"> ○ The coverage of academic content; ○ The difficulty of the assessment; ○ The overall quality of the assessment; and ○ Any other aspects of the assessment that the State may establish in its technical criteria; • Produces valid and reliable data on student academic achievement with respect to all high school students and each subgroup of high school students in the district that— <ul style="list-style-type: none"> ○ Are comparable to student academic achievement data for all high school students and each subgroup of high school students produced by the statewide assessment at each academic achievement level; ○ Are expressed in terms consistent with the State’s academic achievement standards; and ○ Provide unbiased, rational, and consistent differentiation among schools within the State for the purpose of the State determined accountability system including calculating the Academic Achievement indicator and annually meaningfully differentiating between schools. 	<p>Not applicable</p>	<p>Not applicable</p>

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.

STATE ASSESSMENT PEER REVIEW NOTES FOR NEW YORK

Critical Element	Evidence (Record document and page # for future reference)	Comments/Notes/Questions/Suggestions Regarding State Documentation or Evidence
Section 7.3 Summary Statement		
<p>___ No additional evidence is required or</p> <p>___ The following additional evidence is needed/provide brief rationale:</p> <ul style="list-style-type: none"> • [list additional evidence needed w/brief rationale] 		

Consistent with the note on page 1, the evidence requested by the peer reviewers does not necessarily reflect the final set of additional evidence, if any, that a State may need to submit to demonstrate that its assessment system meets all of the critical elements for the assessment peer review. As a result, a State should refer to the letter to the State, including the list of additional evidence needed, if any, from the Department.