



## The Every Student Succeeds Act (ESSA) Section 1204, the Innovative Assessment and Accountability Demonstration Authority

This section provides answers to common questions about Section 1204, the Innovative Assessment and Accountability Demonstration Authority included in ESSA, the newly reauthorized Elementary and Secondary Education Act (ESEA). In short, the Demonstration Authority provides participating states the opportunity to pilot new, innovative approaches to assessment in lieu of the statewide assessments required under Title I, Section 1111(b)(2) and to use the results from those assessments to inform accountability determinations required under Title I, Section 1111(b)(3).

### APPLICATION & FUNDING

#### **When will the Department issue an application?**

ESSA does not establish a timeline for implementation of Section 1204. In fact, the statute states that the U.S. Secretary of Education may establish a Demonstration Authority under Section 1204. The Administration will decide, if and when it intends to proceed with an application process. Since the Obama Administration will focus its remaining time in office finalizing regulations to clarify Congressional intent for Section 1204, states are unlikely to receive notice of an open application process until 2017, at the earliest.

#### **How many states may the Secretary approve under the Demonstration Authority?**

Seven states initially, though ESSA permits the U.S. Secretary of Education to open the application to additional State educational agencies after the Department releases a progress report following the first three years of implementation. Congress intended for the progress report to help the Department provide technical assistance to states and to inform the peer review panel as it considers applications from additional states.

#### **Does each State that applies as a consortium count against the maximum number of states?**

Yes. State educational agencies have the opportunity to apply as a consortium so long as the consortium does not exceed four states. Each State educational agency, whether it participates in a consortium or not, counts toward the initial cap of seven states.

#### **What federal funding can a State access to support the design and implementation of an innovative assessment system?**

State educational agencies may use the following federal funding sources in ESSA, consistent with statutory requirements, to support the design and implementation of an innovative assessment system: a) State assessment grants under Section 1201, b) grants for supporting effective instruction under Section 2101, and c) consolidated funds for State administration under Section 8201.

### ASSESSMENT DESIGN

#### **What flexibility does Section 1204 offer State educational agencies beyond what is already available under Section 1111(b)(2) of ESSA?**

Section 1204 provides states with an opportunity to waive Section 1111(b)(2)(B)(i) which requires State educational agencies to administer the same assessments to all public school children in the State and Section 1111(b)(2)(B)(v) which requires states to administer an assessment annually in grades 3-8 and at least once in grades 9-12 in reading/language arts and mathematics and at least once in each of grades 3-5, 6-9, and 10-12 in science. The waiver from the first requirement would permit states to pilot an assessment system with a group of local educational agencies before eventually scaling the system

statewide. The waiver from the second requirement would permit a State educational agency to develop an innovative assessment system for one grade, or grade span as opposed to every grade the State must assess under Section 1111(b)(2)(B)(i).

**Proposed Regulations:** The Department's proposed regulations would clarify that any State seeking a waiver from Section 1111(b)(2)(B)(v) would not have to administer the innovative assessments annually in grades 3-8 and at least once in grades 9-12 (in the case of reading/language arts and mathematics assessments) and at least once in grades 3-5, 6-9, and 10-12 (in the case of science assessments), so long as the statewide academic assessments under section 1111(b)(2) are administered in each required grade and subject in which the State educational agency does not implement an innovative assessment.

### **Are there any requirements on the types of models that states may develop under the Demonstration Authority?**

No. Section 1204 offers a non-binding definition of an innovative assessment system which includes a system of assessments that may include competency-based assessments, instructionally embedded assessments, interim assessments, cumulative year-end assessments, or performance-based assessments that combine into an annual summative determination for a student (which may be administered through computer-adaptive assessments) and assessments that validate when students are ready to demonstrate mastery or proficiency and allow for differentiated student support based on individual learning needs. The statute offers these as examples, but permits a State educational agency to develop its own model so long as it meets all of the application requirements.

**Proposed Regulations:** The Department's proposed regulations would define "innovative assessment system" to provide greater clarity that any innovative assessment design may be used under the Demonstration Authority, so long as it meets applicable requirements and produces an annual summative determination for each student of grade-level achievement aligned to the State's challenging academic standards under section 1111(b)(1), or, when a student is assessed with an alternate assessment aligned with alternate academic achievement standards, it produces an annual summative determination for the student relative to such alternate academic achievement standards. This would promote flexibility and innovation in assessment design, while ensuring that students in schools participating in the authority would be held to the same high standards as other students in the State and that parents and educators receive the same vital information about student progress toward meeting those standards each year.

### **Does a State have to pilot its innovative assessment system with a group of districts, or can a State implement a statewide system from the onset of the Demonstration Authority?**

A State educational agency may apply to implement an innovative assessment system statewide from the onset of the Demonstration Authority period. The statute does not require a State educational agency to pilot the system initially with a group of districts.

### **Does the Demonstration Authority apply to specific subjects or grade levels?**

A State educational agency may propose an innovative assessment system that includes academic content assessments in all of the required grades and subjects under section 1111(b)(2)(B) of the ESSA, or a system that includes a subset of those grades or subjects. For example, a State educational agency could administer an innovative assessment only in high school mathematics and reading/language arts, in science within each grade span, or in mathematics in grades 3-5, so long as the State educational agency maintained its statewide assessments in any required grade or subject in which an innovative assessment would not be administered.

### **Can a State design an innovative assessment system that enables the State to test students when they are ready to demonstrate mastery?**

Yes. Whereas Section 1111(b)(2) permits State educational agencies to administer multiple interim assessments that combine into a single summative score, Section 1204 permits State educational agencies to build a flexible assessment system that assesses students when they are ready. The non-binding

definition for innovative assessment system in Section 1204 includes, as an example, an assessment system that validates when students are ready to demonstrate mastery or proficiency and allows for differentiated student support based on individual learning needs.

### **Can a State design an innovative assessment system that is entirely performance based?**

Yes. Whereas Section 1111(b)(2) permits states to include partial performance tasks in the State assessment system, Section 1204 would permit a State educational agency to apply to implement a system that is entirely performance-based so long as it meets the application requirements. The non-binding definition for innovative assessment system in Section 1204 includes performance-based assessments as an example of an allowable assessment model.

### **Can a State design an innovative assessment system to support competency-based teaching and learning strategies?**

Yes. The non-binding definition for innovative assessment system in Section 1204 includes competency-based assessments as an example of an allowable assessment model.

### **Can a State create a menu of assessment options that local districts can select from for demonstrating mastery of State standards?**

While Section 1204 permits states to develop any innovative assessment model that meets the application requirements, the statute requires the assessments to function as a system. Additionally, State educational agencies will need to demonstrate that the system of assessments produces valid and reliable determinations of student performance, meets nationally recognized standards for technical quality, and is comparable to the statewide assessments required under Section 1111(b)(2).

## **DISTRICT ENGAGEMENT**

### **Are there any restrictions on the quantity of districts a State can include in the Demonstration Authority?**

There are no restrictions on the number of districts a State may engage in the Demonstration Authority. States may start with as few or as many districts as they like, so long as they have a strong plan to scale the innovative assessment system statewide by the end of the Demonstration Authority period. Similarly, a State may decide to pilot the system statewide from the beginning of the Demonstration Authority, incorporating all districts in the State. State educational agencies will need to develop selection criteria for identifying participating districts and will need to include this information in their application along with the names and demographics of those districts.

**Proposed Regulations:** The proposed regulations would permit a State educational agency to include a school or group of schools within a local educational agency as opposed to beginning implementation of the innovative assessment system with an entire district.

### **Are there any restrictions on the demographics of participating districts?**

Yes. State educational agencies must have a plan for ensuring that the inclusion of additional local educational agencies will help the State make progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies and, by the end of the Demonstration Authority period, how those local educational agencies, as a group, will be demographically similar to the State as a whole.

### **What types of activities must a State engage in with participating districts to comply with application requirements?**

State educational agencies are required to develop the innovative assessment system in partnership with local educational agencies. States must do this by implementing, at a minimum, the following activities: providing support and training to local educational agency and school staff to implement the innovative assessment system, informing parents and students in participating local educational agencies about the innovative assessment system, engaging and supporting teachers with high quality professional

development, investing in the technological infrastructure to implement the system, collecting and reporting data on system and student performance, making necessary changes to improve the system, and ensuring that all students and each of the subgroups of students defined in Section 1111(c)(2) receive the instructional support to meet the State's academic achievement standards.

## ACCOUNTABILITY

### Can a State use information from the innovative assessment system in accountability determinations?

Yes. A State educational agency may use information from its innovative assessment system for purposes of the accountability requirements under Section 1111(c). The innovative assessment system must produce an annual, summative determination of student progress toward mastery of the State's academic achievement standards. A State educational agency must specify in its application if it intends to use the system for accountability purposes, and if not, provide an assurance that it will continue to administer the statewide assessment system to satisfy the requirements of Section 1111(c).

**Proposed Regulations:** The proposed regulations would clarify that the State educational agency must be ready to implement an operational innovative assessment in at least some local educational agencies at the time of its application and that the Demonstration Authority period cannot be used solely for planning. The State educational agency must also be ready to use its innovative assessment system for purposes of accountability and reporting student achievement during each year of its Demonstration Authority period.

### Does a State's innovative assessment system need to provide information on each student's grade-level performance?

Section 1204 requires the innovative assessment system to generate an annual, summative achievement determination, based on the aligned State academic achievement standards under Section 1111(b)(1) and based on annual data, for each individual student so the State educational agency can validly and reliably aggregate data for purposes of accountability consistent with Section 1111(c) and reporting consistent with Section 1111(h). Since Section 1111(h) requires State educational agencies to report information on grade-level achievement on the academic assessments for all students and each subgroup of students, states participating in the Demonstration Authority under Section 1204 would need to ensure that the innovative assessment system produces grade-level determinations of student performance.

**Proposed Regulations:** The proposed regulations would clarify this further by requiring any innovative assessment system to produce an annual summative determination for each student of grade-level achievement aligned to the State's challenging academic standards under Section 1111(b)(1).

### How can a State use information from the innovative assessment system to inform the identification of schools for improvement including schools identified for comprehensive and targeted support and improvement?

Since Section 1204 permits State educational agencies to use the innovative assessment system to generate information on student performance for purposes of the State's accountability system described in Section 1111(c), states will need to consider how results on these assessments will impact their identification process. Regardless of whether states participate in the innovative assessment system or administer other Title I assessments, the results of either would be factored into a State's accountability and identification processes.

**Proposed Regulations:** The proposed regulations would require State educational agencies to clarify which measures in the State's accountability system will be comparable and which measures are likely to be affected by implementation of the innovative assessment system. States must ensure that the innovative assessment system would produce results that would be comparable to the result produced using other Title I compliant assessments. The regulations would require the State educational agency to continue to describe how it will identify schools for comprehensive and targeted improvement and to ensure that all students receive the supports they need if their schools are low performing.

## TIMELINES

### **How many years will a State have to design, build, and scale an innovative assessment system before it must be implemented at scale statewide?**

Section 1204 would permit State educational agencies to propose their own timeline for the Demonstration Authority period as long as the timeline does not exceed five years. At the conclusion of the Demonstration Authority period, the State educational agency must provide evidence that the innovative assessment system is operating at scale statewide.

### **What happens if a State is not ready to scale statewide by the end of the Demonstration Authority?**

If a State educational agency is not ready to scale the system statewide by the end of its approved Demonstration Authority period, the Secretary may extend an authorization of Demonstration Authority for an additional two years if the State educational agency can demonstrate that it continues to meet all of the application requirements and has a plan for transitioning to statewide use by the end of the two-year extension period.

## COMPLIANCE

### **What information must a State report to the U.S. Department of Education during the Demonstration Authority period to comply with the application requirements?**

Section 1204 requires states participating in the Demonstration Authority to submit the following information annually to the Secretary: a) demographics of participating local educational agencies, b) a description of how the inclusion of additional local educational agencies contributes to progress toward achieving high-quality and consistent implementation across demographically diverse local educational agencies throughout the Demonstration Authority period, c) the performance of all participating students and each subgroup of students on the innovative assessment, d) feedback from teachers, principals, other school leaders, and parents about their satisfaction with the innovative assessment system, and e) if the State's system is not statewide, a description of the State's progress in scaling up the innovative assessment system to additional local educational agencies. Section 1204 explicitly prohibits the Secretary from requiring participating states from submitting any information for purposes of the progress report to be released after the third year of implementation that is in addition to the information above that the State is already required to report annually.

### **Can the Secretary withdraw approval from a participating State before the end of the Demonstration Authority period?**

Yes. The Secretary can withdraw the Demonstration Authority from a State educational agency if at any time the State cannot produce the following evidence: a) the innovative assessment system meets all of the application requirements, b) the innovative assessment system includes all students attending schools participating in the innovative assessment system, c) the innovative assessment system provides an unbiased, rational and consistent determination of progress toward the State's long term goals for all students which are comparable to measures of academic achievement on the statewide assessment, 4) a high-quality plan to transition to statewide use by the end of the Demonstration Authority period, and 5) the innovative assessment system is comparable to the statewide assessment in content coverage, difficulty, and quality.

## TRANSITION

### **What evidence must a State provide in order to exit the Demonstration Authority at the end of the Demonstration Authority period and use the innovative assessment system in compliance with federal assessment and accountability requirements?**

Once a State has completed its Demonstration Authority period, or two-year extension, and met all of the requirements of Section 1204, the State will undergo a peer review process to determine whether its innovative assessment system is of high quality. States must provide the following evidence to demonstrate

high quality: 1) the innovative assessment system meets all the requirements of Section 1204, 2) the State has examined the effects of the system on other measures of student success including those indicators in the State's accountability system, 3) the system provides coherent and timely information about student achievement that is valid, reliable, and consistent with relevant nationally-recognized professional and technical standards, 4) the State has solicited feedback from teachers, principals, other school leaders, and parents about their satisfaction with the system, and 5) the same innovative assessment system was used to measure the achievement of all participating students and participation rates for the innovative assessment system are as high for all students and each subgroup of students as the percentage of students who participated in the statewide assessment required by section 1111(b)(2).

**What if a State is not ready for a peer review panel to evaluate readiness for transition at the end of the two-year extension period?**

If after the end of the two-year extension period, a State is still not ready to undergo peer review for transition out of the Demonstration Authority, the State may request, and the Secretary may issue an additional waiver to delay withdrawal of the authority if the State has met all of the requirements of Section 1204 and has a high quality plan for transition to statewide use of the innovative assessment in a reasonable period of time.

Proposed Regulations: The proposed regulations would cap the waiver that states may receive after the two-year extension at one year. States may not request additional time beyond the one-year waiver.

