

LEGISLATIVE REPORT

SUBJECT: Comprehensive Accountability System


REFERENCE: Section 302A-1004, *Hawaii Revised Statutes*

ACTION REQUESTED: The department shall submit a report on the specifics of the implementation of the comprehensive accountability system, as well as the fiscal requirements and legislative actions necessary to maintain and improve the accountability system.

DOE REPORT: The Department of Education (Department) has a comprehensive accountability system that provides clear, concise, and actionable information on the Department's work in monitoring and improving student achievement, ensuring their safety and well-being, and promoting their civic responsibility.

The foundation document, 'Accountability Framework' pursuant to 302A-1004, *Hawaii Revised Statutes*, was published in November 2003 to establish the basic conceptual framework for educational accountability. The framework was an effort to coordinate state and federal accountability initiatives into a holistic product that contained and explained department-wide strategic goals and key performance measures. It also sought to bring the state and federal accountability expectations into congruence with various state program planning, budgeting, and evaluation requirements. Finally, it represented the promotion of an accountability model that is essential to continuous improvement at all levels in the educational system.

Also, in May 2003, the United States Department of Education (USDOE) approved Hawaii's Consolidated State Application Accountability Workbook that incorporated the myriad accountability requirements of the No Child Left Behind Act. That Accountability Workbook is amended with the approval of the federal government. The most recent set of amendments took place in May 2009. The following is a summary of the substantive May 2009 revisions:

Substantive Amendment Requests	Disposition
To change the definition of "full academic year" from March 1st of one school year to March 1st of the next school year, to May 1st of one school year to May 1st of the next school year, beginning spring 2009.	Approved
To delete the provision allowing recently rescinded SPED students to be included in the calculation of the SPED subgroup's participation rate when the SPED subgroup does not meet or exceed the annual measurable objective for reading or mathematics participation.	<p data-bbox="829 422 1390 537"><i>Required amendment</i>, refer to embedded letter from Kerri Briggs, Assistant Secretary, Office of Elementary and Secondary Education, September 25, 2008, 4 pp.</p>  <p data-bbox="846 615 1016 638">Briggs, 9-25-2008</p>
To delete the provision allowing recently exited ESLL students to be included in the calculation of the ESLL subgroup's participation rate when the ESLL subgroup does not meet or exceed the annual measurable objective for reading or mathematics participation.	<i>Required amendment</i> , refer to Briggs, September 25, 2008.
To require all students in grades 4, 6, and 10 to take the science component of either the Hawaii State Assessment or the alternate assessment in the spring (rather than the fall) beginning school year 2009-2010.	Approved
To specify that the HIDOE will attribute proficiency to the school where the full academic year requirement is met regardless of where a transferring student takes the first reading or mathematics test session.	<i>Required amendment</i> , refer to Briggs, September 25, 2008.

Act 51, Session Laws of Hawaii 2004, as amended by Act 221, Session Laws of Hawaii 2004, provided an additional impetus to clarify and enhance the Department of Education's accountability system and processes. One of the most fundamental changes in that system is the publication of annual Educational and Fiscal Accountability Trend Reports on every school and complex as well as for the system as a whole. The trend reports provide the most recent three years of data on a broad set of indicators measuring student achievement as well as the Department's efforts to ensure their safety and well-being, and promote their civic responsibility. The reports – designed to be simple, accessible, and easy to read – are produced in hard copy format and are placed on the Department's website annually at <http://arch.k12.hi.us/school/trends/trends.html>.



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

SEP 25 2008

The Honorable Patricia Hamamoto
Superintendent of Education
Hawaii Department of Education
1390 Miller Street, #307
Honolulu, Hawaii 96813

Dear Superintendent Hamamoto:

I am writing in response to Hawaii's request to amend its state accountability plan under Title I of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). Following discussions between the Department and your staff, you made certain changes to Hawaii's accountability plan, which are now included in the amended state accountability plan that Hawaii submitted to the Department on August 21, 2008. I am pleased to fully approve Hawaii's amended plan, which we will post on the Department's website. A summary of the amendments submitted for the 2007–08 school year is enclosed with this letter. As you know, any further requests to amend Hawaii's accountability plan must be submitted to the Department for review and approval, as required by section 1111(f)(2) of Title I of the ESEA. Please note, however, that the problem in Hawaii where students might meet the "full academic year" definition in one school and be tested in another school must be resolved for the 2008–09 school year. Any student who meets the full academic year definition in a school should be assessed in that school. The student has met the state's definition of receiving a full year's instruction and thus should be included in the school's accountability determination. Hawaii must address discrepancies between its testing window and full academic year definition.

Please also be aware that approval of Hawaii's accountability plan for Title I, including the amendments approved herein, does not indicate that the plan complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*.

I am confident that Hawaii will continue to hold schools and school districts accountable for the achievement of all students. I wish you well in your school improvement efforts. If you need any additional assistance in implementing the standards, assessment, and accountability provisions of NCLB, please do not hesitate to contact Patrick Rooney (Patrick.Rooney@ed.gov) or Valeria Ford (Valeria.Ford@ed.gov) of my staff.

Sincerely,

Handwritten signature of Kerri L. Briggs.

Kerri L. Briggs, Ph.D.

Enclosure

cc: Governor Linda Lingle
Cara Tanimura
Keith Fukumoto

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Amendments to Hawaii's Accountability Plan

The following is a summary of Hawaii's amendment requests. Please refer to the Department's website (www.ed.gov/admins/lead/account/stateplans03/index.html) for Hawaii's complete Accountability Plan.

Acceptable amendments

The following amendments are aligned with the statute and regulations:

- **General clean-up (Elements 1.3, 1.5, and 9.2)**

Hawaii revised several portions of its workbook to remove provisions related to performance level descriptors and Highly Qualified Teacher requirements that are no longer accurate.

- **Cut scores (Element 1.3)**

Revision: Hawaii clarified that its cut scores for academic achievement levels will be based on those set following the spring 2007 administration of the state assessments, unless the content standards or test design is changed or the Board of Education deems it necessary to revise the cut scores.

Please note that, if the Board of Education does deem it necessary to revise the cut scores, Hawaii must submit evidence of the revisions to the Department for peer review.

- **Including all students (Element 2.1)**

Revision: Hawaii clarified that students who are exempted from the state tests at the written request of their parents count, for participation rate purposes, as non-participants. Further, Hawaii specified that:

1. No school may solicit or encourage a written exemption request on behalf of any child or group of children; and
2. Every school is expected to inform parents upon parent request of the procedures for submitting a written exemption request.

- **Definition of full academic year (Element 2.2)**

Revision: Hawaii revised its definition of "full academic year," such that a student attends a school for a "full academic year" if the student is continuously enrolled from March 1 of year one to March 1 of year two.

Please note that the recently announced National Technical Advisory Council (NTAC) will be reviewing and providing guidance to the Department on various features of state accountability systems, including definitions of "full academic year." This guidance will inform the Department's future decisions regarding the technical features of state accountability systems to ensure AYP determinations are valid and reliable.

- **Including students with disabilities in AYP determinations (Element 5.3)**

Revision: Hawaii clarified that students with disabilities designated as "Grade 31" (out-of-grade level) will take the assessment documented in each student's Individualized Education Program (IEP). The Grade 31 designation is not used until a student enters, or should enter, high school. For example, some students may be of age to enter high school, but the IEP team may decide that the student should be placed in middle school. This placement decision may be made by a hearing

officer, a judge, or a group of persons knowledgeable about the student, the meaning of the evaluation data, and the placement options as documented in the IEP's Prior Written Notice. In such instances, Hawaii will examine each Grade 31 student to determine whether what test the student should take. If the student is placed out of level, the student will take the assessment for the grade in which the student should be enrolled.

Revision: Hawaii clarified that, in determining AYP for the subgroup of students with disabilities, it will include, for up to two AYP determination cycles, the assessment results of former students with disabilities who no longer receive special education services.

Please note that this approval only relates to the proficiency calculation for the students with disabilities group. As noted in the Department's regulations and non-regulatory guidance, Hawaii is not required to include former students with disabilities when determining whether the school or district meets the state's minimum subgroup size but it also may not include former students with disabilities when calculating the participation rate for the students with disabilities group. The flexibility to include former students with disabilities who no longer receive special education services for two additional years relates only to assessment scores that are used to calculate proficiency rates. Hawaii must correct this for the AYP determinations based on assessments administered in the 2008–09 school year.

- **Including limited English proficient (LEP) students in AYP determinations (Element 5.4)**

Revision: Hawaii clarified that it uses an off-the-shelf (i.e., non-customized) version of CTB/McGraw-Hill's LAS Links assessment to evaluate the English language proficiency of LEP students.

Please note that approval of this amendment does not constitute approval of the English language proficiency assessment, which must satisfy the requirements of Title III of the ESEA.

- **Science assessment (Element 6.1)**

Revision: Hawaii noted that it assesses students in science in grades 5, 7, and 11. The results of the science assessments will not be included in AYP determinations.

- **Calculating participation rates (Element 10.1)**

Revision: Hawaii will, for 2007–08 only, include at the district level AYP determinations, but not the school level AYP determinations, students who have met the full academic year definition in one school but were assessed at a second school. It is possible for students to meet the full academic year definition in one school but be assessed at a second school because the full academic year, March 1 of year one to March 1 of year two, is not aligned with the test window, which varies from year to year. This request is approved *only* for the 2007–08 school year.

The Department expects that Hawaii will resolve this issue for the 2008–09 school year so that students who meet the full academic year definition in a school are also assessed in that school.

Unacceptable amendments

The following amendments are not aligned with the statute and regulations and, therefore, are not approved.

- **Growth calculation in AYP determinations (Element 3.1)**

The Department does not approve Hawaii's request to include a measure of individual student growth in its AYP determinations. Only states participating in the Department's growth model pilot can include a measure of individual student growth in AYP determinations. One of the criteria laid out by the Secretary for a state to be eligible to participate in the Department's growth model pilot is that the state has a fully approved assessment system. At this time, Hawaii's assessment system is *Approval Pending* and, thus, the state is not eligible to participate in this pilot.

- **Including Students with Disabilities (Element 5.3)**

Hawaii requested to use the "proxy method" for determining the AYP of the students with disabilities subgroup to take advantage of the transition flexibility authorized by the Department's regulations regarding the development of alternate assessments based on modified academic achievement standards for certain students with disabilities (34 C.F.R. § 200.20(g)). To be eligible for this flexibility, a state must meet the criteria established in the Department's April 2007 guidance, including having an approved assessment system (see: <http://www.ed.gov/policy/speced/guid/nclb/twopercent.doc>). Because Hawaii's assessment system is currently designated *Approval Pending* and will not be approved for 2007–08, the state is not eligible to use the transition flexibility for 2007–08 AYP determinations.