

developed or adopted a set of assessments in at least mathematics and reading/language arts while not imposing additional requirements at the Federal level, the Secretary has retained the requirement that a State must use assessments that measure performance in math and reading/language arts to determine accountability under Part A. Nevertheless, the Secretary is concerned that Title I not continue to be viewed as solely a remedial program in math and reading. In addition, he wishes to afford appropriate flexibility to States as they begin to implement Goals 2000 plans. Therefore, the Secretary has revised § 200.4 to clarify that a State's assessments need not be focused solely on math and reading/language arts. Rather, a State may meet Title I's assessment requirements by developing or adopting assessments in other academic subjects as long as those assessments sufficiently measure performance in math and reading/language arts. For example, an assessment in an academic subject such as social studies may sufficiently measure performance in reading/language arts. Particularly at the secondary level, the Secretary believes it may be especially appropriate to measure performance in reading/language arts through assessments in content areas.

The Secretary emphasizes the importance of all children attaining high levels of performance in all core academic subjects. Limiting the focus of Title I accountability to math and reading/language arts in no way is intended to alter the overall responsibility of States, LEAs, and schools for the success of all students in the core academic subjects determined by the State. If a State has standards and assessments for all students in subjects beyond math and reading/language arts, the regulations do not preclude a State from including, for accountability purposes, additional subject areas, and the Secretary encourages them to do so.

*Changes:* Section 200.4(a)(1) of the regulations has been revised to clarify that a State may satisfy the requirement to develop or adopt a set of high-quality yearly assessments, including assessments that measure performance in at least mathematics and reading/language arts if the State has developed or adopted a set of high-quality yearly student assessments in other academic subjects that measure the performance in mathematics and reading/language arts. Likewise, § 200.4(e)(1)(i) has been revised to clarify that a State's transitional set of yearly statewide assessments may be assessments in academic subjects other than

mathematics and reading/language arts that measure performance in mathematics and reading/language arts. References to these clarifications are reflected in § 200.1 regarding State plan requirements and throughout § 200.4 in provisions related to the development or adoption of State assessments.

*Comment:* A number of commenters proposed that some or all of the criteria applicable to the final assessments under Title I be applied to the transitional assessments. The commenters were concerned that, without additional transitional requirements, States would be relieved of accountability during the entire reauthorization period. A number of commenters recommended that the regulations require all, or at least one, transitional assessment to be valid and reliable and consistent with existing professional and technical standards. A number of commenters also proposed that disaggregated data be required during the transition period, particularly for LEP children and poor children and for schoolwide programs. Other transitional assessment criteria that commenters recommended include: that all students, including LEP, minority, and poor students, be included in transitional assessments; that transitional assessments be aligned with State standards once these standards are developed; that LEP criteria for assessments be provided; that there be individual student and interpretive reports; and that parents receive the achievement information they need to be involved in the education of their children. In addition, three commenters supported applying all of the requirements of the final assessments to the interim assessments, although one would be willing to exempt specific technical requirements that need to be field tested, while the two others would only grant narrow exceptions after careful examination.

*Discussion:* Section 1111(a)(3)(7) of Title I allows States developing final assessments to use a transitional set of yearly statewide assessments that assesses the performance of complex skills and challenging subject matter. The Act itself contains no other criteria for these assessments and § 200.4(e) of the regulations only clarifies that these assessments must be at least in mathematics and reading/language arts and be administered during the grade spans required of the final assessments. Neither the statute nor the legislative history supports the application of other requirements on transitional assessments. In fact, the Secretary believes that requiring transitional assessments to meet a host of

requirements, particularly those relating to validity, reliability, and disaggregation, may end up frustrating Title I's longer-term goal of promoting high-quality innovative assessments aligned with challenging standards. Developing new, high-quality assessments that conform with these requirements will require time—time that the transition period is precisely designed to provide. If the same criteria are applied to transitional assessments as to the final assessments, this purpose would be nullified and States, in effect, may have to develop two systems.

Title I and the regulations, however, clearly intend that all children within the grades tested during the transition period participate in the assessment. Moreover, section 1111(b)(7)(B) of Title I and § 200.3(c) make clear that LEAs and schools must be identified for improvement during the transitional period based on accurate information about the academic progress of each such local education agency and school.

*Changes:* Section 200.4(e)(1)(iii) has been added to clarify that transitional assessments must include all students in the grades assessed.

*Comment:* One commenter recommended that the reliability and validity of assessments used to evaluate Title I programs be established and described for each specific purpose or use of the scores. Another commenter emphasized the importance of conducting and reporting on validation studies to ensure that accountability decisions are not based on flawed results, and another suggested that the Department make clear that following a particular validation process is not required.

*Discussion:* Section 200.4(b)(3)(i) of the regulations requires that each State's assessments be used for purposes for which they are valid and reliable and to be consistent with relevant, nationally recognized professional and technical standards for those assessments. The Secretary believes that this provision adequately addresses the commenters' concerns yet does not require a particular validation process.

*Changes:* None.

*Comment:* One commenter expressed concern that the individual, group, total school, and district reports required by the regulations will be subject to error from several sources, including measurement and sampling error: many schools will have too few students in some of the groups for which disaggregated reporting is required to provide reliable estimates of group performance (let alone reliable estimates of change). The requirements also overlook that some State assessment