

STATE BOARD OF EDUCATION – ADMINISTRATIVE RULE SUMMARY

Title/OAR #: Administration of State Assessments / OAR 581-022-0610

Date: June 2014

Staff/Office: Derek Brown - Office of Learning

New Rule **Amend Existing Rule** **Repeal Rule**

Hearing Date: May 29, 2014 **Hearings Officer Report Attached**

Prompted by: **State law changes** **Federal law changes** **Other**

Action Requested:

First Reading/Second Reading **Adoption** **Adoption/Consent Agenda**

PROPOSED/AMENDED RULE SUMMARY: Updates OAR 581-022-0610: Administration of State Assessments to reflect implementation of the Smarter Balanced mathematics and English language arts (ELA) assessments as well as the Kindergarten Assessment. Adopts accessibility terminology and definitions used by the Smarter Balanced Assessment Consortium and applies to the Oregon Statewide Assessment System.

BACKGROUND:

In May 2013, the State Board of Education formally adopted the Smarter Balanced assessments in mathematics and ELA for operational implementation starting in the 2014-2015 school year. The adoption was based on recommendations submitted by a workgroup of stakeholders convened by ODE staff to review available assessment options and determine which would best serve Oregon students and districts. Starting in the 2014-2015 school year, Oregon students in grades 3 – 8 and high school will take the Smarter Balanced assessments in mathematics and ELA instead of the current OAKS mathematics, reading, and writing performance assessments. Students in grades 5, 8, and high school will continue to take the OAKS science assessment and the optional social sciences assessment, and English language learner students in Kindergarten – grade 12 who are eligible to receive services under Title III of the Elementary and Secondary Education Act will continue to take the annual Oregon English Language Proficiency Assessment (ELPA). In addition, as described in OAR 581-022-2130, students entering Kindergarten are required to take Oregon’s Kindergarten Assessment, first administered operationally in the 2013-2014 school year.

The primary purpose of this revision to OAR 581-022-0610 is to formally integrate the Smarter Balanced assessments in mathematics and ELA, as well as the Kindergarten Assessment, as part of the Oregon Statewide Assessments, the administration of which is governed by OAR 581-022-0610.

In addition, this revision aligns Oregon’s accessibility terminology with that used by the Smarter Balanced Assessment Consortium. Based on the recommendation of stakeholder advisory groups such as Oregon’s Assessment Advisory Committee and the Oregon Accommodations

Panel, the intent behind aligning Oregon’s accessibility terminology with the Smarter Balanced Assessment Consortium’s is to ensure consistency with other states in the Consortium and to streamline accessibility policies for Oregon stakeholders across all Oregon Statewide Assessments.

Staff presented the proposed revision to OAR 581-022-0610 for a first reading in April 2014. No comments were received at the public hearing on May 29, 2014, and no changes have been made to the rule since the Board’s first reading in April.

ISSUES/CONCERNS THAT SURFACED DURING RULE WORK:

- N/A

CHANGED SINCE LAST BOARD MEETING?

- N/A; first read—hasn’t been before board
- No; same as last month
- Yes – As follows:

FISCAL IMPACT: Funding was provided by Legislature

STAFF RECOMMENDATION:

- Adopt administrative rule as prepared this month
- Adopt administrative rule next month
- No recommendation at this time (rarely used)

581-022-0610: Administration of State Assessments
Revised by HC on 3/21/14

(1) Definitions. As used in this rule:

(a) “Accommodations” means changes in procedures or materials that increase equitable access during assessment and generate valid assessment results for students for whom there is documentation of need on an Individualized Education Program (IEP) or 504 (Plan); they allow these students to show what they know and can do. ~~practices and procedures in presentation, response, setting, and timing or scheduling that, when used in an assessment, provide equitable access to all students. Accommodations do not compromise the learning expectations, construct, grade-level standard, or measured outcome of the assessment as determined by the Oregon Accommodations Panel established by the Oregon Department of Education (ODE).~~

(b) ~~“Allowable resources” means subject-specific resources identified as allowable in the Test Administration Manual that are made available to students by a test administrator during a testing event. Allowable resources are not student-specific, and their use does not invalidate test results. Allowable resources are the only resources that districts may give to students during administration of an Oregon Statewide Assessment.~~ “Designated supports” means access features of the assessment available for use by any student for whom the need has been indicated by an educator or team of educators.

(c) “District test coordinator” (DTC) means district personnel who ensure secure administration of Oregon Statewide Assessments as defined by Oregon Revised Statute, Administrative Rules, and the Test Administration Manual, including but not limited to supervising the work of the school test coordinators and test administrators.

(d) “Force majeure” means an extraordinary circumstance (e.g., power outage or network disturbance lasting at least one full school day) or act of nature (e.g., flooding, earthquake, volcano eruption) which directly prevents a school district from making reasonable attempts to adhere to the Test Schedule.

(e) “Impropriety” means the administration of an Oregon Statewide Assessment in a manner not in compliance with the Test Administration Manual, Oregon Revised Statute, or this rule.

(f) “Invalidation” means the act of omitting test results and student responses from the testing, reporting, and accountability systems for a given testing event for which the student may not retest.

(g) “Irregularity” means an unusual circumstance that impacts a group of students who are testing and may potentially affect student performance on the assessment or interpretation of the students’ scores. A force majeure is an example of a severe irregularity.

(h) “Modification” means practices and procedures that compromise the intent of the assessment through a change in the achievement level, construct, or measured outcome of the assessment.

(i) “Universal Tools” means access features of the assessment that are either provided as digitally-delivered components of the test administration system or separate from it. Universal tools are available to all students based on student preference and selection.

~~(i) “OAKS Online” means the secure web-based testing application used to deliver the Oregon Assessment of Knowledge and Skills (OAKS) and the English Language Performance Assessment (ELPA).~~

~~(ii) “Oregon Statewide Assessments” means:~~

(A) The Oregon Assessment of Knowledge and Skills (OAKS) in:

~~(i) Reading/Literature;~~

~~(ii) Mathematics;~~

~~(iii) Science;~~

~~(iv) Social Sciences;~~

(B) The ~~Writing Performance Assessment;~~Smarter Balanced Assessments (Smarter) in:

(i) Mathematics

(ii) English Language Arts (ELA)

(C) The English Language Proficiency Assessment (ELPA); and

(D) The Extended Assessment in:

(i) Reading/Literature;

(ii) Mathematics;

(iii) Science;

(iv) Writing;

(E) The Kindergarten Assessment

(k) “Reset” means the removal of student responses from the web-based testing application for a given testing event for which the student may retest.

(l) “School building” means facilities owned, leased, or rented by a school district, educational service district, public charter school, private school, or private alternative program.

(m) "School district" means:

(A) A school district as defined in ORS 332.002;

(B) The Oregon School for the Deaf;

(C) The Juvenile Detention Education Program as defined in ORS 326.695;

(D) The Youth Corrections Education Program as defined in ORS 326.695;

(E) The Long Term Care Program as defined in ORS 343.961; and

(F) The Hospital Education Programs as defined in ORS 343.261.

(n) “School test coordinator” (STC) means school personnel who provide comprehensive training to test administrators and monitor the testing process.

(o) “Test Administration Manual” means a manual published annually by ODE that includes descriptions of the specific policies and procedures that school districts are required to follow when administering any component of the Oregon Statewide Assessments. References to the Test Administration Manual refer to the edition in effect at the time of test administration and include appendices and any addenda published in accordance with ODE’s revision policy.

(p) “Test administrator” (TA) means an individual trained to administer the Oregon Statewide Assessments in accordance with the Test Administration Manual.

(q) “Test Schedule” means the Test Schedule and Required Ship Dates published annually by ODE that includes the windows in which school districts must offer their students the Oregon Statewide Assessments and the deadline by which DTCs must ship or postmark test materials.

(2) (a) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all students enrolled in a school operated by the district or enrolled in a public charter school that is located within the boundaries of the school district.

(b) School districts, as defined in ORS 332.002, must enforce the assessment policies described in this rule for all resident students enrolled in a private alternative education program, regardless of whether the private alternative education program is located within the boundaries of the school district.

(c) The Oregon School for the Deaf must enforce the assessment policies described in this rule for all students enrolled in that school.

(d) The Juvenile Detention Education Program and the Youth Corrections Education Program must enforce the assessment policies described in this rule for all students enrolled in that program.

(e) The Long Term Care Program and the Hospital Education Programs must enforce the assessment policies described in this rule for all students enrolled in that program.

(f) School districts may delegate responsibility for enforcing the assessment policies described in this rule to another school district or education service district under the conditions specified in the Test Administration Manual.

(3) School districts must administer Oregon Statewide Assessments in accordance with the Test Administration Manual and Test Schedule published by ODE. ~~School districts must use student assessment data in accordance with the Adequate Yearly Progress (AYP) Policy and Technical Manual published annually by ODE.~~ The results of these assessments are used to satisfy the requirements specified in OAR 581-022-1670 and 581-022-0606 and as a method to evaluate compliance with OAR 581-022-1210.

(4) School districts must ensure that students are administered the proper Oregon Statewide Assessment and that the testing environment satisfies the following testing conditions:

(a) School districts must ensure that Oregon Statewide Assessments are administered by a trained TA who has signed an Assurance of Test Security form for the current school year on file in the district office;

(b) School districts must administer Oregon Statewide Assessments in a school building or in an environment that otherwise complies with the Test Administration Manual;

(c) School districts must apply the following criteria in deciding whether to provide a student with an accommodation during administration of an Oregon Statewide Assessment:

(A) School districts must decide whether to provide accommodations during an assessment on an individual student basis and separately for each content area to be assessed; and

(B) For students with an Individualized Education Plan (IEP) or 504 Plan, school districts must implement the assessment decision made by a student's IEP or 504 team and documented in the IEP or 504 Plan;

(d) School districts may only administer modifications to students with an IEP or 504 Plan and only in accordance with the assessment decision made by the student's IEP or 504 team and

documented in the IEP or 504 Plan. Before administering an assessment using a modification, a student's IEP or 504 team must inform the student's parent that the use of a modification on an ~~OAKS~~ assessment will result in an invalid assessment;

(e) School districts must provide only those subject-specific allowable resources, accommodations, designated supports, and universal tools listed in the ~~Test Administration Manual~~ Oregon Accessibility Manual and must provide these supports in a manner consistent with the policies contained in the Test Administration Manual and Oregon Accessibility Manual;

(f) School districts must ensure that students do not access electronic communication devices such as cellular phones or personal digital assistants (PDAs) during an assessment; and

(g) School districts must follow all additional testing conditions specified in the Test Administration Manual.

(5) Failure by a school district to comply with Section (4) of this rule constitutes an impropriety as defined in Section 1(e) of this rule. DTCs must report all potential improprieties or irregularities to ODE within one business day of learning of the potential impropriety or irregularity in accordance with the reporting procedures contained in the Test Administration Manual.

(6) The ODE may invalidate assessment results and student responses for assessments administered under conditions not meeting the assessment administration requirements specified in Sections 3 and 4 of this rule. In rare instances, ODE may reset a student assessment at the request of the school district if ODE determines that a reset would not compromise the security or validity of the assessment.

(7) ODE counts assessments that meet the following conditions as non-participants in ODE calculations of participation and does not include such assessments in ODE calculations of performance:

(a) ~~OAKS~~ Assessments administered using modifications as defined in Section 1(h) of this rule;

(b) Invalidated assessments;

(c) Assessments administered outside the testing window specified in the Test Schedule; or

(d) Assessments shipped or postmarked after the dates identified in the Test Schedule.

(8) ODE only allows extensions to the testing window or shipping deadlines identified in the Test Schedule in cases where a force majeure occurs within three days of the close of the testing window or shipping deadline and prevents a school district from meeting the deadline. Upon receiving a force majeure extension request from the school district, ODE may permit a

one-day extension of the testing window or shipping deadline for each day of the force majeure, for up to five days. The force majeure extension begins on the first school day after normal operations resume and ends no later than the last school day in the month in which the testing window closes.

~~(9) (a) School districts must use OAKS Online when administering OAKS and ELPA.~~

~~(b) School districts may only assess students using the Extended Assessment instead of OAKS or Smarter if the student has an IEP Plan and the student's Plan indicates separately for each content area to be assessed that the student requires the Extended Assessment.~~

~~(10) School districts may only provide students with access to printed test items or reading passages from OAKS Online if:~~

~~(a) The TA administering the testing session approves the student's request to print a test item or reading passage;~~

~~(b) The printer used to print test items or reading passages is monitored by staff who have received test security training and signed an Assurance of Test Security Form for the current school year;~~

~~(c) Staff who have received test security training and signed an Assurance of Test Security Form for the current school year securely shred the printed test items or reading passages immediately after the testing session in which the test was administered in accordance with the Test Administration Manual.~~

~~(4110) School districts must administer ELPA annually to all students determined by the school district to be eligible for English language development (ELD) services under Title III of the No Child Left Behind Act of 2001 (NCLB Elementary and Secondary Education Act (ESEA)), regardless of whether an eligible student actually receives ELD services.~~

~~(11) Administration of the Kindergarten Assessment is governed by OAR 581-022-2130.~~

Stat. Auth.: ORS 326.051 and 329.075

Stats. Implemented: ORS 329.075 and 329.485

Hist.: 1EB 2-1985, f. 1-4-85, ef. 1-7-85; EB 14-1990(Temp), f. & cert. ef. 3-5-90; ODE 6-2002(Temp), f. & cert. ef. 2-15-02 thru 6-30-02; ODE 16-2002, f. & cert. ef. 6-10-02