UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUN 29 2007

The Honorable Kenneth Noonan
President
California State Board of Education
1430 N. Street, Suite 5111
Sacramento, California 95814

The Honorable Jack O'Connell
Superintendent of Public Instruction
California Department of Education
P.O. Box 944272
Sacramento, California 94244-2720

Dear President Noonan and Superintendent O'Connell:

I am writing regarding our review of California's standards and assessment system under the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB). We appreciate the efforts required to prepare for the peer review and hope that the process provides useful feedback that will support California's efforts to monitor student progress toward challenging standards.

External peer reviewers and Department staff evaluated California's evidence submitted for peer review in May 2007 and concluded that it addresses a number of the outstanding concerns regarding California's system listed in our letter of June 28, 2006. However, California's standards and assessment system does not yet meet all the statutory and regulatory requirements of section 1111(b)(1) and (3) of the ESEA. Specifically, California's evidence was not sufficient to address all required elements regarding California's performance level descriptors. In addition, we have concerns regarding gaps in the alignment of all of California's assessments to grade-level academic content standards and concerns regarding the "general mathematics test" administered at grade 8. I know that my staff has discussed the results of this review with your staff. However, I want to take this opportunity to enumerate the remaining evidence that California must provide in order to have a fully compliant system, the complete list of which is enclosed with this letter.

I know that California will complete work within the next few months that may result in a fully approved standards and assessment system under ESEA. Therefore, we are not assigning an approval status to California's system at this time. Because that system is not fully approved, however, we will place a condition on your fiscal year 2007 Title I, Part A grant award.

To ensure that all remaining work occurs in a timely manner, I request that, within two weeks of the date of this letter, you provide my staff with a detailed timeline for how and when California will satisfy the remaining requirements. As part of that timeline, please indicate when you will submit evidence as it becomes available. We will review that evidence and schedule an additional peer review, if necessary.

If California is unable to resolve the remaining issues with its assessment system by the agreed-upon timeline, the Department will take appropriate enforcement actions as outlined in the

Department's May 10, 2007, fact sheet, including the possibility of continuing *Mandatory Oversight* pursuant to 34 C.F.R. §80.12. For your convenience, I am enclosing a copy of that fact sheet, which is also available on the Department's website (http://www.ed.gov/admins/lead/account/statesystems.html).

Also enclosed with this letter are detailed comments from the peer review team that evaluated California's assessment materials. I hope you will find the reviewers' comments and suggestions helpful.

We look forward to working with California to support a high-quality standards and assessment system. If you would like to discuss this further, please do not hesitate to contact Grace Ross (Grace.Ross@ed.gov) or Catherine Freeman (Catherine.Freeman@ed.gov) of my staff.

Sincerely,

Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Arnold Schwarzenegger
Secretary David Long
Deb Sigman

Summary of Additional Evidence that California Must Submit to Meet ESEA Requirements for the California Assessment System

2.0 – ACADEMIC ACHIEVEMENT STANDARDS

1. Performance level descriptors (PLDs) that differentiate among three levels of proficiency for science in grades 5, 8, and 10.
2. Documentation of the involvement of diverse stakeholders in the development process for the PLDs in English/language arts, mathematics, and science.
3. PLDs in English/language arts, mathematics, and science that include a description of the competencies for grade-level academic achievement standards or grade-level expectations required at each grade or, in the case of science, each grade span.

3.0 – FULL ASSESSMENT SYSTEM

1. Clarification regarding the use of the "general mathematics test" at grade 8 in the State standards and assessment system, particularly regarding the technical quality of the test and its alignment to grade-level content and academic achievement standards.

5.0 – ALIGNMENT

1. A plan and a timeline to address the specific findings of the alignment studies for the California High School Exit Examination (CAHSEE), the California Standards Tests (CST), and the California Alternate Performance Assessment (CAPA).