



1331 H Street, NW – Suite 1001
Washington, DC 20005
202-785-4268
www.nagc.org

September 9, 2016

Honorable John B. King, Jr.
Secretary of Education
U.S. Department of Education
Washington, DC 20202
RE: Docket ID ED-2016-OESE 0053

Dear Secretary King:

On behalf of the National Association for Gifted Children (NAGC), I am submitting comments in response to the July 11, 2016, *Notice of Proposed Rulemaking* on Academic Assessments under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA). NAGC's comments address proposed regulations 200.2(b)(4)(i), 200.2(c)(1), and 200.5(b).

Although ESEA was amended to specifically address some of the learning needs of gifted and talented students, the law's continued draconian lockstep approach to curriculum assessment and accountability, which assumes age determines aptitude, is flawed. Rather than making placement and curriculum decisions based on a student's demonstrated ability, our system bases critical decisions on the outcome of end-of-year state assessments that are calibrated to age-based, grade-level proficiency. The information gleaned from the assessment results is inadequate for decision making for students who have surpassed grade-level concepts. NAGC urges the U.S. Department of Education to use its regulatory and administrative authority to encourage and incentivize states to consider the impact on its top students as the states develop their assessment and accountability plans. The proposed regulations on academic assessments provide an opportunity to attend to the learning needs of students at or above grade-level achievement.

Measuring Student Growth (§200(b)(2)(B)(vi))

In many classrooms, high achieving students sit bored and unchallenged as teachers work with their classmates. Many gifted children are asked to wait until the class "catches up" with them rather than being supported to continue to learn and grow.

Proposed regulation 200(b)(2)(B)(vi) allows states to include measures of student academic growth in their end-of-year assessments, which can be demonstrated in authentic ways, such as through portfolios and projects. Growth models for accountability ensure that educators challenge students across the achievement spectrum and that all learners receive the attention needed to make meaningful learning gains year to year. In addition, growth measures and associated meaningful, real-world learning embedded in assessment instruments can yield information about individual students that is useful in making curriculum and instructional decisions to maximize student learning and achievement.

NAGC recommends that the U.S. Department of Education strongly encourage states to include growth measures in their assessments and accountability systems so that educators are focused on supporting all students, even those already at the advanced level, to higher levels of achievement.

Computer Adaptive Assessments (§200.2(c)(1))

ESSA amended ESEA to allow states to develop computer adaptive assessments for accountability purposes. Computer adaptive assessments allow educators to pinpoint students' ability levels and are regularly used by gifted education programs across the country to track student mastery and learning progress. By determining students' mastery of concepts from the state's standards, educators can implement instructional strategies, such as acceleration, to ensure that their advanced students not only are able to meet the grade-level standards, but also their individual learning potential. NAGC strongly supports the use of these types of assessments and encourages further investment in innovative assessment methods.

Proposed regulation 200.2(c)(1) restates the statutory language that states may adopt computer adaptive assessment for accountability purposes and that the assessment may include items above or below a student's grade level.

NAGC recommends that the Department of Education encourage states to adopt computer adaptive assessments as an effective way to develop the formative information needed to support the states' most advanced students and reward school systems for growth among students achieving beyond proficiency through enhanced accountability systems.

Middle School Mathematics Exception (§200.5(b))

ESSA created an exception to the requirement that all eighth graders take the mathematics assessment the state typically administers. The exception was created in recognition that students taking advanced mathematics are double tested: not only must they take the "regular" state assessment for eighth grade, but they also take the end-of-course test for the course in which they are enrolled.

Proposed regulation 200.5(b) describes a narrow exception to the eighth grade mathematics assessment requirement. The exception applies only to eighth graders and only in states in which the end-of-course math assessment is the same assessment that the state administers to high school students. The regulation goes on to direct that when the students that receive the exception reach high school, the substitute required high school assessment could be either a state assessment that is more advanced than the assessment taken in eighth grade, or a nationally recognized high school academic assessment in mathematics.

NAGC recommends that the Department of Education use its authority to expand the students covered by the exception to all students who take the high school math assessment as their end-of-course math assessment regardless of their age and grade placement. Given that the purpose of the ESSA provision is to avoid double-testing students taking advanced mathematics coursework, it is not logical to limit the exemption for annual mathematics assessment in grades 3-8 to only students in eighth grade. It is

common for students who are advanced in mathematics to take high school level math courses in middle school¹ and even earlier; these students should be treated equally.

In addition, NAGC urges the Department of Education to seek a legislative amendment or allow a special administrative exception for students in grades three through eight who are enrolled in high school level courses that use the state high school assessment in reading/language arts or science as the end-of-course assessment from the ESEA grade level assessment requirement. This action would free children from redundant testing, remove barriers to accelerated instruction, and encourage educators to help children maximize achievement.

Sincerely,

A handwritten signature in cursive script that reads "George Betts".

George Betts
NAGC Board President

¹ Maryland implemented a similar exemption as proposed regulation 200.5(b) through a waiver granted by the U.S. Department of Education under the No Child Left Behind Act. Between 2011 and 2013, nearly 12,000 seventh grade students took the Maryland Algebra High School Assessment annually.