

September 11, 2014

Tina Shockley
Education Associate – Policy Advisor
Department of Education
401 Federal Street, Suite 2
Dover, DE 19901

RE: Reg. 101 DOE 9/09/14 Pre-publication Draft State Assessment System Regulation

Dear Ms. Shockley:

The Governor’s Advisory Council for Exceptional Citizens (GACEC) has reviewed the revised pre-publication draft State Assessment System regulations and would like to share the following observations.

1. In §1.2, definition of “Delaware System of Student Assessments (DESSA)”, consider the following revision” “...(ELL), ~~and~~ a norm referenced assessment;”. This would be consistent with §2.1.5 and include the NAEP.
2. In §1.2, there is now a definition of “Department” which refers to the Department of Education. However, there are many references to “Department of Education” in the balance of the regulation. The words “of Education” are redundant. See, e.g., §§2.1.5, 2.3, 4.2, and 4.4.2. An electronic scan of the document will locate such references and allow a simple revision.
3. In §1.2, the definition of “District Test Coordinator (DTC)” is counterintuitive since it includes a charter school educator. Council recommends substituting “Local Test Coordinator (LTC)”, “Agency Test Coordinator (ATC)” or “Local Agency Test Coordinator (LATC)”. In the same definition, the second sentence contains 49 words and is convoluted. Shorter sentences would make it easier to read and provide clarity.
4. There are several sections that literally apply only to districts rather than districts and charter schools. See, e.g. §§2.2, 2.3, 4.4.1, 4.4.1.1, 4.4.2, 4.5.4, 4.6.1.1, 4.6.1.2, 4.6.2.1, and 4.6.2.2.

The definition of “LEA” in §1.2 is somewhat obscure but literally is limited to services “in a school district or combination of school districts.” It is not intuitive that it covers charter schools. There is also a separate reference to charter schools in §4.4.3.

5. In §4.2, Council suggests the DOE revise the language as follows: “Annual...with disabilities who may be eligible to participate...”. Otherwise, the only parents eligible to receive notice are those whose children participated in the alternate assessment in the previous school year.

6. In §4.4.1, Council recommends substituting “would” for “shall”.

7. In §4.4.2, “Portfolio” is misspelled in the last line.

8. Section 4.4.3, second sentence, is a variation of the language discussed in our prior meeting. It omits the explicit notion that the decision-making is conducted within the context of an IEP. The DOE may wish to reconsider this aspect of the section.

9. In §4.5.2, the DOE could consider adding “communication” as an additional “domain” unless considered encompassed by “English Language Arts”.

10. In §4.6.1.2, the one percent threshold may be somewhat low. There are two options. The DOE could consider raising the threshold somewhat or the DOE could retain the one percent threshold but substitute “may conduct a review” for “will conduct a review”. The DOE may be aware of the justification/reason for a school or district exceeding the benchmark (e.g. Leach may routinely exceed the standard). Council questions whether it would make sense to conduct a review of Leach every year.

11. In §4.6.2.2, the DOE could consider substituting “may conduct a review” for “shall conduct a review”.

Thank you for your consideration of our observations. We look forward to continuing our discussions with you on the development of the State Assessment System regulations. If you have any questions, please contact me or Wendy Strauss at the GACEC office.

Sincerely,

Robert D. Overmiller
Chairperson

RDO:kpc