STATE BOARD OF EDUCATION SPECIAL MEETING September 3, 2015 Office of the State Board of Education Len B. Jordan Building 650 W State Street, 3rd Floor Boise, Idaho



Teleconference Number: (877) 820-7829 **Public Participation Code:** 9096313

Thursday, September 3, 2015, 1:00 p.m., Mountain Time

DEPARTMENT OF EDUCATION

1. Temporary Rule, IDAPA 02.03.03.004 – Alternate Assessment Achievement Standards.

BUSINESS AFFAIRS AND HUMAN RESOURCES

- 1. Office of the State Board of Education Chief Financial Officer
- 2. Western Interstate Commission for Higher Education Memorandum of Agreement

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS

- 1. Data Management Council Policies and Procedures
- 2. University of Idaho Pregame Events Alcohol Permit

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SUBJECT

Temporary Rule Amending IDAPA 08.02.03.004.07, Rules Governing Thoroughness, Incorporation by Reference, The Idaho Alternate Assessment Achievement Standards.

REFERENCE

May 18, 2011

The State Board approved the Idaho Alternate Assessment Achievement Standards.

APPLICABLE STATUTE, RULE, OR POLICY

Section 33-105, Idaho Code and Section 33-1612, Idaho Code IDAPA 08.02.03 – Rules Governing Thoroughness

BACKGROUND/DISCUSSION

In 2011, Idaho joined the National Center and State Collaborative, a project led by 24 states and five (5) centers to develop an alternate assessment based on alternate achievement standards (AA-AAS) for students with the most significant cognitive disabilities. The goal of the NCSC project was to ensure that students with the most significant cognitive disabilities achieve increasingly higher academic outcomes and develop college, career and community ready skills.

A Temporary Rule is necessary for the 2015-2016 school year to adopt the achievement levels and performance level descriptions for the Alternate Assessment, and to be in compliance with the Individuals with Disabilities Education Act (IDEA), and Idaho's Elementary Secondary Education Act (ESEA) Accountability Waiver, approved by the US Department of Education August 2015.

ATTACHMENTS

Attachment 1 – Temporary amendments IDAPA 08.02.03.004.07	Page 3
Attachment 2 – NCSC Alternate Achievement Standards in ELA and	
Mathematics, Grades 3-8 and 11.	Page 6
Attachment 3 – Idaho Impact Data	Page 20
Attachment 4 – Supporting Documents Related to the Standards	Page 26

STAFF COMMENTS AND RECOMMENDATIONS

Due to the timing of work being done at the national level the achievement standards were not finalized in time for consideration at the August Board meeting. These descriptors must be considered by the Board prior to October 1st so that they may be used to determine proficiency levels for these groups of students by the October 1st deadline included in Idaho's ESEA waiver request.

BOARD ACTION

I move to adopt the Alternate Assessment Achievement Standards in English Language Arts and mathematics, grades three (3) through eight (8) and eleven (11) as submitted in Attachment 2.

AND

I move to approve the Temporary Rule amendment to IDAPA 08.02.03.004.07 Rules Governing Thoroughness, Incorporation By Reference, as submitted in Attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No ____

IDAPA 08 TITLE 02 CHAPTER 03

08.02.03 - RULES GOVERNING THOROUGHNESS

000. LEGAL AUTHORITY.

All rules in this Thoroughness chapter (IDAPA 08.02.03) are promulgated pursuant to the authority of the State Board of Education under Article IX, Section 2 of the Idaho Constitution and under sections 33-116, 33-118, and 33-1612, Idaho Code. Specific statutory references for particular rules are also noted as additional authority where appropriate. (4-5-00)

001. TITLE AND SCOPE.

01. Title. These rules shall be known as IDAPA 08.02.03 "Rules Governing Thoroughness." (4-5-00)

02. Scope. These rules shall govern the thorough education of all public school students in Idaho.

(4-5-00)

002. WRITTEN INTERPRETATIONS.

Any written interpretations are on file at the office of the State Board of Education at 650 West State Street, Boise, Idaho 83702. (3-15-02)

003. ADMINISTRATIVE APPEALS.

Unless otherwise provided for in the Rules of the State Board of Education or in the State Board of Education Governing Policies and Procedures, all administrative appeals allowed by law shall be conducted pursuant to the Idaho Administrative Procedure Act and IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." (4-5-00)

004. INCORPORATION BY REFERENCE.

The following documents are incorporated into this rule: (3-30-07)

01. The Idaho Content Standards. The Idaho Content Standards as adopted by the State Board of Education. Individual subject content standards are adopted in various years in relation to the curricular materials adoption schedule. Copies of the document can be found on the State Board of Education website__at www.boardofed.idaho.gov. (3-29-10)

a. Driver Education, as revised and adopted on August 21, 2008. (3-29-

10)

b. Health, as revised and adopted on April 17, 2009. (3-29-10)

c. Humanities Categories: (3-29-10)

i. Art, as revised and adopted on April 17, 2009; (3-29-10)

ii. Dance, as revised and adopted on April 17, 2009; (3-29-10)

iii. Drama, as revised and adopted on April 17, 2009; (3-29-10)

iv. Interdisciplinary, as revised and adopted on April 17, 2009; (3-29-10)

v. Music, as revised and adopted on April 17, 2009; (3-29-10)

vi. World languages, as revised and adopted on April 17, 2009. (3-29-10)

d. English Language Arts, as revised and adopted on August 11, 2010. (4-7-11)

e. Limited English Proficiency, as revised and adopted on August 21, 2008. (3-29-10)

f. Mathematics, as revised and adopted on August 11, 2010. (4-7-11)

g. Physical Education, as revised and adopted on April 17, 2009. (3-29-10)

h. Science, as revised and adopted on April 17, 2009. (3-29-10)

i. Social Studies, as revised and adopted on April 17, 2009. (3-29-10)

j. Information and Communication Technology, as revised and adopted on April 22, 2010. (4-7-11)

02. The English Language Development (ELD) Standards. The World-Class Instructional Design and Assessment (WIDA) 2012 English Language Development (ELD) Standards as adopted by the State Board of Education on August 16, 2012. Copies of the document can be found on the WIDA website at www.wida.us/standards/eld.aspx. (4-4-13)

03. The Limited English Proficiency Program Annual Measurable Achievement Objectives (AMAOs) and Accountability Procedures. The Limited English Proficiency Program Annual Measurable Achievement Objectives and Accountability Procedures as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website_at www.sde.idaho.gov. (4-7-11) 04. The Idaho English Language Assessment (IELA) Achievement Standards. The Idaho English Language Assessment (IELA) Achievement Standards as adopted by the State Board of Education on November 11, 2009. Copies of the document can be found on the State Department of Education website at www.sde.idaho.gov.

(4-7-11)

05. The Idaho Standards Achievement Tests (ISAT) Achievement Standards. Achievement Standards as adopted by the State Board of Education on February 19, 2015. Copies of the document can be found on the State Board of Education website_at www.boardofed.idaho.gov. (2-19-15)

06. The Idaho Extended Content Standards. The Idaho Extended Content Standards as adopted by the State Board of Education on April 17, 2008. Copies of the document can be found at the State Board of Education website__at www.boardofed.idaho.gov. (5-8-09)

07. The Idaho Alternate Assessment Achievement Standards. Alternate Assessment Achievement Standards as adopted by the State Board of Education on May 18, 2011. September 3, 2015. Copies of the document can be found on the State Board of Education website_at www.boardofed.idaho.gov. (3-29-12) ()

08. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Deaf or Hard of Hearing. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website at <u>www.boardofed.idaho.gov</u>. (4-2-08)

09. The Idaho Standards for Infants, Toddlers, Children, and Youth Who Are Blind or Visually Impaired. As adopted by the State Board of Education on October 11, 2007. Copies of the document can be found on the State Board of Education website_at www.boardofed.idaho.gov. (4-2-08)

Grade 3 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity -	Low text complexity -	Moderate text complexity -	High text complexity -
Brief text with straightforward ideas and	Brief text with straightforward ideas and relationships; short,	Text with clear, complex ideas and relationships and	Text with detailed and implied complex ideas
relationships; short, simple sentences.	simple sentences.	simple; compound sentences.	and relationships; a variety of sentence types
			including phrases and transition words.
In reading, he/she is able to:	In reading, he/she is able to:	In reading, he/she is able to:	In reading, he/she is able to:
 identify the topic of a literary text 	determine the central idea and supporting details in literary	 determine the central idea and supporting details 	 determine the central idea and supporting
 identify a detail from a literary text 	text	in literary text	details in literary text
• identify a character or setting in a literary	 determine the main idea and identify supporting details in informational tout 	determine the main idea and identify supporting	determine the main idea and identify
text	Informational text	details in informational text	supporting details in informational text
 Identify the topic of an informational text identify a title contion or booding in an 	 determine the main fuel of visually presented informational toxt identify the purpose of text features in informational text 	• determine the main idea of visually presented	 determine the main idea of visually presented information
informational text	• use information from charts graphs diagrams or timelines	 identify the purpose of text features in 	 identify the number of text features in
 identify an illustration related to a given 	in informational text to answer questions	informational text	informational text
topic	 use context to identify the meaning of multiple meaning 	• use information from charts, graphs, diagrams, or	 use information from charts, graphs.
 identify a topic presented by an 	words	timelines in informational text to answer questions	diagrams, or timelines in informational
illustration		• use context to identify the meaning of multiple	text to answer questions
 identify the meaning of words (i.e., 		meaning words	 use context to identify the meaning of
nouns)	AND with Moderate text complexity -	AND with High text complexity -	multiple meaning words
	Text with clear, complex ideas and relationships and simple;	Text with detailed and implied complex ideas and	
	compound sentences.	relationships; a variety of sentence types including	
		phrases and transition words.	
	 use details from a literary text to answer specific questions 	 use details from a literary text to answer specific 	
	describe the relationship between characters, and character	questions	
	and setting in literary text	 describe the relationship between characters, and 	
		character and setting in literary text	
	AND with accuracy, he/she is able to:	AND with accuracy, he/she is able to:	
	 Identify simple words (i.e., words with a consonant at the baging a consonant at the and and a short yourd in the 	Identify grade level words	
	middle)		
AND in writing, he/she is able to:	AND in writing, he/she is able to:	AND in writing, he/she is able to:	
 identify a statement related to an 	 identify elements of a narrative text to include beginning. 	 identify a text feature (e.g., captions, graphs or 	
everyday topic	middle, and end	diagrams) to present information in explanatory	
	 identify the category related to a set of facts 	text	

Grade 4 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity -	Low text complexity -	Moderate text complexity -	High text complexity -
Brief text with straightforward ideas and	Brief text with straightforward ideas and relationships; short, simple	Text with clear, complex ideas and relationships and	Text with detailed and implied complex ideas
relationships; short, simple sentences.	sentences.	simple; compound sentences.	and relationships; a variety of sentence types
			including phrases and transition words.
In reading, he/she is able to:	In reading, he/she is able to:	In reading, he/she is able to:	In reading, he/she is able to:
 identify a topic of a literary text 	• determine the theme of literary text and identify supportive	determine the theme of literary text and identify	 determine the theme of literary text
identify a detail from a literary text	details	supportive details	and identify supportive details
 identify a character in a literary text 	describe character traits using text-based details in literary text	determine the main idea of informational text	determine the main idea of
• identify charts, graphs, diagrams, or	determine the main idea of informational text	• explain how the information provided in charts,	informational text
timelines in an informational text	locate information in charts, graphs, diagrams, or timelines	graphs, diagrams, or timelines contributes to an	 explain how the information provided in about a subscript of the subscript of
Identify a topic of an informational text	 use information from charts, graphs, diagrams, or timelines in informational test to any sections. 	understanding of informational text	contributors to an understanding of
 use context to identify the meaning of multiple meaning or 	informational text to answer questions	Use information from charts, graphs, diagrams, or timelines, in informational text to answer questions	informational toxt
multiple meaning words	use general academic words	use general academic words	 use information from charts, graphs
Identity general academic words	AND with Moderate text complexity	Use general academic words	diagrams or timelines in informational
	AND with Noderate text complexity -	AND with High text complexity -	text to answer questions
	compound sentences	relationshins: a variety of sentence types including	 use general academic words
		nhrases and transition words	
	use details from a literary text to answer specific questions	use details from a literary text to answer specific	
	use context to identify the meaning of multiple meaning words	questions	
	- use context to identify the meaning of mattiple meaning words	describe character traits using text-based details in	
		literary text	
		• use context to identify the meaning of multiple	
		meaning words	
	AND with accuracy, he/she is able to:	AND with accuracy, he/she is able to:	
	 identify simple words (i.e., words with a consonant at the 	 identify grade level words 	
	beginning, a consonant at the end, and a short vowel in the		
	middle)		
AND in writing, he/she is able to:	AND in writing, he/she is able to:	AND in writing, he/she is able to:	
identify the concluding sentence in a	identify elements of a narrative text to include beginning,	• identify a text feature (e.g., headings, charts, or	
short explanatory text	middle, and end	diagrams) to present information in explanatory text	
	 identify a concluding sentence related to information in 		
	explanatory text		

Grade 5 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity -	Low text complexity -	Moderate text complexity -	High text complexity -
Brief text with straightforward ideas and	Brief text with straightforward ideas and	Text with clear, complex ideas and relationships	Text with detailed and implied complex ideas and
relationships; short, simple sentences.	relationships; short, simple sentences.	and simple; compound sentences.	relationships; a variety of sentence types including
-			phrases and transition words.
In reading, he/she is able to:	In reading, he/she is able to:	In reading, he/she is able to:	In reading, he/she is able to:
 identify an event from the beginning of a 	 compare characters, settings, and events in 	 compare characters, settings, and events in 	 compare characters, settings, and events in
literary text	literary text	literary text	literary text
 identify a detail from a literary text 	determine the main idea and identify	 determine the main idea and identify 	 determine the main idea and identify
 identify a character, setting and event in a 	supporting details in informational text	supporting details in informational text	supporting details in informational text
literary text	use details from the text to support an	 use details from the text to support an 	 use details from the text to support an
 identify the topic of an informational text 	author's point in informational text	author's point in informational text	author's point in informational text
• identify the main idea of an informational text	compare and contrast how information and	compare and contrast how information and	compare and contrast how information and
• identify the difference in how information is	events are presented in two informational	events are presented in two informational	events are presented in two informational
presented in two sentences	texts	texts	texts
	• use context to identify the meaning of multiple	• use context to identify the meaning of multiple	• use context to identify the meaning of multiple
	meaning words	meaning words	meaning words
	AND with Moderate text complexity -	AND with High text complexity -	
	Text with clear, complex ideas and relationships	Text with detailed and implied complex ideas and	
	ana simple; compound sentences.	relationships; a variety of sentence types including	
	• summarize a literary taxt from beginning to	pinuses und transition words.	
	Summarize a interary text from beginning to	Summarize a literary text from beginning to	
		 use details from a literary text to answer 	
	• use details from a literary text to answer	specific questions	
	specific questions		
AND in writing, he/she is able to:	AND in writing, he/she is able to:	AND in writing, he/she is able to:	
Identify the category related to a set of	Identify elements of a narrative text to include	• support an explanatory text topic with relevant	
common nouns	beginning, middle, and end	information	
	Identify a sentence that is organized for a text		
	structure such as comparison/contrast		

Grade 6 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity - Brief text with straightforward ideas and relationships; short, simple sentences.	Low text complexity - Brief text with straightforward ideas and relationships; short, simple sentences.	Moderate text complexity - Text with clear, complex ideas and relationships and simple; compound sentences.	High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words.
 In reading, he/she is able to: identify an event from the beginning or end of a literary text identify a detail from a literary text identify a character in a literary text identify the topic of an informational text identify the main idea of an informational text identify a fact from an informational text identify a description of an individual or event in an informational text use context to identify the meaning of multiple meaning words identify the meaning of general academic words 	 In reading, he/she is able to: summarize a literary text from beginning to end without including personal opinions support inferences about characters using details in literary text use details from the text to elaborate a key idea in informational text 	 In reading, he/she is able to: summarize a literary text from beginning to end without including personal opinions support inferences about characters using details in literary text summarize an informational text without including personal opinions use details from the text to elaborate a key idea in informational text use evidence from the text to support an author's claim in informational text summarize information presented in two informational texts use domain specific words accurately 	 In reading, he/she is able to: summarize a literary text from beginning to end without including personal opinions use details from a literary text to answer specific questions support inferences about characters using details in literary text use details from the text to elaborate a key idea in an informational text use evidence from the text to support an author's claim in informational text use domain specific words accurately
	AND with Moderate text complexity - Text with clear, complex ideas and relationships and simple; compound sentences.	AND with High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words.	
	 use details from a literary text to answer specific questions use context to identify the meaning of multiple meaning words 	 use details from a literary text to answer specific questions use context to identify the meaning of multiple meaning words 	
 AND in writing, he/she is able to: identify an everyday order of events 	 AND in writing, he/she is able to: identify elements of an explanatory text to include introduction, body, and conclusion identify the next event in a brief narrative 	 AND in writing, he/she is able to: identify transition words and phrases to convey a sequence of events in narrative text 	

Grade 7 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity - Brief text with straightforward ideas and relationships; short, simple sentences.	Low text complexity - Brief text with straightforward ideas and relationships; short, simple sentences.	Moderate text complexity - Text with clear, complex ideas and relationships and simple; compound sentences.	High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words.
 In reading, he/she is able to: identify a theme from a literary text identify an inference from a literary text identify a conclusion from an informational text identify a claim the author makes in an informational text compare and contrast two statements related to the same topic use context to identify the meaning of words 	 In reading, he/she is able to: identify the relationship between individuals or events in an informational text use evidence from the text to support an author's claim in informational text in informational text 	 In reading, he/she is able to: use details to support a conclusion from informational text use details to explain how the interactions between individuals, events or ideas in informational texts are influenced by each other use evidence from the text to support an author's claim in informational text compare and contrast how two authors write about the same topic in informational texts use context to identify the meaning of gradelevel phrases 	 In reading, he/she is able to: use details to support a conclusion from informational text use details to explain how the interactions between individuals, events or ideas in informational texts are influenced by each other use evidence from the text to support an author's claim in informational text compare and contrast how two authors write about the same topic in informational texts use context to identify the meaning of grade- level phrases
	AND with Moderate text complexity - Text with clear, complex ideas and relationships and simple; compound sentences.	AND with High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words.	
	 use details to support themes from literary text use details to support inferences from literary text 	 use details to support themes from literary text use details to support inferences from literary text 	
 AND in writing, he/she is able to: identify a graphic that includes an event as described in a text 	 AND in writing, he/she is able to: identify elements of an explanatory text to include introduction, body, and conclusion identify the next event in a brief narrative 	 AND in writing, he/she is able to: identify a sentence that provides a conclusion in narrative text 	

Grade 8 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity - Brief text with straightforward ideas and relationships; short, simple sentences.	Low text complexity - Brief text with straightforward ideas and relationships; short, simple sentences.	Moderate text complexity - <i>Text with clear, complex ideas and relationships</i> <i>and simple; compound sentences.</i>	High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words.
 In reading, he/she is able to: identify a theme from a literary text identify an inference from a literary text identify a fact related to a presented argument in informational text identify a similar topic in two informational texts use context to identify the meaning of multiple meaning words identify the meaning of general academic words 	 In reading, he/she is able to: use details to support a conclusion from literary text identify an inference drawn from an informational text identify the portion of text which contains specific information identify an argument the author makes in informational text examine parts of two informational texts to identify where the texts disagree on matters of fact or interpretation use domain specific words or phrases accurately 	 In reading, he/she is able to: use details to support a conclusion from literary text use details to support an inference from informational text identify the information (e.g., facts or quotes) in a section of text that contributes to the development of an idea identify an argument the author makes in informational text examine parts of two informational texts to identify where the texts disagree on matters of fact or interpretation use domain specific words and phrases accurately. 	 In reading, he/she is able to: use details to support a conclusion from literary text use details to support an inference from informational text identify the information (e.g., facts or quotes) in a section of text that contributes to the development of an idea identify an argument the author makes in informational text examine parts of two informational texts to identify where the texts disagree on matters of fact or interpretation use domain specific words and phrases
	 AND with Moderate text complexity - Text with clear, complex ideas and relationships and simple; compound sentences. analyze the development of a theme including the relationship between a character and an event in literary text use context to identify the meaning of 	 AND with High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words. analyze the development of a theme including the relationship between a character and an event in literary text use context to identify the meaning of 	
 AND in writing, he/she is able to: identify a writer's opinion 	 AND in writing, he/she is able to: identify elements of an explanatory text to include introduction, body, and conclusion identify an idea relevant to a claim 	 AND in writing, he/she is able to: identify relevant information to support a claim 	

Grade 11 ELA Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low text complexity -	Low text complexity -	Moderate text complexity -	High text complexity -
Brief text with straightforward ideas and relationships: short, simple sentences.	Brief text with straightforward ideas and relationships: short, simple sentences.	and simple: compound sentences.	relationships: a variety of sentence types
			including phrases and transition words.
 identify a summary of a literary text identify an event from a literary text identify the central idea of an informational text 	 use details to support a summary of literary text identify a conclusion from an informational text 	 use details to support a summary of literary text use details to support a conclusion presented in informational text 	 use details to support a summary of literary text use details to support a conclusion presented in informational text
 identify facts from an informational text identify what an author tells about a topic in informational text 	 identify key details that support the development of a central idea of an informational text 	 identify key details that support the development of a central idea of an informational text 	 identify key details that support the development of a central idea of an informational text
 use context to identify the meaning of multiple meaning words 	 use details presented in two informational texts to answer a question 	 use details presented in two informational texts to answer a question 	 use details presented in two informational texts to answer a question
 identify a word used to describe a person, place, thing, action or event 	explain why an author uses specific word choices within texts	 explain why an author uses specific word choices within texts 	 explain why an author uses specific word choices within texts
	AND with Moderate text complexity - <i>Text with clear, complex ideas and relationships</i> <i>and simple; compound sentences.</i>	AND with High text complexity - Text with detailed and implied complex ideas and relationships; a variety of sentence types including phrases and transition words.	
	 evaluate how the author's use of specific details in literary text contributes to the text determine an author's point of view about a topic in informational text use context to identify the meaning of grade-level phrases 	 evaluate how the author's use of specific details in literary text contributes to the text determine an author's point of view about a topic in informational text use context to identify the meaning of grade-level phrases 	
 AND in writing, he/she is able to: identify information which is unrelated to a given topic 	 AND in writing, he/she is able to: identify elements of an argument to include introduction, claim, evidence, and conclusion identify how to group information for a specific text structure 	 AND in writing, he/she is able to: identify relevant information to address a given topic and support the purpose of a text 	

Grade 3 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols	Low task complexity - Simple problems using common mathematical terms and symbols	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements
 He/she is able to: solve addition problems identify growing number patterns identify an object showing a specified number of parts shaded identify which object has the greater number of parts shaded identify an object equally divided in two parts identify the number of objects to be represented in a pictograph 	 He/she is able to: solve addition and subtraction word problems identify an arrangement of objects which represents factors in a problem solve multiplication equations in which both numbers are equal to or less than five identify multiplication patterns identify a set of objects as nearer to 1 or 10 identify a representation of the area of a rectangle 	 He/she is able to: solve addition and subtraction word problems check the correctness of an answer in the context of a scenario solve multiplication equations in which both numbers are equal to or less than five identify multiplication patterns match fraction models to unitary fractions compare fractions with different numerators and the same denominator transfer data from an organized list to a bar graph 	 He/she is able to: solve addition and subtraction word problems check the correctness of an answer in the context of a scenario solve multiplication equations in which both numbers are equal to or less than five identify multiplication patterns match fraction models to unitary fractions compare fractions with different numerators and the same denominator transfer data from an organized list to a bar graph
	AND with Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols • identify geometric figures which are divided into equal parts	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols round numbers to nearest 10 identify geometric figures which are divided into equal parts count unit squares to compute the area of a rectangle 	

Grade 4 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols	Low task complexity - Simple problems using common mathematical terms and symbols	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements
 He/she is able to: identify an array with the same number of objects in each row identify values rounded to nearest tens place identify equivalent representations of a fraction (e.g., shaded diagram) compare representations of a fraction (e.g., shaded diagram) identify a rectangle with the larger or smaller perimeter identify a given attribute of a shape identify the data drawn in a bar 	 He/she is able to: match a model to an multiplication expression using two single digit numbers identify a model of a multiplicative comparison show division of objects into equal groups round numbers to nearest 10, 100 or 1000 differentiate parts and wholes compute the perimeter of a rectangle 	 He/she is able to: solve multiplication word problems show division of objects into equal groups round numbers to nearest 10, 100, or 1000 compare two fractions with different denominators sort a set of 2-dimensional shapes compute the perimeter of a rectangle transfer data to a graph 	 He/she is able to: solve multiplication word problems show division of objects into equal groups round numbers to nearest 10, 100 or 1000 compare two fractions with different denominators sort a set of 2-dimensional shapes compute the perimeter of a rectangle transfer data to a graph
graph that represents the greatest value	 AND with Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols identify equivalent fractions select a 2-dimensional shape with a given attribute 	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols solve a multiplicative comparison word problem using up to two- digit numbers check the correctness of an answer in the context of a scenario identify equivalent fractions 	

Grade 5 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols He/she is able to:	Low task complexity - Simple problems using common mathematical terms and symbols He/she is able to:	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols He/she is able to:	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements He/she is able to:
 solve one-step subtraction word problems divide sets (no greater than 6) into two equal parts identify values in the tenths place identify a number in the ones, tens or hundreds place identify a given axis of a coordinate plan match the conversion of 3 feet to 1 yard to a model calculate elapsed time (i.e., hours) identify whether the values increase or decrease in a line graph 	 identify if the total will increase or decrease when combining sets perform operations with decimals identify a symbolic representation of the addition of two fractions identify place values to the hundredths place convert standard measurements 	 solve multiplication and division word problems perform operations with decimals solve word problems involving fractions identify place values to the hundredths place locate a given point on a coordinate plane when given an ordered pair convert standard measurements convert between minutes and hours make quantitative comparisons between data sets shown as line graphs 	 solve multiplication and division word problems perform operations with decimals solve word problems involving fractions identify place values to the hundredths place locate a given point on a coordinate plane when given an ordered pair convert standard measurements convert between minutes and hours make quantitative comparisons between data sets shown as line graphs
	 AND with Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols compare the values of two products based upon multipliers round decimals to nearest whole number 	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols compare the values of two products based upon multipliers round decimals to nearest whole number 	

Grade 6 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols	Low task complexity - Simple problems using common mathematical terms and symbols	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements
 He/she is able to: identify a model of a given percent match a given unit rate to a model identify a representation of two equal sets identify a number less than zero on a number line identify the meaning of an unknown in a modeled equation count the number of grids or tiles inside a rectangle to find the area of a rectangle identify the object that appears most frequently in a set of data (mode) 	 He/she is able to: match a given ratio to a model recognize a representation of the sum of two halves solve real world measurement problems involving unit rates identify a representation of a value less than zero identify the median or the equation needed to determine the mean of a set of data 	 He/she is able to: perform operations using up to three-digit numbers solve real world measurement problems involving unit rates identify positive and negative values on a number line determine the meaning of a value from a set of positive and negative integers solve word problems with expressions including variables compute the area of a parallelogram identify the median or the equation needed to determine the mean of a set of data 	 elements He/she is able to: solve real world measurement problems involving unit rates identify positive and negative values on a number line solve word problems with expressions including variables compute the area of a parallelogram identify the median or the equation needed to determine the mean of a set of data
 identify a representation of a set of data arranged into even groups (mean) 	 AND with Moderate task complexity Common problems presented in mathematical context using various mathematical terms and symbols perform one-step operations with two decimal numbers solve word problems using a percent 	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols perform one-step operations with two decimal numbers solve word problems using a percent solve word problems using ratios and rates 	

Grade 7 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols	Low task complexity - Simple problems using common mathematical terms and symbols	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements
 He/she is able to: identify a representation which represents a negative number and its multiplication or division by a positive number identify representations of area and circumference of a circle identify representations of surface area make qualitative comparisons when interpreting a data set presented on a bar graph or in a table 	 He/she is able to: match a given ratio to a model identify the meaning of an unknown in a modeled equation describe a directly proportional relationship (i.e., increases or decreases) find the surface area of three- dimensional right prism 	 He/she is able to: solve division problems with positive/negative whole numbers solve word problems involving ratios use a proportional relationship to solve a percentage problem identify proportional relationships between quantities represented in a table identify unit rate (constant of proportionality) in tables and graphs of proportional relationships compute the area of a circle find the surface area of a three-dimensional right prism 	 He/she is able to: solve division problems with positive/negative whole numbers solve word problems involving ratios identify proportional relationships between quantities represented in a table compute the area of a circle find the surface area of a three-dimensional right prism
	 AND with Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols solve multiplication problems with positive/negative whole numbers interpret graphs to qualitatively contrast data sets 	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols solve multiplication problems with positive/negative whole numbers evaluate variable expressions that represent word problems interpret graphs to qualitatively contrast data sets 	

Grade 8 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols	Low task complexity - Simple problems using common mathematical terms and symbols	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements
 He/she is able to: locate a given decimal number on a number line identify the relatively larger data set when given two data sets presented in a graph identify congruent rectangles identify similar rectangles identify an attribute of a cylinder identify a rectangle with the larger or smaller area as compared to another rectangle identify an ordered pair and its point on a graph 	 He/she is able to: identify the solution to an equation which contains a variable identify the y-intercept of a linear graph match a given relationship between two variables to a model identify a data display that represents a given situation interpret data presented in graphs to identify associations between variables 	 He/she is able to: locate approximate placement of an irrational number on a number line solve a linear equation which contains a variable identify the relationship shown on a linear graph calculate slope of a positive linear graph compute the change in area of a figure when its dimensions are changed solve for the volume of a cylinder plot provided data on a graph 	 He/she is able to: locate approximate placement of an irrational number on a number line solve a linear equation which contains a variable identify the relationship shown on a linear graph compute the change in area of a figure when its dimensions are changed plot provided data on a graph
	 AND with Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols identify congruent figures use properties of similarity to identify similar figures interpret data tables to identify the relationship between variables 	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols interpret data presented in graphs to identify associations between variables interpret data tables to identify the relationship between variables use properties of similarity to identify similar figures identify congruent figures 	

Grade 11 Mathematics Performance Level Descriptors

Level 1	Level 2	Level 3	Level 4
Low task complexity - Simple problems using common mathematical terms and symbols	Low task complexity - Simple problems using common mathematical terms and symbols	Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols	High task complexity - Multiple mathematical ideas presented in problems using various mathematical terms and symbolic representations of numbers, variables, and other item elements
 He/she is able to: arrange a given number of objects into two sets in multiple combinations match an equation with a variable to a provided real world situation determine whether a given point is or is not part of a data set shown on a graph identify an extension of a linear graph use a table to match a unit conversion complete the formula for area of a figure 	 He/she is able to: identify the model that represents a square number identify variable expressions which represent word problems identify the hypotenuse of a right triangle identify the greatest or least value in a set of data shown on a number line identify the missing label on a histogram calculate the mean and median of a set of data 	 He/she is able to: compute the value of an expression that includes an exponent identify variable expressions which represent word problems solve real world measurement problems that require unit conversions find the missing attribute of a three-dimensional figure determine two similar right triangles when a scale factor is given make predictions from data tables and graphs to solve problems plot data on a histogram calculate the mean and median of a set of data 	 He/she is able to: identify variable expressions which represent word problems solve real world measurement problems that require unit conversions determine two similar right triangles when a scale factor is given make predictions from data tables and graphs to solve problems plot data on a histogram calculate the mean and median of a set of data
	 AND with Moderate task complexity - Common problems presented in mathematical context using various mathematical terms and symbols identify the linear representation of a provided real world situation use an equation or a linear graphical representation to solve a word problem 	 AND with High task complexity - Common problems presented in mathematical context using various mathematical terms and symbols identify the linear representation of a provided real world situation use an equation or a linear graphical representation to solve a word problem identify a histogram which represents a provided data set 	



To:NCSC Operational Assessment State PartnersFrom:NCSC Project Staff LeadsSubject:NCSC Cut Scores and Approval ProcessDate:August 14, 2015

Overview of Standard Setting Process

During the week of August 9-13, 2015, NCSC conducted a three-stage process where educators and policy makers from member states recommended three cut scores resulting in four performance levels: Level 1, Level 2, Level 3, and Level 4. The three-stage process included a Bookmark standard setting workshop, an articulation committee, and a meeting of state-level representatives from NCSC member states.

The Bookmark method involves rank-ordering the items by difficulty in an ordered item booklet. Panelists placed bookmarks to indicate the content that students should know in order to be placed in each performance level. During the standard setting meeting the panelists participated in three rounds of discussion and bookmark placement.

The cut scores resulting from the third round of judgments were brought to the Articulation Committee. The panelists in the Articulation Committee reviewed the system of cut scores and impact data across all the grades within a content area. The panelists recommended small adjustments to the cut scores for both Mathematics (3 cuts) and English Language Arts (4 cuts).

Finally, the NCSC state representatives discussed the recommendations from the articulation committee. Based on discussion and a review of the ordered item book, the NCSC state representatives moved one cut in mathematics and one cut in English Language Arts.

¹⁵⁰ Pillsbury Drive SE / 207 Pattee Hall / Minneapolis, MN 55455 / phone: 612-708-6960 / fax: 612-624-0879 / www.ncscpartners.org



Table 1. Overview of Process for Establishing NCSC Cut Scores

Date	Process	Attendees	Purpose
August 10-12	Bookmark Standard Setting	Educators from NCSC States	During this three-day workshop, educators recommended content- based cut scores based on NCSC's performance-level descriptors and NCSC test items.
August 13	Articulation Committee	Subset of Bookmark Panelists	During this committee meeting, educators discussed the pattern of cut scores across grades within a content area.
August 13	States finalize recommendation	Representatives from NCSC Member States	NCSC states reviewed and discussed the results of the standard setting and articulation committees. This group made small adjustments to the cut scores.
August 21	State Vote/Approval	Representatives (e.g., BOE) in Member States	States will approve the NCSC cut scores

NCSC Results Based on Recommended Cuts

The recommended cuts by grade and content area have resulted in the following results for the NCSC consortia 2015 operational assessment. The NCSC data below are confidential. States will receive their individual state impact data on Friday, August 14, 2015 through the secure Measured Progress FTP site.

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NCSC Mathematics								
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	
% Level 1	25	32	22	30	16	25	19	
% Level 2	20	28	31	29	33	23	31	
% Level 3	36	23	32	17	34	26	25	
% Level 4	20	17	14	24	17	25	25	
% Level 3 & 4	56	40	46	41	51	51	50	

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NCSC English Language Arts								
	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	Grade 11	
% Level 1	39	34	23	33	32	28	28	
% Level 2	25	20	30	30	17	28	18	
% Level 3	26	36	37	26	36	26	35	
% Level 4	9	10	10	11	15	18	19	
% Level 3 & 4	35	46	47	37	51	44	54	

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On Tuesday, August 18, states will have their regular Tuesday, 2:00 – 4:00 ET call and will discuss each state's progress towards approval and any concerns. States must email Susan Izard at <u>Izard.Susan@measuredprogress.org</u> and Sharon Hall at

<u>Shall@edcount.com</u> with your state's approval by 6:00pm ET on August 21, 2015. States must also notify Susan and Sharon if they choose not to use the NCSC recommended cut scores.

If an individual state chooses to establish its own cut scores, that state must procure its own reporting contract to include any additional work required for analysis, reporting, and interpretation guides. States that establish its own cut scores must also clearly indicate that its scores are not comparable to other NCSC states when reporting results. NCSC reports will be based on the cut scores that result from the process described above.

Shar E. Hell

Sharon E. Hall NCSC Director of Assessments

Rachel J. Luenemoen

Rachel F. Quenemoen NCSC Project Director

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4

subject	subgroup	level	grade03	grade04	grade05	grade06	grade07	grade08	grade11
ela	ID	1	33.2	29.7	19.9	25.9	27.9	25.3	26.7
ela	ID	2	26.4	22.4	24.8	35.8	21.7	27.9	17.8
ela	ID	3	27.3	37.5	42.9	25.4	36.5	26.2	26
ela	ID	4	13.2	10.4	12.4	12.9	13.9	20.5	29.5



*This preliminary ELA report does not include students with a closed test. A student receives a closed test indicator if they were unable to communicate a response to the first four items on the test AS WELL AS did not communicate a response during the student response check prior to test administration. A student with a closed test will be included in performance level 1.

subject	subgroup	level	grade03	grade04	grade05	grade06	grade07	grade08	grade11
mat	ID	1	19.4	27.7	18.6	22.6	18.2	22.8	17.6
mat	ID	2	19.4	25.8	30.1	33	28.9	24.6	29.7
mat	ID	3	38.9	28.5	33.6	21.7	36.4	22.4	23.6
mat	ID	4	22.2	18.1	17.7	22.6	16.5	30.2	29.1



*This preliminary mathematics report does not include students with a closed test. A student receives a closed test indicator if they were unable to communicate a response to the first four items on the test *AS WELL AS* did not communicate a response during the student response check prior to test administration. A student with a closed test will be included in performance level 1.



Number 1

NCSC Brief

June 2015

AA-AAS: Standards That Are the "Same but Different"

Introduction

Alternate assessments based on alternate achievement standards (AA-AAS) are designed to measure the knowledge and skills of students with significant cognitive disabilities. When first required by the Individuals with Disabilities Education Act,¹ there was limited understanding of the content on which the assessments should be based. There was even less understanding of appropriate expectations for the students participating in these new assessments.

At that time, most educators assumed that students with significant cognitive disabilities could not learn academic content, nor would they benefit from academic content if they could learn it. Their curriculum was based on an assumption that functional life-skills were the only appropriate and feasible path to the future. Yet, there were small pockets of educators using evidence-based practices and a commitment to including ALL students in standards-based reform. Through their efforts, teachers, parents, and the students themselves demonstrated the assumption that only functional life-skills could be learned was not true. Consistent with the principle of the "least dangerous assumption,"² the values of age-appropriate content and least restrictive alternatives led to more students with significant cognitive disabilities being included in grade-level settings, and participating actively in the grade-level curriculum.

The IDEA requirement to assess students with significant cognitive disabilities as part of standards-based reform was in response to this early evidence that it was time to raise the bars of opportunity and expectation for these students. Although there was agreement that students with significant cognitive disabilities would need adapted curricular materials, with reduced depth, breadth, and complexity, they had demonstrated that they could participate fully in the big ideas and activities of the grade-level curriculum and build skills and knowledge that supported their active engagement in the school, community, and with peers. Evidence was building that they could benefit from the same content as their peers, but at a different level of expectation and achievement.

In the time that has passed since the AA-AAS was first required, much has been learned about the students who participate in the AA-AAS and the standards for both content and achievement on which they are based. Still, there is confusion about what it means to have the assessment based on the *same* grade-level content standards but *different* achievement standards from those on which the general assessments are based. This Brief provides definitions and examples of

A. (1984). The criterion of the least dangerous assumption. *Behavioral Disorders, 9*, 141-150.

¹Alternate assessments were first required in the reauthorization of the Individuals with Disabilities Education Act of 1997.

^{2 &}quot;The criterion of least dangerous assumption holds that in the absence of conclusive data, educational decisions ought to be based on assumptions which, if incorrect, will have the least dangerous effect on the likelihood that students will be able to function independently as adults." Source: Donnellan,

National Center and State Collaborative

same grade-level content standards and different achievement standards.

Same Grade-Level Content Standards

Content standards define the content being assessed. In the past several years, states and consortia of states have been developing assessments based on college and career ready standards. These include both general assessments and alternate assessments meant to measure college and career readiness, based on the same content that is defined by the state as the content standard for each grade level. Alternate assessments are based on the same foundation of rigorous content as the general assessments.

Just as teachers found success and benefits from including students with significant cognitive disabilities in the curriculum of their gradelevel peers, but with less depth, breadth, and complexity in their content expectations, alternate assessments cover the same carefully prioritized content. For example, at grade 4, all students, including those with significant cognitive disabilities, will work on area and perimeter, as stated in this content standard: Apply the area and perimeter formulas for rectangles in real world and mathematical problems. Educators will use this content standard to adapt instruction for students with significant cognitive disabilities using evidencebased practices³—adjusting the depth, breadth, and complexity of the instructional content as the students learn.

Different Achievement Standards

As teachers work to include all students in the grade-level curriculum in the least restrictive

environment, they may struggle to determine what level of achievement they should expect, and to ensure they are not reducing depth, breadth, or complexity in ways that prevent opportunities for all students to learn. That is also true with alternate assessments—what should we expect that students with significant cognitive disabilities can reasonably achieve on the gradelevel content?

Alternate achievement standards⁴ define how well students need to perform on the content to be considered proficient. They include four components:⁵

(1) **Levels**: These provide descriptive labels or narratives for student performance (i.e., proficient, advanced, etc.).

(2) **Descriptions**: These indicate what students at each level must demonstrate relative to the assessment tasks. These are referred to as *performance level descriptors*⁶ (PLDs) or *achievement level descriptors* (ALDs).

(3) **Student Work Examples**: These illustrate the range of performance within each level.

(4) **Cut Scores**: These clearly separate each performance level.

Performance/Achievement level descriptors (PLDs) reflect both the content assessed and the expectations for students. They describe how different performance levels on a test reflect specific skills and knowledge in the content being assessed. It is through PLDs that teachers, parents, and the public can see not only what grade-level content a student should know and do to be proficient, but also how well the student needs to perform—what depth, breadth, and complexity is an appropriately

³ See https://wiki.ncscpartners.org/index.php/Main_Page for specific guidance on evidence-based practice and strategies to adapt appropriately for all students, including specific instructional strategies at https://wiki.ncscpartners. org/index.php/Instructional_Resource_Guide and progress monitoring tools at https://wiki.ncscpartners.org/index.php/ Systematic_Activities_for_Scripted_Systematic_Instruction.

⁴ Achievement standards are also known as *performance* standards.

⁵ Components identified by the Council of Chief State School Officers (2001). Source: Sheinker, J. M., & Redfield, D. L. (2001). *Handbook for professional development on assessment literacy*. Washington, DC: CCSSO.

⁶ ESEA and IDEA use the term *achievement level descriptors*. The terms are used interchangeably.

NCSC Brief #1

high expectation.

PLDs show how one level of achievement differs from another level. In doing so, they also show the specific content, skills, or knowledge that are the next steps in learning.

Achievement standards for AA-AAS are set in the same way as achievement standards are set for general assessments. States have differed in the decisions they have made about whether the achievement standards reflect high expectations closely aligned to grade level performance or they reflect low expectations. In the past, it often was the case that states set reasonably high expectations for the general assessment but low expectations for the AA-AAS.

For example, states or consortia have developed PLDs to reflect appropriately high expectations for students in the AA-AAS. The examples below reflect high, low, and very low expectations, currently reflected in state or consortia PLDs, using the grade 4 content standard noted earlier.

Grade 4 Content Standard: Apply the area and perimeter formulas for rectangles in real world and mathematical problems.

PLD for Grade 4 Proficient Expectation for General Assessment: The student who is proficient solves problems that include calculating area and perimeter, including those in which side lengths are missing.

Same Content and Different Achievement Standards for Student Success

PLDs provide powerful policy statements about both the content standards and the achievement standards for the AA-AAS. Further, they give teachers information about the next steps in learning and directions of focus for their teaching.

Through the use of PLDs, teachers can build their understanding of how students with significant cognitive disabilities are provided meaningful access to the curriculum. Resources are available to build teacher understanding of both the grade-level content and appropriate instructional strategies to reduce depth, breadth, and complexity for appropriate but high achievement. For example, the online instructional resources at https://wiki. ncscpartners.org/index.php/Instructional <u>Resources</u> were developed to support educators in the delivery of instruction aligned to college and career ready standards, with grade-level content standards and alternate achievement standards as the least dangerous assumption for student success!

Examples of AA-AAS PLDs for Grade 4 Proficient Expectations That Reflect High, Low, and Very Low Expectations

High Expectation	Lower Expectation	Very Low Expectation		
The student who is proficient	The student who is proficient	The student who is proficient		
solves problems using	identifies differences in circles,	can make a rectangular bed.		
perimeter and area.	squares, and triangles			

National Center and State Collaborative

NCSC Brief #1

June 2015

This Brief reflects the work of the National Center and State Collaborative (NCSC). Authors of this report are Rachel F. Quenemoen and Martha L. Thurlow.



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The NCSC state partners participating in the spring 2015 NCSC operational assessment are: Arizona, Arkansas, Connecticut, District of Columbia, Idaho, Indiana, Pacific Assessment Consortium, Maine, Montana, New Mexico, Rhode Island, South Carolina, South Dakota, and US Virgin Islands. As of spring 2015, additional states are members of the NCSC Consortium, representing varying levels of participation. They are: California, Delaware, Florida, Louisiana, Maryland, New York, Oregon, Pennsylvania, Tennessee, and Wyoming.

NCSC includes five partner organizations (National Center on Educational Outcomes – NCEO – at the University of Minnesota; National Center for the Improvement of Educational Assessment – Center for Assessment, University of North Carolina at Charlotte, University of Kentucky, and edCount, LLC). NCSC is supported by a cooperative agreement with the U.S. Department of Education, Office of Special Education Programs (H373X100002, Project Officer: <u>Susan.Weigert@ed.gov</u>). The contents of this Brief do not necessarily represent the policy of the U.S. Department of Education, and no assumption of endorsement by the Federal government should be made.

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Number 2

NCSC Brief

AA-AAS: Defining High Expectations for Students with Significant Cognitive Disabilities

Introduction

States have implemented alternate assessments for nearly two decades.¹ All states now use alternate assessments based on alternate achievement standards (AA-AAS) in their accountability systems.²

Expectations for students on the AA-AAS in the late 1990s and early 2000s reflected a prevalent belief that students with significant cognitive disabilities could not learn academic content or could only learn very basic skills. This prevalent belief was reflected in alternate achievement standards that reflected functional content or limited academic skills despite emerging evidence that learning age-appropriate academic content with less depth, breadth, and complexity was possible for students with significant cognitive disabilities.³ Evidence is accumulating to suggest that past expectations for students with significant cognitive disabilities, reflected in states' AA-AAS, have been too low. This Brief shows state data that highlight the low expectations defined for AA-AAS in the past, and presents recent evidence from educators that highlights the need to define higher expectations for students with significant cognitive disabilities.

June 2015

Low Expectations in AA-AAS

Alternate achievement standards that define how well students need to perform typically have three or more levels—for example, *Below* proficient, Proficient, and Advanced. Some states have more than three levels. Some states use the same labels for the alternate achievement standards as they use for the general assessment. Other states use different labels. Nevertheless, all states define a "proficient" level or performance level that is "on track," defining the level of performance that is expected of students with significant cognitive disabilities.

Evidence of the low expectations held for students with significant cognitive disabilities comes in part from the ways that some states have defined their expectations through their performance level descriptors (PLDs).⁴ The ways that states have defined the proficient level are

¹Alternate assessments were first required in the reauthorization of the Individuals with Disabilities Education Act of 1997.

²An Elementary and Secondary Education Act (ESEA) regulation in 2003 allowed the use of proficient and advanced performance on the AA-AAS to count for Title I accountability.

³The evidence emerged from educators who adhered to the least dangerous assumption, which "...holds that in the absence of conclusive data, educational decisions ought to be based on assumptions which, if incorrect, will have the least dangerous effect on the likelihood that students will be able to function independently as adults." Source: Donnellan, A. (1984). The criterion of the least dangerous assumption. *Behavioral Disorders*, *9*, 141-150.

⁴See NCSC Brief #1 for information on content and achievement standards (also referred to as performance standards) for states' AA-AAS.

National Center and State Collaborative

shown in the following example:

Proficient Expectation for Grade 4 General Assessment: The student who is proficient solves problems that include calculating area and perimeter, including those in which side lengths are missing.

Low Proficient Expectation for Grade 4 AA-AAS: The student who is proficient identifies differences in circles, squares, and triangles.

Very Low Proficient Expectation for Grade 4 AA-AAS: The student who is proficient can make a rectangular bed.

High Proficient Expectation for Grade 4 AA-AAS for the same content would be the following:

The student who is proficient solves problems using perimeter and area.

To work toward the high expectation, educators would work on area and perimeter, adapting instruction using evidence-based practices⁵—reducing the depth, breadth, and complexity of the instructional content to support student learning, and then increasing them as appropriate as they make progress.

AA-AAS Results Reflect Low Expectation

States annually report on the percentage of students showing proficient and advanced performance of students with disabilities on the general assessment and on the AA-AAS for reading and mathematics. Side-by-side portrayals of these percentages for several states from 2007 to 2014 are shown here for reading and math. They show how different the expectations for adequate performance are for students with disabilities who participate in the general assessment and for students who participate in the AA-AAS. If the expectations were about the same, the percentages of proficient students in the two assessments would be about the same. In contrast, much higher percentages of students in the AA-AAS are deemed proficient and advanced than are students with disabilities in the general assessment.

Figure 1 shows the percent proficient for students with disabilities on the grade 4 general reading assessment across years followed by the percent proficient for the grade 4 reading AA-AAS across the same years. Two states' data are presented as examples of what is seen generally across states.

Figure 2 shows the percent of students with disabilities proficient for the grade 8 general math assessment across years followed by the percent proficient for the grade 8 math AA-AAS across the same years. The two states included in this figure are different states from those included in Figure 1.

Figure 3 includes two states, different from those in either Figure 1 or Figure 2. This figure shows high school assessment results, first for reading (students with disabilities on general assessment followed by AA-AAS) then for math (students with disabilities on general assessment followed by AA-AAS). These figures show the missing years of data often seen at the high school level. Even with the missing data, the difference in expectations for students with disabilities in general assessments and those in alternate assessments is obvious.

These side-by-side portrayals show the dramatic differences in expectations for students with disabilities who participate in the AA-AAS compared to those who participate in general assessments. Comparisons of proficiency rates on the AA-AAS to overall proficiency rates of all students or students without disabilities on the general assessment show similar, although smaller, differences in expectations.

⁵See https://wiki.ncscpartners.org/index.php/Main_Page for specific guidance on evidence-based practice and strategies to adapt appropriately for all students, including specific instructional strategies at https://wiki.ncscpartners. org/index.php/Instructional_Resource_Guide and progress monitoring tools at https://wiki.ncscpartners.org/index.php/ Systematic_Activities_for_Scripted_Systematic_Instruction.

NCSC Brief #2



Figure 1. Grade 4 Reading Performance in Example States

Note: State 2 changed to a new general assessment in 2009-10.





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Figure 3. High School Reading and Math Performance in Example States

Note: State 5 changed to a new general assessment in 2008-09. State 6 changed to a new general assessment in 2011-12.

Classroom Evidence Highlights Need for Higher Expectations

Teachers of students with significant cognitive disabilities have reported on the current levels of performance of their students through the *Learner Characteristics Inventory*.⁶ The analysis of data from 5,285 teachers indicated that students with significant cognitive disabilities show a large range in performance, with the majority having consistent reading and math skills:⁷

⁷Source: Lee, A., Towles-Reeves, E., Flowers, C., Hart, L., Kearns, J., Kerbel, A., Kleinert, H., & Thurlow, M. (2013).

Reading Skills of Students with Significant Cognitive Disabilities:

- 65% read written text or braille
 - 39% read basic sight words, simple sentences, directions, bullets, and/or lists in print or braille (These students can be building literacy skills like comprehension through read-aloud techniques while continuing to develop decoding fluency.)
 - 22% read fluently with basic, literal understanding of print or braille
 - 4% read fluently with critical understanding in print or braille
- 19% are beginning to build reading skills

⁶The *Learner Characteristics Inventory* was developed at the University of Kentucky to collect information on students with significant cognitive disabilities. It was used by the National Center and State Collaborative to collect, among other information, data on the current reading and math performance of students with significant cognitive disabilities in NCSC states. Source: Towles-Reeves, E., Kearns, J, Flowers, C., Hart, L., Kerbel, A., Kleinert, H., Quenemoen, R., & Thurlow, M. (2012). *Learner Characteristics inventory project report* (A product of the NCSC validity evaluation). Minneapolis, MN: University of Minnesota, National Center and State Collaborative

Teacher Perceptions of Students Participating in AA-AAS: Cross-State Summary (A product of the NCSC validity evaluation). Minneapolis, MN: University of Minnesota, National Center and State Collaborative.

NCSC Brief #2

• 16% have no observable awareness of print or braille

Math Skills of Students with Significant Cognitive Disabilities:

- 66% actively engage in mathematics
 - 42% performed computations, either with or without a calculator
 - 26% counted with 1:1 correspondence to at least 10, or made numbered sets of items
- 17% are beginning to use numbers
- 15% have no observable awareness of numbers

These percentages suggest that the AA-AAS needs to focus most of its items on the skills that these students already know. In test development, it is important to structure the test to discriminate between the student who is proficient/on track and the student who is not proficient/on track. Most items need to address the skills of the 65% of students who read written text or braille, and the 66% of students who actively engage in mathematics.

Not many items are needed to determine that a student is just beginning to build reading skills or use numbers, or the student who does not yet have a consistent means of communication, or who has no knowledge of print, braille, or numbers. For these students, use of finegrained progress monitoring tools used by teachers in daily instruction in the classroom, or documentation of communication interventions, are more helpful measures of their progress than an assessment used for system accountability.

The AA-AAS must define high expectations for students with significant cognitive disabilities. Educators can use available resources to ensure that they know the instructional strategies to use to reduce the depth, breadth, and complexity of grade-level content, while at the same time maintaining appropriate high expectations for achievement.

Specific guidance on evidence-based practice and strategies to adapt instruction and curriculum materials for all students is available at <u>https://wiki.ncscpartners.org/index.php/Main</u> <u>Page.</u> It includes specific instructional strategies at <u>https://wiki.ncscpartners.org/index.php/</u> <u>Instructional Resource Guide</u>.

TAB 2 PAGE 34
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NCSC Brief #2

June 2015

This Brief reflects the work of the National Center and State Collaborative (NCSC). Authors of this report are Rachel F. Quenemoen and Martha L. Thurlow.



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Quenemoen, R. F. & Thurlow, M. L. (2015, June). *AA-AAS: Defining high expectations for students with significant cognitive disabilities* (NCSC Brief #2). Minneapolis, MN: University of Minnesota, National Center and State Collaborative.

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Number 3

NCSC Brief

August 2015

AA-AAS: How Do Our Students Learn and Show What They Know?

Introduction

Over the past several decades, powerful insights have been gained into how students represent knowledge and develop competence in specific domains. We also are learning how tasks and learning opportunities can be designed to provide evidence for inferences about what students know and can do across a full range of performance. The growing body of evidence that students with significant cognitive disabilities can learn academic content has motivated educators to rethink previous models of learning that were developmental in nature and focused heavily on the skills students were lacking when compared to their same age peers.¹

This Brief presents the conceptual model of learning and understanding that was the basis for the development of the NCSC mathematics and English language arts resources.²

Conceptual Model of Learning and Understanding

Two of the dominant perspectives for understanding how learning occurs³ are the behaviorist and situative perspectives. The **behaviorist** perspective is rooted in applied behavior analysis and promotes the use of task analyses where content or skills are broken down into measurable and observable steps. This perspective has had a strong influence on the education of students with disabilities, but does not address how students organize and use knowledge.

The **situative** perspective places an emphasis on how learning is mediated by one's environment, including peers. There is substantial research showing the benefits of learning in an inclusive environment for students with significant cognitive disabilities.⁴ Another concept derived from the situative perspective is the importance of opportunity to learn and practice skills in real world contexts.

Both the behaviorist and the situative perspectives are reflected in the NCSC Model of Learning and Understanding. The NCSC model provides a conceptual foundation for the NCSC Curriculum and Instruction (C&I) materials.⁵

¹Source: Kleinert, H. L., Browder, D. M., & Towles-Reeves, E. A. (2009). Models of cognition for students with significant cognitive disabilities: Implications for assessment. *Review of Educational Research, 79*, 301-326.

²See https://wiki.ncscpartners.org to view the C&I materials. ³Source: Pellegrino, J., Chudowsky, N., & Glaser, R. (Eds.). (2001). *Knowing what students know: The science and design of educational assessment*. Washington, DC: National Research Council.

⁴Sources: Jackson, L. B., Ryndak, D. L., & Wehmeyer, M. L. (2010). The dynamic relationship between context, curriculum, and student learning: A case for inclusive education as a research-based practice. *Research & Practice for Persons with Significant Cognitive Disabilities, 33-4* (4-1), 175-195.; Matzen, K., Ryndak, D., & Nakao, T. (2009). Middle school teams increasing access to general education students with significant disabilities: Issues encountered and activities observed across context. *Remedial and Special Education, 31*, 287-304.; Peetsma, T., Vergeer, M., Roeleveld, J., & Karsten, S. (2001). Inclusion in education: Comparing pupils' development in special and regular education. *Educational Review, 53*, 125-135.

⁵Source: Browder, D. M., Gibbs, S. L., Ahlgrim-Delzell, L., Courtade, G., Mraz, M., & Flowers, C. (2008). Literacy for students with severe developmental disabilities—what

National Center and State Collaborative

A behaviorist perspective is reflected in materials such as the MASSIs⁶ and LASSIs⁷ that use a systematic approach to instruction, but also include evolving models of how to form a graduated understanding that builds from big ideas. A situative perspective is reflected in other NCSC C&I materials such as the grade-level Universal Design for Learning (UDL) units, which promote instruction in an inclusive environment and provide examples of real world applications of the targeted skills and knowledge.

Conceptual Foundation for Gradealigned Mathematics Instruction

Past Practice and a New Approach

Access to grade-aligned mathematics content is necessary for students to develop 21st century skills. For students with significant cognitive disabilities, there is often a discrepancy between achievement in math and expectations for their chronological age.

Some educators approach mathematics instruction by beginning at the developmental level of skills students are missing and teaching through the traditional sequence of skills. Others, who teach students with mild cognitive disabilities, may choose to remediate several grade levels of content in a year. Sometimes educators have simply bypassed general curricular expectations in math in favor of teaching the most essential skills needed for daily living, like purchasing or measurement. These approaches may restrict opportunities to learn age- and grade-appropriate content and restrict inclusive learning.

Given the limitations of previous approaches to math instruction, NCSC's C&I materials for math are based on a different approach. The idea behind this approach is to teach students the math content of their assigned grade and chronological age, with the content prioritized to focus on the critical content for progressing from grade to grade, and supports provided to compensate for not yet mastered prerequisites. This approach assumes that when grade-aligned math content is taught in a meaningful context, and appropriate supports and scaffolds are provided, students with significant cognitive disabilities can be successful.

What are we learning from studies of what is possible with reasonable instruction?

Research on teaching math content has provided evidence that students with significant cognitive disabilities can learn skills within the context of grade-aligned content. Two recent studies⁸ demonstrated that middle and high school students with intellectual disability or autism could use a task analysis and graphic organizer to solve word problems linked to state standards. The authors suggest that when students are taught number sense and other early numeracy concepts, these skills can be applied to gradealigned content in general education classes. It may be necessary to use smaller numbers, less complex examples, and technology such as calculators to compensate for missing skills.

A six step grade-aligned process to promote numeracy skills creates access to the general education curriculum

A six-step process for creating grade-aligned lesson plans has been developed, based on what has been learned from research:

 Select the content and objectives for the lesson from grade-level content targeted by the general education teacher or prioritized with content partners within and across grades.

should we teach and what should we hope to achieve? *Remedial and Special Education, 30,* 269-282. ⁶Mathematics Systematic Structured Instruction ⁷Language Arts Systematic Structured Instruction

⁸Studies showing success with mathematics content: Browder, D. M., Jimenez, B., & Trela, K. (2012). Grade-aligned math instruction for secondary students with moderate intellectual disabilities. *Education and Training in Autism and Developmental Disabilities, 47*, 373-388.; Browder, D. M., Trela, K., Courtade, G. R., Jimenez, B. A., Knight. V., & Flowers, C. (2012). Teaching mathematics and science standards to students with moderate and severe developmental disabilities. *The Journal of Special Education, 46*, 26-35.

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Summary of Math Approach

- Students should receive intensive early skills instruction in early grades
- Focus on the standards of the grade level, building early skills through grade- and age-appropriate applications
- Use real-life and high interest context and evidence-based practices
- Provide students with a step by step process and supports to compensate for not yet mastered skills
- 2. Identify a real-life activity for the lesson to give the content purpose.
- Use evidence-based practices with content broken into smaller objectives and sequenced.
- 4. Use instructional supports and graphic organizers to keep track of steps to solve the problem.
- Plan methods to monitor progress (both steps used to solve and number of problems solved).
- 6. Promote generalization through application to untaught problems and different real-life situations.

Conceptual Foundation for Gradealigned English Language Arts (ELA) Instruction

Past Practice and a New Approach

In the past, reading instruction for students with disabilities focused on accessing text through sight reading of functional words. Sight words can be used in some functional applications, but do not provide access to literature and informational text, both of which require managing passages of text. Text has little purpose unless students gain meaning, and decoding without comprehension is not useful for future learning or life.

Browder and colleagues⁹ proposed a conceptual model for literacy that focuses on listening comprehension while also building the capacity for as many students as possible to learn to access text through decoding. The NCSC C&I materials for ELA were developed based on this conceptual model. Regardless of a student's potential to decode, being able to understand a text passage, whether it is read independently or accessed through technology or a human reader, is the most important goal of literacy. This idea is especially important when considering how students will demonstrate understanding. For students with significant cognitive disabilities, the assessment of standards on gaining meaning from text must be separated from the demands of decoding.

Text comprehension focus does not negate decoding instruction

Similar to math, there is a body of research that provides guidance for teaching early reading skills to all students with significant cognitive disabilities,¹⁰ including those who are non-verbal.¹¹ The pace of learning to decode

⁹Source: Browder, D. M., Gibbs, S. L., Ahlgrim-Delzell, L., Courtade, G., Mraz, M., & Flowers, C. (2008). Literacy for students with severe developmental disabilities—what should we teach and what should we hope to achieve? Remedial and Special Education, 30, 269-282. ¹⁰Studies providing guidance on teaching reading: Bradford, S., Shippen, M. E., Alberto, P., Houchins, D. E., & Flores, M. (2006). Using systematic instruction to teach decoding skills to middle school students with moderate intellectual disabilities. Education and Training in Developmental Disabilities, 41, 333-343; Browder, D. M., Ahlgrim-Delzell, L., Flowers, C., & Baker, J. N. (2012). An evaluation of a multicomponent early literacy program for students with severe developmental disabilities. Remedial and Special Education, 33, 237-246; Flores, M. M., Shippen, M. E., & Alberto, P. (2004). Teaching letter-sound correspondence to students with moderate intellectual disabilities. Journal of Direct Instruction, 4, 173-188; Ganz, J., & Flores, M. (2009). The effectiveness of direct instruction for teaching language to children with autism spectrum disorders: Identifying materials. Journal of Autism and Developmental Disorders, 39, 75-83.

¹¹Source: Heller, K. W., Frederick, L. D., Tumlin, J., & Brineman,

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Summary of ELA Approach

- Language arts for students with significant cognitive disabilities should reflect access to the general curriculum.
- Use literature and informational texts from the student's assigned grade level and focus on the grade-level content, with an alternate achievement literacy focus.
- Work within and across grades to ensure students benefit from language arts that progress with increasing levels.

is typically steady but very slow, and requires multiple years to achieve a single year of progress when compared to typical peers of students with significant cognitive disabilities.

Educators should continue to teach decoding skills as students reach middle grades, but by this time alternate ways to gain fluency in meaning from text will need to be established to ensure age- and grade-appropriate access to the general curriculum. For example, all LASSIs include a brief summary of the targeted text, an approach that provides opportunities for emerging readers to practice decoding skills. The majority of the lesson is conducted by the teacher, who reads aloud to the students the adapted text and excerpts from the original text.

Methods used to teach and assess multiple standards

An interactive read aloud can be an efficient way to teach and assess multiple standards in reading for a student's assigned grade level. Interactive read alouds or shared stories are an evidencebased practice for students with significant cognitive disabilities.¹² There is evidence that interactive read alouds are effective when providing access to grade-level literature to a wide range of students including those with complex multiple disabilities who may have few entry level literacy skills.¹³ In most cases supports and scaffolds are used to make the text accessible, including summarizing passages, object supports, and summarizing repeated sentences.

Alternate Achievement Literacy

The term *alternate achievement literacy* is used to refer to the approach of using text adaptations and interactive read alouds to address standards for students participating in alternate assessments.¹⁴ Once students are given alternatives (e.g., text read aloud) to augment any emerging decoding skills, the focus of instruction can be the standards of the student's assigned grade level.

Developing lessons using this approach

Several decisions must be made when developing a language arts lesson using an alternate achievement literacy approach.

D. G. (2002). Teaching decoding for generalization using the nonverbal reading approach. *Journal of Developmental and Physical Disabilities*, *14*(14), 19-35.

¹²Source: Hudson, M. E., & Test, D. W. (2011). Evaluating the evidence base for using shared story reading to promote literacy for students with extensive support needs. Research and Practice for Persons with Severe Disabilities, 36, 34-45. ¹³Studies showing the effectiveness of read alouds with a range of students: Browder, D. M., Lee, A., & Mims, P. J. (2011). Using shared stories and individual response modes to promote comprehension and engagement in literacy for students with multiple, severe disabilities. Education and Training in Autism and Developmental Disabilities, 46, 339-351; Mims, P., Browder, D., Baker, J., Lee, A., & Spooner, F. (2009). Increasing comprehension of students with significant intellectual disabilities and visual impairments during shared stories. Education and Treatment in Developmental Disabilities, 44, 409-420; Mims, P., Hudson, M., & Browder, D. (2012). Using read alouds of grade-Level biographies and systematic prompting to promote comprehension for students with moderate and severe developmental disabilities. Focus on Autism and Developmental Disabilities, 27, 65-78. ¹⁴The term "alternate achievement literacy" was coined by: Fleury, V., Hedges, S., Hume, K., Browder, D., El Zein, F., Thompson, J. L., Reutebuch, C., Fallin, K., & Vaughn, S. (2014). Academic performance of secondary students on the autism spectrum. Remedial and Special Education, 35, 68-79.

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- 1. Select the target text—same as assigned grade level targets, with opportunities for inclusive instruction, interaction with peers.
- Adapt text as needed—look for picture supports and headings already included; some texts may need simplification or a summary.
- Augment the text for understanding. This may include providing picture symbols for key vocabulary, a summary sentence that is repeated, or highlighting key vocabulary. "No more different than necessary" is a general rule of thumb.
- 4. Identify multiple ways (e.g., human reader, technology) that the student could access the text. The passage should always be in view so the student can apply his or her reading skills. During instruction, the student should have the opportunity to request to "read it again" if he or she is unsure of the answer to a comprehension question. A "reread" can be requested using either the symbol provided for "reread" or the student's own communication system.
- 5. Consider how the student will demonstrate understanding. Although some students with

significant cognitive disabilities will have a speech or communication system to generate answers to open-ended questions, many will need to select from an array of responses (e.g., words or pictures). Response options should be familiar to students or pre-taught prior to being used for responding.

Summary

By basing the NCSC C&I resources on a model of learning that promotes (a) the use of evidencebased strategies, (b) instruction provided in a meaningful context, and (c) the provision of supports and scaffolds, general curriculum access becomes achievable for students with disabilities. Studies designed to pilot the C&I materials have already demonstrated that students with significant cognitive disabilities can have success with rigorous academic content that is aligned with grade level standards.

National Center and State Collaborative

NCSC Brief #3

August 2015



This Brief reflects the work of the National Center and State Collaborative (NCSC). Authors of this report are Angela Lee, Diane M. Browder, Shawnee Y. Wakeman, Rachel F. Quenemoen, and Martha L. Thurlow.

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Lee, A., Browder, D. M., Wakeman, S. Y., Quenemoen, R. F. & Thurlow, M. L. (2015, August). AA-AAS: How do our students learn and show what they know? (NCSC Brief #3). Minneapolis, MN: University of Minnesota, National Center and State Collaborative.

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OFFICE OF THE STATE BOARD OF EDUCATION

SUBJECT

Chief Financial Officer (CFO)

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies and Procedures, Section II.B.3.b.

BACKGROUND/DISCUSSION

Board Policy II.B.3.b. requires Board approval for the initial appointment of any position hired at a rate of 75% or greater of the Chief Executive Officer's salary.

The Chief Financial Officer is a mission critical position in the Office of the State Board of Education. The position has been vacant since June 29, 2015.

IMPACT

This position provides staff support to the State Board of Education and is responsible for all financial and human resources oversight. The CFO performs: research and analysis of complex educational budget issues; financial analysis and reporting; budget development; and formulation of guidance and governing policies as well as supervision of the office financial staff.

BOARD ACTION

I move to appoint Chet Herbst as the Chief Financial Officer for the Office of the State Board of Education and to set his salary at \$52.89/hr (\$110,011.20 annually), effective October 5, 2015.

Moved by _____ Seconded by _____ Carried Yes _____ No ____

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SUBJECT

Approval of Multistate Data Exchange

APPLICABLE STATUTES, RULE OR POLICY

Section 33-133, Idaho Code

BACKGROUND / DISCUSSION

Under a grant from the Bill and Melinda Gates Foundation, the Western Interstate Commission for Higher Education (WICHE) is coordinating a project to expand a data exchange between states that will be used to evaluate education programs in Idaho. A memorandum of agreement establishes a data-sharing relationship among state agencies in participating states and WICHE in order to:

- Compile data necessary to match identities across state lines
- Evaluate the effectiveness of education programs by examining the level of individual mobility among participating states.

The specific research questions to be pursued through this agreement fall under the following general questions:

- 1. How many secondary and postsecondary students cross state lines in the pursuit of education?
- 2. How do these levels of migration affect the evaluation of Education Programs?
- 3. How well do proposed processes for matching identities from different data systems perform?
- 4. How will this performance affect analysis and evaluation of the Board's education programs when using data obtained from other states?

Data exchanged under this agreement is used solely for the purposes expressed above and no other. Research reports that are produced shall contain only aggregated data about levels of mobility between states' education programs and the performance of different identity matching processes.

IMPACT

Idaho has been participating in this multistate data exchange since 2010. Pursuant to Section 33-133, Idaho Code, implemented in 2014, disclosure of "confidential" data may not be transferred to any "other organization of entity outside of the state of Idaho" unless "approved by the state board of education" or included under one of the listed exceptions. As such, Board counsel recommends that the Board approve execution of this agreement.

ATTACHMENTS

Attachment 1 – OSBE – WICHE Memorandum of Agreement Page 3

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval.

BOARD ACTION

I move to approve the Memorandum of Agreement between the Office of the State Board of Education and the Western Interstate Commission on Higher Education as set forth in Attachment 1.

Moved by_____ Seconded by_____ Carried Yes____ No____

ATTACHMENT 1

1

MEMORANDUM OF AGREEMENT

- 2 This Agreement is made between the Idaho Office of the State Board of Education (SBE) and the
- 3 Western Interstate Commission for Higher Education (WICHE), pursuant to relevant statutes and
- 4 regulatory authority. WICHE is a 501(c)(3) regional educational nonprofit organization created by the
- 5 Western Regional Education Compact, adopted in 1953 by Western states. Idaho is a member of WICHE.
- 6 WICHE's mission is to promote access to high quality postsecondary education for residents of the West.

7 Background and Purpose

- 8 Under a grant from the Bill and Melinda Gates Foundation, WICHE is coordinating a project to expand a
- 9 data exchange between states that will be used to evaluate education programs in Idaho. As part of that
- 10 expansion, WICHE and the participating states plan to evaluate education programs by examining the
- 11 mobility of students between states and to test processes for matching individual identities across data
- 12 systems. This evaluation will depend on an effective process to match individuals across data systems.
- 13 The parties to this agreement recognize that there is a public policy interest in exchanging data among
- 14 agencies and that evaluating the level of mobility of students is crucial for understanding the
- 15 effectiveness of education programs. Currently, state agencies evaluate their education programs with
- 16 limited data that do not generally account for the mobility of students across state lines. SBE cannot
- 17 fully understand the effectiveness of its education programs without better understanding the extent to
- 18 which students flow in and out of the state to pursue education.
- 19 This agreement sets out the terms and conditions under which the SBE will disclose personally
- 20 identifiable data on individuals from its data system to the data exchange project. Personally identifiable
- 21 information will be matched with corresponding data from other participating state agencies to
- 22 determine the rates at which individuals move across state lines and to identify effective strategies to
- 23 match the identities of these individuals across data systems. Understanding the accuracy of the
- 24 matchmaking is a necessary component of evaluating SBE's education programs.
- 25 As part of this agreement, SBE has contracted with WICHE, and designates WICHE as its authorized
- 26 representative in accordance with 20 U.S.C. 1232g to assemble identifying data necessary to match
- 27 identities among participating states and to evaluate the effectiveness of these approaches in
- accordance with the terms set forth in this document. WICHE will use a subcontractor (SAS Institute,
- 29 Inc.) under this agreement to build the technical components for matching identities. SBE also
- 30 designates WICHE's subcontractor as an authorized representative, and WICHE will ensure that its
- contract with the subcontractor ensures compliance with all provisions of this Agreement.
- 32 State agencies listed in Attachment D will assist in assessing the matching process and in the
- development of the evaluation reports based on the processes. SBE also designates these other state
- 34 agencies as its authorized representatives under FERPA that may use data provided solely for evaluation
- 35 purposes described in this agreement.

- 36 Each state agency listed in Attachment D will designate a staff person to participate in the evaluation
- and these individuals must complete a Notice of Non-disclosure (Attachment C) before data from any
- 38 participating state agency is disclosed to them.
- Other participating state agencies will designate SBE as their authorized representative for the purposes
 of examining the matching processes to carry out the proposed evaluation of education programs.
- 41 <u>Definitions</u>
- Data When used as a specific term, this refers to individual-level data elements shared with
 WICHE, its contractor, or other participating state agencies. These elements include name, date
 of birth, hashed Social Security number, and a state/sector identification number.
- Education Program Consistent with 34 CFR 99.3, referring to secondary and postsecondary
 education, job training, career and technical education, adult education, and other programs
 offered by educational institutions and agencies.
- 48 3. Hashed Social Security Number A social security number that has been replaced with values
- derived from using a one-way cryptographic hash function such as the SHA-2 family of functions
 so that the original social security number is no longer present or discoverable.
- 51 <u>Scope</u>
- 52 This agreement establishes a data-sharing relationship among state agencies in participating states and53 WICHE in order to:
- Compile data necessary to match identities across state lines
- Evaluate the effectiveness of Education Programs by examining the level of individual mobility
 among participating states.
- 57 The specific research questions to be pursued through this agreement will fall under the following58 general questions:
- How many secondary and postsecondary students cross state lines in the pursuit of
 education? How do these levels of migration affect the evaluation of Education Programs?
 How well do proposed processes for matching identities from different data systems
 perform?
- 633. How will this performance affect analysis and evaluation of SBE's education programs when64using data obtained from other states?
- Data exchanged under this agreement shall be used solely for the purpose expressed above and no
- other. Any research products produced under this agreement shall be available for inspection by each
- 67 participating state agency. Research reports that are produced shall contain only aggregated data about
- 68 levels of mobility between states' education programs and the performance of different identity
- 69 matching processes. Cell sizes with fewer than 10 observations will be suppressed.

70 Justification and Authority

- 71 In accordance with the FERPA, and in particular 34 CFR 99.31(a)(3)(iv) and 99.35, SBE is a state
- 72 educational authority that for the limited purposes of this Agreement, designates WICHE and its
- raction subcontractor as its authorized representative for the purpose of assembling data necessary to conduct
- evaluations of publicly-funded education programs. SBE also designates the agencies listed in
- 75 Attachment D as authorized representatives, executing the agreement in Attachment B, for the
- 76 purposes of evaluating student mobility and the matching processes that will be used to assemble data
- 77 necessary to evaluate SBE's education programs. Procedures used in this agreement will be governed by
- 78 FERPA and all other applicable state and federal laws.

79 Description of the Data

- 80 The data elements to be exchanged under this agreement ("Data") are housed within state or
- 81 institutional data systems. These Data include personally identifiable information, including individual
- 82 names, personal identifiers such as state/sector identification numbers, dates of birth, and a Social
- 83 Security number converted using a mutually agreed upon one-way cryptographic hash function. Any
- 84 combination of this information would make it possible to easily identify individuals. These education
- 85 data may only be redisclosed to properly designated authorized representatives SBE in accordance with
- 86 FERPA. The specific data elements to be included in this data exchange are listed in Attachment A.

87 <u>Process for Exchanging Data</u>

- 88 Operational procedures to carry out the exchange of Data are as follows:
- 89 SBE will initially supply WICHE and/or its subcontractor tasked with building the matching processes
- 90 with a data file containing the following data elements:
- 91 1. First, middle, and last name
- 92 2. Date of birth
- 93 3. Alternate names
- 94 4. Hashed social security number (nine digit)
- 95 5. Hashed social security number (four digit)
- 96 6. State identification number
- 97 SBE will provide these data elements adhering to the Common Education Data Standards 5.0. These
- 98 elements are fully defined in Attachment A. Data contributors that possess 9-digit Social Security
- 99 numbers will create a separate element consisting of the last four digits of the numbers prior to
- 100 converting them using a hashing algorithm provided by WICHE in consultation with participating state
- agencies. States may elect to use an existing state identification number for individuals in the cohort or
- 102 create a new one specifically for the purposes of this exchange.
- SBE will supply these data elements for the following cohorts of individuals to the extent they areavailable:

- all public secondary students enrolled during the academic years 2010-11 through 2013 106
 14
- all postsecondary students enrolled in a public institution during the academic years
 2010-11 through 2013-14.

109 If SBE cannot provide the full cohort as specified above, it will submit as many individuals matching

- 110 those cohort criteria as possible and provide written documentation to WICHE and participating states
- 111 that specifies the exact nature of the submission. WICHE (through the subcontractor tasked with
- building the matching processes) will use these Data, and similar Data provided by other participating
- states, to match identities across data systems in different states and state agencies. WICHE, the
- subcontractor, and designees of each participating agency will evaluate different matching processes
- and their implications for analysis and evaluation of SBE's educational programs. WICHE, in
- 116 collaboration with state agency designees, will prepare a report with aggregate data showing the
- 117 implications of student mobility on evaluations of state educational programs. This will require
- disclosure of personally identifiable information to the subcontractor and the agency designees. No
- 119 personally identifiable information will be disclosed publicly.
- 120 State Participation
- 121 Participating states and state agencies are listed in Attachment D.
- 122 Limitation on access and use
- 123 WICHE agrees to the following limitations on the use of the Data provided by SBE:
- 124 1. SBE retains ownership of Data supplied.
- WICHE and/or its subcontractor shall not use, access, or redisclose SBE provided under this
 Agreement for any purpose other than those purposes authorized by this Agreement.
- The Data provided by SBE will not be duplicated or redisclosed at the individual level without
 the written authority of the SBE, except as part of the essential process of matching the data as
 provided in this Agreement.
- Access to the Data within WICHE and/or its subcontractors will be restricted only to those
 persons with legitimate interests in performing the essential functions under this Agreement.
- WICHE will require that any employees of a subcontractor with access to the Data sign an
 agreement preventing the disclosure of the data except as provided in this Agreement, prior to
 gaining access to the Data. WICHE shall supply copies of this nondisclosure agreement to
- 135 participating state agencies.
- 6. WICHE and/or its subcontractor will not duplicate or redisclose the Data without the written
 authority of SBE, except as provided in this Agreement. All stipulations of this Agreement will
 apply to any duplication of records or files.
- 1397. WICHE and its subcontractor are authorized to redisclose SBE Data to the educational agencies140 named in Attachment D.
- 1418. Any SBE Data redisclosed in accordance with this section shall only be redisclosed pursuant to a142written agreement which provides that the data may only be used for the purpose described in

144		be destroyed when no longer needed for the purpose described above.
145	9.	WICHE will prepare a written analysis of how student mobility is likely to affect the evaluation of
146		education programs in participating states. This evaluation will contain only aggregate data with
147		no cell sizes smaller than 10 individuals reported. The evaluation and any conclusions drawn
148		from it will be provided to SBE for review and comment prior to any public release.
149	10.	WICHE will prepare a written report analyzing the performance of the matching algorithms and
150		the implications for future evaluations of SBE's education programs. This evaluation will contain
151		only aggregate data with no cell sizes smaller than 10 individuals reported. The evaluation and
152		any conclusions drawn from it will be provided to SBE for review and comment prior to any
153		public release.
154	11.	All parties will strictly comply with all applicable laws and regulations regarding the privacy and
155		use of the individually identifiable data used within this project, including (but not limited to)
156		FERPA and any applicable state and federal laws. SBE will provide guidance to the parties on
157		matters of the laws of its state regarding data use. Where published guidance on regulatory
158		compliance is unclear, the parties will seek clarification to the extent reasonably available and
159		will attempt to mutually agree to their position on such questions; no party will be responsible
160		to indemnify the others for actions taken to effectuate such mutually agreed interpretations.
161	SBE agr	ees to the following limitations on use of data provided by other states through this Agreement.
162	1.	SBE will not redisclose Data to any entity that is not a party to this Agreement including
163		institutions, schools, school districts, or other state agencies.
164	2.	No reports using these Data will be prepared by SBE.
165	3.	These Data shall not be used to make a decision about the rights, benefits, or privileges of any
166		individual identified in the course of the research.
167	<u>Physica</u>	I safeguards
168	WICHE	agrees to the following minimum safeguards for the information provided by the SBE as follows:
169	1.	Access to the SBE data will be restricted to only those authorized personnel who need it to
170		perform their official duties pursuant to this Agreement, and all parties will maintain a list of
171		authorized personnel.
172	2.	The information will be stored in a manner that is safe from access by unauthorized persons. No
173		data shall be transferred to or stored on laptop computers or portable storage devices such as
174		USB keys and external hard drives.
175	3.	WICHE will require its subcontractor to comply with all aspects of this agreement and with all
176		applicable state and federal statutes and regulations related to the privacy and security of
177		individual educational records.
178	4.	WICHE shall take necessary precautions to ensure that only authorized personnel are given
179		access to the data.

this Agreement, may not be redisclosed without the express written consent of SBE, and must

143

- WICHE shall instruct all personnel and subcontractors with access to the information regarding
 the confidential nature of the information, the requirements of this Agreement, and other
 relevant state and federal laws respecting unauthorized disclosure.
- WICHE, its subcontractor, and each participating state agency shall not sell the data or permit its
 use for targeted advertising or marketing, or for the development of commercial products or
 services.

186 <u>Transmission and storage of data</u>

187 Transmission and storage of all data by WICHE, its subcontractor, and participating state agencies 188 pertaining to individual's educational records will adhere to generally-accepted best practice standards 189 related to information security, including, but not limited to, commercially available and widespread 190 precautionary measures, such as firewall implementation, virus scanning, security access control 191 software, logical encryption of data as it leaves the data boundary, secure tunnels, and limitation of 192 physical access to confidential information. Upon the reasonable request of SBE, WICHE and its

- subcontractor(s) will disclose and review said policies, procedures, and practices with SBE. All
- 194 transmission of data pertaining to individuals' records shall be transmitted through mutually agreed
- 195 upon protocols that meet generally-accepted best practice standards for information security. Files
- received by WICHE and its subcontractor(s) will be securely stored using FIPS 140-2 validated AES
- 197 encryption, the U.S. Federal encryption standard.

198 Notice of nondisclosure

- 199 WICHE agrees that all its authorized personnel, including information technology staff, network
- administrators, and approved subcontractors, who will have access to the information provided by SBE
- 201 will sign a Notice of Nondisclosure (Attachment C).
- 202 In the event any Party hereto is subject to a data release incident or data breach whereby such
- 203 information is released to unauthorized parties, such Party will immediately notify the other Parties.
- 204 Such notification shall be given in accordance with applicable state and federal law. As between WICHE
- and the State Parties, WICHE will be responsible for all costs associated with providing such notice to the
- 206 extent such a release incident or data breach occurs through its database; it is understood and agrees
- that among the other parties ultimate liability would be determined on the basis the source of therelease.
- 209 In the event WICHE, its subcontractor, or participating state agencies are requested by a third party to
- disclose any Data received from participating state agencies (specifically including, but not limited to,
- 211 information which could potentially identify individuals or specific postsecondary institutions) pursuant
- to any applicable statute, law, rule or regulation of any governmental authority or pursuant to any order
- of any court of competent jurisdiction, the entity receiving the request shall respond appropriately as
- required by applicable state and federal laws, and rules of the court. In addition, the entity receiving the
- request shall as soon as practicable forward the request to the appropriate agency or agencies that
- 216 provided the Data and notify WICHE (in the event WICHE does not receive the request). In responding to
- 217 the request, the entity receiving the request will inform the requesting party that it does not own the

- 218 Data it received from participating states; that it received the Data under express terms and conditions
- of this Agreement, which are designed to protect the privacy of individuals; and that because it is not
- authorized to disclose Data except as specifically provided for in this Agreement, it will require
- additional time to consult with other participating states and with WICHE to determine what Data, if
- any, may be released and who the proper releasing party should be.

223 Amendments and alterations

- 224 With mutual consent, WICHE and SBE may amend this Agreement at any time, provided that the
- amendment is in writing and signed by authorized staff.
- 226 Nothing in this Agreement will alter, terminate, or amend any other existing agreements in operation
- 227 between the parties to this Agreement and any other entities.

228 Duration

- 229 WICHE and/or its subcontractor will securely maintain the Data until it no longer serves the purpose for
- which it was intended; or December 31, 2016, whichever occurs first. WICHE and/or its subcontractor
- shall destroy these Data, including all archived copies and backups, within six months of the first
- 232 occurrence of one of those events.
- 233 Destruction means that all individual-level data received from participating state agencies or derived
- from data provided by participating state agencies shall be destroyed by sanitization techniques that
- overwrite the data such that it cannot be recovered by currently-known data recovery techniques. All
- backup and archived copies of individual-level data shall be similarly destroyed. Aggregated Data or
- results assembled in accordance with this agreement may be maintained. Should the duration of this
- agreement be extended or altered through mutual consent as described above, this section shall reflect
- that new duration.

240 <u>Audit rights</u>

- 241 Consistent with FERPA (34 C.F.R. 99.35), SBE shall have the right to conduct on-site inspections to review
- and audit WICHE and its subcontractor to the extent required by law, in order to ensure compliance
- 243 with the nondisclosure aspects of this Agreement.

244 <u>Termination</u>

- 245 This Agreement may be terminated by either party with 30 calendar days' written notice to the other
- 246 party. Upon termination, WICHE agrees to cease work, destroy all data contributed by SBE within six
- 247 weeks, and provide written assurances to SBE that it has done so.
- All confidentiality requirements in this Agreement survive termination of this Agreement.

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251	Severability		
252 253 254	The provisions of this agreement are severable. If any provision of this agreement is held invalid by an court or legal authority, that invalidity shall not affect the other provisions of this agreement and the invalid provision shall be considered modified to conform to the existing law.		
255			
256	<u>Signatures</u>		
257 258 259	David Longanecker, President, WICHE	Date	
260 261			
262	Idaho Office of the State Board of Education	Date	

263 **ATTACHMENT A. SPECIFICATION OF DATA SUBMISSIONS**

The first step in testing identity resolution processes is to provide data on individuals meeting thefollowing criteria:

- all public secondary students enrolled during the academic years 2010-11 through 2013 14.
 all postsecondary students enrolled in a public institution during the academic years
- all postsecondary students enrolled in a public institution during the academic years
 269 2010-11 through 2013-14.
- 270 To prepare the initial file, SBE will provide all of the following data stored in their respective data
- 271 systems for individuals meeting the criteria for inclusion. States will provide all records meeting the
- above criteria even if they do not have complete information in the data elements listed below. States
- will, to the greatest extent practicable, provide one record per individual for each year in the cohort
- range. The record shall consist of the following elements, following the specifications provided by the
- 275 Common Education Data Standards 4.0:

Data element	Definition	Format
Hashed 9-digit Social	The nine-digit number of identification	Alphanumeric – 128 characters
Security number	assigned to the person by the Social	
	Security Administration converted	
	using a one-way nashing algorithm	
Hashed 4-digit Social	The last four digits of the nine-digit	Alphanumeric – 128 characters
Security number ¹	number of identification assigned to	
	the person by the Social Security	
	Administration converted using a one-	
	way hashing algorithm supplied by	
	WICHE.	
State/sector identification	An identification number chosen by	Alphanumeric – 28 characters
number	the submitting state that will remain	maximum
	constant over time. First two	
	characters identify state of origin with	
First namo ²	The full first name given to a person at	Alphanumoric 25 characters
Flist flame	hirth hantism or through legal	Alphanumenc – 55 characters
	change.	Inaximum
Middle name ²	A full middle name given to a person at	Alphanumeric – 35 characters
	birth, baptism, or through legal	maximum
	change.	
Last name/Surname ²	The full last name borne in common by	Alphanumeric – 35 characters
	members of a family.	maximum
Alternate first name #1	Additional first name used by the	Alphanumeric – 35 characters
	individual.	maximum
Alternate first name #2	Additional first name used by the	Alphanumeric – 35 characters
	individual.	maximum
Alternate first name #3	Additional first name used by the	Alphanumeric – 35 characters
	individual.	maximum

Alternate last name #1	Additional last name used by the individual.	Alphanumeric – 35 characters maximum
Alternate last name #2	Additional last name used by the individual.	Alphanumeric – 35 characters maximum
Alternate last name #3	Additional last name used by the individual.	Alphanumeric – 35 characters maximum
Date of birth	The year, month, and day, on which a person was born	YYYY-MM-DD

¹This element is not included in CEDS, but derived from the 9-digit Social Security number. ²States are not required to submit legal names, but should do so if they are available.

276

- 277 State agencies that possess 9-digit Social Security numbers will derive a data element that consists of
- the last four digits of the number. Both elements will be hashed before submission using an algorithm
- 279 provided by WICHE after consultation with participating state agencies. State agencies that possess only
- 280 the last four digits of the Social Security number will similarly hash that element before submission.

281 States may use an existing State/sector identification number, or develop a new number exclusively for

- use with this project.
- 283 SBE will submit all relevant information for each of the data elements indicated above to WICHE's
- subcontractor for the purposes of matching records among multiple agencies. Specifically, the data
- exchange process will use this personally identifiable information to match records across multiple
- 286 databases in multiple states according to the process set forth in the "Process for Exchanging Data"
- 287 section of the Agreement.

ATTACHMENT B. AGREEMENT BETWEEN Idaho Office of the State Board of Education AND Other Participating State Agencies for Data Redisclosure

In accordance with the Family Educational Rights and Privacy Act (FERPA), and in particular 34 CFR
99.31(a)(3)(iv) and 99.35, Idaho Office of the State Board of Education (SBE) is a state educational
authority that, for the limited purposes of this agreement, designates the following agencies as its
authorized representative for the purpose of assisting the Western Interstate Commission for Higher
Education (WICHE) in assembling and analyzing processes to match identities across multiple data
systems in order to conduct evaluations of publicly-funded education and training programs:

- University of Hawaii
- Oregon Chief Education Office
- 298 Oregon Higher Education Coordinating Commission
- Washington Education and Research Data Center
- Washington State Office of Financial Management

301 Procedures used in this work will be governed by FERPA, the Privacy Act of 1974, and all applicable 302 state laws. These agencies will conduct all activities under the instruction of WICHE and in conformance 303 with the MEMORANDUM OF AGREEMENT between the SBE and WICHE dated as of [INSERT DATE] (the 304 "Agreement"). WICHE will ensure that these agencies fully comply with all restrictions, requirements 305 and controls on the use of data to which WICHE is subject under the terms of the Agreement, and that it 306 adheres to the policies and procedures, consistent with FERPA and other Federal and State laws, 307 contained in the Agreement to protect personally identifiable information (PII) from education records 308 from further disclosure or unauthorized use.

- In the course of analyzing processes for matching identities across multiple data systems these agencies
 may view data containing personally identifiable information from I SBE, identified in Attachment A.
- 311 These agencies shall designate a mutually acceptable representative who will complete a non-disclosure
- agreement (Attachment C) prior to engaging in any work related to personally identifiable information
- 313 disclosed through this agreement.

314 SIGNATURES:

- 315
- 316

 317

 Idaho Office of the State Board of Education
- 318
- 319
- 320 ____
- 321 David Longanecker, President, WICHE

322		ATTACHMENT C. NOTICE C	OF NONDISCLOSURE	
323		STATEMENT OF CONFIDENTIALIT	Y AND NONDISCLOSURE	
524		between ti		
325 326		Idaho Office of the State B and the	oard of Education	
327		хххх		
328				
329	Before you are allowed access to the information in the data, you are required to sign the following			
330	statement:			
331	As an employee	of XXXX, I have access to information pro	by ided by the Idaho Office of the State Board of	
332 222	Education. This i	Information is confidential, and I understa	and that I am responsible for maintaining this	
227		A OF AGREEMENT between Idaho Office (of the State Board of Education and the Western	
334	Interstate Comm	nission for Higher Education (WICHE) dat	ed as of []	
336			j.	
337	• I have been	informed and understand that all inform	ation related to this Agreement is confidential	
338	and may not	t be disclosed to unauthorized persons. I	agree not to divulge, transfer, sell, or	
339	otherwise m	nake known to unauthorized persons any	information contained in this system.	
340	• I also unders	stand that I am not to access or use this i	nformation for my own personal information	
341	but only to t	he extent necessary and for the purpose	of performing my assigned duties as an	
342	employee of	f XXXX under this Agreement. I understa	nd that a breach of this confidentiality will be	
343	grounds for disciplinary action which may also include termination of my employment and other			
344	legal action.			
345	lagree to ab	bide by all federal and state laws and regu	ulations regarding confidentiality and disclosure	
346	of the inform	nation related to this Agreement.		
347		Employee	Supervisor	
		Linployee	The employee has been informed of	
		above Notice of Nondisclosure of	their obligations including any	
		Information	limitations, use or publishing of	
			confidential data	
348				
349				
350	Signature			
351				
352	Printed Name			
353				
354	Organization			
355	1 1 mm			
356	Job Title			
35/				
358	E-mail address		·	
327 260	Data			
30U 261	Date			
201				

ATTACHMENT D. AGENCIES AND ENTITIES THAT WILL EVALUATE MATCHING ALGORITHMS USING PERSONALLY IDENTIFIABLE INFORMATION UNDER THIS AGREEMENT

365

- 366 Upon SBE's execution of the MEMORANDUM OF AGREEMENT with WICHE, and execution of
- 367 Attachment B with all state agencies listed below, these entities will be entitled to view data provided by
- 368 SBE as designated authorized representatives of SBE for the purposes of evaluating educational
- 369 programs.

Agency
University of Hawaii
Idaho Office of the State Board of Education
Oregon Chief Education Office
Oregon Higher Education Coordinating Commission
Washington Education and Research Data Center
Washington State Office of Financial Management

370

SUBJECT

Data Management Council Policies and Procedures

REFERENCE

August 2011

February 2015

Board approved the Data Management Council Bylaws. Board approved revision of the Data Management Council Policies and Procedures

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.O. Section 33-133(3)(b), Idaho Code

BACKGROUND/DISCUSSION

The Data Management Council (Council) is tasked with making recommendations on the oversight and development of Idaho's Statewide Longitudinal Data System (SLDS) and oversees the creation, maintenance and usage of said system. There are 12 seats on the Council. The Council consists of representatives from the Office of the State Board of Education (OSBE), public postsecondary institutions, a registrar, State Department of Education, school districts, Professional-Technical Education, and the Idaho Department of Labor.

The SLDS consists of three separate and distinct databases housed and managed by the State Department of Education, the Office of the State Board of Education, and the Idaho Department of Labor.

Section 33-133(3)(b) requires the state board of education to publish and make available policies and procedures to comply with the federal family education rights and privacy act (FERPA) and other relevant privacy laws. The Council is proposing one (1) change to the current policy. This change adds additional clarity to the definition of when data shall be masked/blurred.

IMPACT

The proposed amendment clarifies when data need to be masked/blurred so as to reduce the possibility of exposure of a student's personally identifiable information.

ATTACHMENTS

Attachment 1 – Proposed Policy Amendment

Page 3

STAFF COMMENTS AND RECOMMENDATIONS

The existing policy limits the release of data when the cell size is less than ten or when percentage of students is such that you could identify those that are not within the group. The language in the policy has been met with some confusion concerning when data is appropriate to release. The amended policies and

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS SEPTMEBER 3, 2015

procedures clarify that aggregate data, unless approved by the Data Management Council, shall not be released if the released information can be manipulated to identify a group of less than ten (10) students. Data also cannot be released if doing so exposes personally identifiable information on either all or no students (e.g. 0% of students meeting the SAT benchmark or 100% of students graduating high school).

Staff recommends approval.

BOARD ACTION

I move to approve the Data Management Council policies and procedures as submitted in attachment 1.

Moved by _____ Seconded by _____ Carried Yes _____ No ____

IDAHO STATE BOARD OF EDUCATION DATA MANAGEMENT COUNCIL POLICIES AND PROCEDURES

Approved <u>02-19-1509/03/15</u>

Scope

The Idaho State Board of Education (Board) is constitutionally and statutorily charged with supervising public education in Idaho, K-20. The Board recognizes the need to measure how well our public schools are preparing children for higher education and how well higher education is preparing Idaho's future workforce. For this purpose, the Statewide Longitudinal Data System (SLDS) was created. The SLDS was created as a means to evaluate and improve the process by which a student progresses through Idaho's educational system. The SLDS allows the Board to detect strengths or weaknesses in Idaho's educational system by identifying trends in groups of students over time. These trends can then be used to analyze the public and higher education systems in order to improve efficiency, effectiveness, and accountability.

The SLDS will maintain a longitudinal record of students from preschool through all levels of the education system (elementary, middle and high schools, and higher education) and into the workforce. This system is a partnership of separate and unique source systems, including the K-12 system developed by the State Department of Education, the systems in use at the various postsecondary institutions, and the State Department of Labor wage record systems. The agreements between these separate groups allows for user-initiated matching of the data into a single, coherent structure on which longitudinal reporting and analysis can be performed. The privacy of all Personally Identifiable Information (PII) that is collected into the SLDS is protected in accordance with federal and state law.¹ Public reports generated from data within the SLDS do not identify individual students.

The Idaho Data Management Council (Council) is an oversight and controlling body of the SLDS, comprised of representatives approved by the Board from Idaho's public postsecondary institutions, the State Department of Education, the Department of Labor, Professional-Technical Education, Idaho public schools, and Board staff. The Council provides direction and makes recommendations to the Board on policies and procedures for the development and usage of the system, and reports back to the Board as needed on the progress made on issues that require Board consideration. The policies governing the Council and the SLDS are reviewed and approved by the Board of Education.

This policy defines the security of data contained in all parts of the SLDS. The definitions and policies described below are designed to protect the confidentiality of Personally Identifiable Information (PII) contained within Idaho's SLDS.

¹ Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g(a)(4)(A) and the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014, Idaho Code Title 33, Section 133.

Definitions

Participating Agency – Participating agencies consist of the Idaho State Board of Education, the Idaho State Department of Education, Idaho Professional-Technical Education, Idaho public institutions of higher education, and the Idaho Department of Labor.

Education Records - Information directly related to a student, and recorded in any medium maintained by an educational agency or institution or a person acting for such agency or institution.

Personally Identifiable Information (PII) – Includes: a student's name; the name of a student's family; the student's address; a social security number; a student education unique identification number or biometric record; or other indirect identifiers such as a student's date of birth, place of birth or mother's maiden name; and other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community who does not have personal knowledge of the relevant circumstances, to identify the student.²

Disclose or Disclosure is the access to, or to release, transfer, or otherwise communication of PII to any party, by any means.³

Data Breach is the unauthorized acquisition of PII.

Unauthorized Data Disclosure is the intentional or unintentional release of PII to an unauthorized person or untrusted environment.

Aggregate Data is data collected or reported at a group, cohort or institutional level and does not contain Personally Identifiable Information (PII).

Data Access Levels are the four data access levels as defined by the Data Management Council as shown below:

Level 1 - Restricted-Use Data – Student-level data that includes PII. Level 1 data requires specific procedures to protect confidentiality.

Level 2 - Restricted-Use Data – Student-level data where all PII has been removed. Merging Level 1 data with Level 2 data would result in a file that is defined as Level 1.

Level 3 - Restricted-Use Data – Aggregate data created from Level 2 data. Data at this level contains no PII. Data at this level can be manipulated to view the data relative to a variety of data elements in compliance with data restrictions.

² Idaho Code Title 33, Section 133

³ Family Educational Rights and Privacy Act, 34 CFR Part 99

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS SEPTMEBER 3, 2015

Level 4 - Public-Use Data – Aggregate or summarized data created from Level 1, Level 2 or Level 3 data that contains no PII and is provided in a format that cannot be manipulated to reveal restricted data elements. Level 4 data may be publically released.

Data Standards and Quality

- 1. The Council shall maintain a dictionary of student data fields collected for inclusion within the SLDS. The dictionary shall include definitions of the data fields and explanations of the purposes for collecting the data (Data Dictionary). The Data Dictionary shall be available to the public via the Board of Education website: www.boardofed.idaho.gov. The Data Dictionary shall be reviewed annually by the Council, as required by Idaho Code, Section 33-133(3) (a). The annual review will ensure that no data is collected into the SLDS other than as set forth in the Data Dictionary. The annual review will include a determination of whether new data elements should be included into the SLDS. Any proposed changes to the Data Dictionary are subject to prior approval by the Board. Any Board approved changes made to the Data Dictionary shall be submitted to the Idaho State Legislature and the Idaho Governor annually for review and approval in accordance with Idaho law.
- 2. The Data Management Council is responsible for the accuracy and quality of the data contained in the SLDS. The Data Management Council shall conduct an annual review of the data contained in the SLDS to ensure that data collected is in accordance with the definitions in the Data Dictionary.
- 3. The Council shall recommend to the Board minimum cell size for public reports to prevent identification of individuals. The Board will set the cell size restrictions as required by Idaho Code, 33-133(1)(b).

Access and Security

- The SLDS data shall be housed on a secure server, as defined through a Memorandum of Understanding (MOU) between the Office of the State Board of Education (OSBE) and the State Department of Education (SDE). All hardware, software, and network infrastructure shall be secured by a firewall from unauthorized external access, require individual user accounts, and be password protected to control internal access.
- 2. Periodic tests shall be run to ensure that technical safeguards remain effective. Documentation of the dates of tests run shall be maintained at OSBE.
- 3. Access to the K-12 and postsecondary SLDS shall be limited to those employees of OSBE and SDE who require access to perform their assigned duties. An annual review of existing access shall be performed by the Council.
- 4. Access to the SLDS shall require the use of a password. Passwords shall be unique to the assigned employee and shall not be shared.

- 5. Data uploaded to and downloaded from the SLDS shall be done using secure methods to protect the data from a Data Breach or Unauthorized Data Disclosure.
- 6. Requests for SLDS data that do not require linking data across participating agencies and meet Level 4 Data Access Level specifications may be fulfilled by the agency that governs the requested data, pursuant to section 33-133, Idaho code.
- 7. Requests for SLDS data that require linking data across participating agencies or fall within Levels 1, 2, or 3 Data Access Level specifications must be submitted to the Council using the "Data Request Form" and if required the "Acknowledgement of Confidentiality Requirements" publicly available on the OSBE website. Data requests for non-Level 4 data by non-participating state agencies require the completion of an MOU. Data requests for non-Level 4 data external to state agencies require completion of a Memorandum of Agreement (MOA) and "Acknowledgement of Confidentiality Requirements". Approving applicable SLDS data requests will be the responsibility of the Council or its designee. Approved requests will be processed in accordance with applicable state and federal law.
- 8. Requests for SLDS student-level data by the original custodian of those data may be fulfilled by the participating agency collecting the requested data.
- The Council will determine that human subjects research requirements are met and approved by an Institutional Review Board (IRB) and any certificates of approval are submitted to OSBE before approval of the research request.
- 10. The Council will verify that the annual IRB review is completed.
- 11. The Council is charged with evaluating requests for SLDS data, determining whether access to data is allowed under federal and state law, and ensuring that when access to data is allowed, data is provided at the Data Access Level that is most protective of privacy while still meeting the stated purpose for the request. The Council shall not approve a Data Access Level that provides greater detail than what is necessary to fulfill the data request.
- 12. In compliance with FERPA guidelines, the Council shall maintain a record detailing all requests for data from the SLDS and including:⁴
 - a. The date of the request and the date of the response
 - b. A description of the data requested
 - c. The data provided in response to the request, if any
 - d. If PII was included in the data provided, the statutory authorization for providing it shall be recorded and a copy of the executed agreement governing the security, use and destruction of the PII shall be maintained in the Board offices.

⁴ 20 U.S.C. 1232g(b)(4); 20 U.S.C. 1232g(j)(4)

PLANNING, POLICY AND GOVERNMENTAL AFFAIRS SEPTMEBER 3, 2015

- 13. Any request by a student or their parent for individual student records shall be redirected to the original custodian of the data.
- 14. Any release of data approved by the Council will include in the MOA or MOU details on limitations of use of the data, including length of time the data can be used, and procedures for destroying the data when use is complete.
- 15. Publicly released reports shall contain only aggregate data and not contain PII.
- 16. PII will not be disclosed unless in compliance with the limited circumstances allowed by state and federal law.⁵
- 17. If the disclosure of PII is allowed under federal or state law under an exception requiring a written agreement to document the use, security and destruction of the data; data shall not be disclosed prior to the execution of the agreement.
- 18. PII shall not be stored on unencrypted portable devices or laptops.
- 19. If any aggregated data cell size is below 10 or within 9 of 100%, at least two data cell values shall be masked or summarized to avoid small cell sizes being released or calculated. Exceptions can be approved by the Data Management Council.
- 19. Any release of data that would result in the ability to identify the personally identifiable information (PII) of an individual must be approved by the Data Management Council, aggregated to a minimum cell size of 10, or masked/blurred. This includes situations where a calculation can be done to arrive at a single count of less than 10 students that would risk exposure of PII. Instances where 100% or 0% of students fall within one category and would risk the exposure of PII must also be approved by the Data Management Council or masked/blurred since doing so discloses information on either all or no students and thereby violates the minimum cell size policy.

Change Management and Prioritization

- 1. The Council shall review proposed enhancements to the SLDS and shall set priorities for the development of those enhancements.
- 2. The Council shall recommend any proposed enhancements to the SLDS to the Board, including changes to the governing policies and procedures which may affect access and security policies.
- 3. The Council shall review and approve or deny any proposed changes to existing functionality or data definitions of the SLDS.

Training and Communication

1. The Council shall oversee the training of SLDS users to ensure consistency in procedures and adherence to access and security policies.

⁵ Family Educational Rights and Privacy Act, 20 U.S.C. Section 1232g(a)(4)(A) and the Idaho Student Data Accessibility, Transparency and Accountability Act of 2014, Idaho Code Title 33, Section 133

- 2. The Council shall review and approve specific training plans established by OSBE, SDE, and the Idaho Department of Labor, for properly securing SLDS data.
- 3. Training shall include building an understanding of federal and state privacy laws which protect the rights of students and compliance with IRB requirements.
- 4. The Council shall establish a webpage on the Board's website to provide the public with information pertinent to the SLDS.

UNIVERSITY OF IDAHO

SUBJECT

The University of Idaho requests Board approval for this revised request to establish secure areas for the purpose of allowing pre-game activities that include the service of alcohol for the 2015 football season.

REFERENCE

2004 through 2013	Each year the Board approved the request by UI to establish secure areas for pre-game activities that serve alcohol for the football season.
June 18, 2014	Board approved the request by UI to establish secure areas for pre-game activities that serve alcohol for 2014 football season.
June 18, 2015	Board approved the request by UI to establish secure areas for pre-game activities that serve alcohol for 2015 football season.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho State Board of Education Governing Policies & Procedures, Section I.J. Use of Institutional Facilities and Services With Regard to the Private Sector.

Idaho Administrative Code, IDAPA 08.01.08.100. Consumption, and Sale of Alcoholic Beverages at Public Higher education Institutions.

BACKGROUND/ DISCUSSION

Board policy I.J. provides that Idaho institutions may seek approval for the sale or consumption of alcoholic beverages in conjunction with NCAA football games under certain conditions.

At the June 2015 Board meeting the University of Idaho obtained approval from the Board to continue its prior practice whereby, in the secure areas, patrons may purchase food and beverages (non-alcoholic and alcoholic) from Sodexo, the university's official food service provider, as part of home football pre-game activities.

The University of Idaho now seeks approval for revisions to the service of food and beverages at pre-game activities to incorporate alcohol service to qualified ticket holding patrons prior to home football games in substantially the same manner as was approved for this activity for Boise State University at the June 2015 Board meeting. This service will occur in the Idaho Fan Zone located in the North Kibbie Field and will merge the

Presidents Circle Pre-Game Function and the Corporate Tent functions from prior years.

As stated in the June 2015 materials, the Idaho Fan Zone will be at a single temporary facility erected at the beginning of the season and taken down at the end of the season, as depicted in Attachment 1 hereto, with alcohol service limited to a designated secured area within the facility and no alcohol allowed to leave the secured area. The structure will also house an alcohol free area (including a Kid Zone). This single facility will enhance institutional control over these events permitted for pre-game service of alcohol. The more substantial temporary structure also eliminates the need for the University Commons and Menard Law Building as alternate "bad weather" locations.

For the Idaho Fan Zone, with the revised service of food and beverages, the following will apply as a supplement to the requirements of Board Policy I.J.2:

- 1. All patrons must show a valid game ticket to enter the Idaho Fan Zone structure.
- 2. The Idaho Fan Zone will open three hours prior to kick off and close at the start of the game.
- 3. The Idaho Fan Zone will be secured to control access to and from the area.
- 4. There will be one entry point into the Idaho Fan Zone manned by security personnel who will check for valid game tickets of all patrons entering the facility.
- One ID station will be provided, located inside the facility at the single entry point to the secured area where alcohol will be served. ID's will be checked and special colored wrist bands will be issued to identify attendees over the age of 21 as they enter the secured area.
- 6. Only those patrons with wristbands will be allowed to purchase and consume alcohol in the secured area.
- 7. Security personnel from CMS Crowd Management Services, Alcohol Enforcement, who are TIPS trained, will be located throughout the secured area and elsewhere in the Idaho Fan Zone and will be monitoring the alcohol wristband policies and patron behavior.
- 8. No alcohol making or distributing companies will be allowed to sponsor the event.
- 9. Security personnel will not allow patrons to exit or enter the secured area with any alcoholic beverages.
- 10. The University of Idaho campus food provider (Sodexo) will carry the alcohol license and insurance and will provide TIPS trained

personnel to monitor the sale and consumption of all alcohol to those of legal drinking age only.

11. The above rules for the Idaho Fan Zone will be posted at the entrance on game days. This notice will state that the minimum drinking age in Idaho is 21 and that at no time should the University allow any underage drinking and/or serving of alcohol to visibly intoxicated patrons.

Service of alcohol at the Student Activities Field will be through tents creating a controlled area for monitoring attendance and consumption, with service limited to the tents and no alcohol allowed to leave the tents, in the same fashion as previous years. This area will be limited to visiting institutions hosting a pre-game event.

IMPACT

Again there have been no serious incidences regarding the pre-game service of alcohol through the 2014 football season and the 2015 spring practice football game where service has been approved. The UI creates a restaurant-type atmosphere within the secure areas. Feedback on the events has been very positive, and fans appreciated the opportunity to participate in pre-game events. These types of functions are beneficial to the university and are strategic friend- and fund-raising opportunities.

ATTACHMENTS

Attachment 1 – Maps and Drawings of Service Areas

Page 7

STAFF COMMENTS AND RECOMMENDATIONS

Board policy I.J., allows for the sale and consumption of alcoholic beverages on campus grounds in conjunction with NCAA football games with prior Board approval. All requests must comply with the minimum criteria established in Board policy. Any variance from the minimum requirements would require the waiver of Board policy.

To be in full compliance with Board policy the institution must meet the following criteria for events not held in stadium suite areas:

- i. The area must be for sponsors to entertain clients/guests for home football games. Attendance is limited to adult patrons and guests who have received a personal written invitation and must not be open to access by the general public.
- ii. The event must be conducted during pre-game only, no more than three-hours in duration, ending at kick-off.
- iii. The event must be conducted in a secured area surrounded by a fence or other methods to control access to and from the area. There must
be no more than two entry points manned by security personnel where ID's are checked and special colored wrist bands issued. A colorcoded wrist band system must identify attendees and invited guests, as well as those of drinking age. Unless otherwise specifically approved annually by the Board, under such additional terms and conditions as it sees fit, no one under the legal drinking age shall be admitted into the alcohol service and consumption area of an event. The area shall be clearly marked and shall be separated in a fashion that entry into the area and exit from the area can be controlled to ensure that only those authorized to enter the area do so and that no alcoholic beverages leave the area.

- iv. Companies involved in the event must be sent a letter outlining the location and Board alcohol policy. The letter must state the minimum drinking age in Idaho is 21 and that at no time should such companies allow any underage drinking and/or serving of alcohol to visibly intoxicated persons.
- v. Alcohol-making or -distributing companies are not allowed to sponsor the event. In no event shall the institution supply or sell alcoholic beverages directly. In no event shall invitees or participants in such event be allowed to bring alcoholic beverages into the area, or leave the defined area where possession and consumption is allowed while in possession of an alcoholic beverage.
- vi. The food provider must provide TIPS trained personnel who monitor the sale and consumption of all alcoholic beverages to those of drinking age. Any required local catering permit, and applicable state or local alcoholic beverage permits, shall be posted in a conspicuous place at the defined area where alcoholic beverages are authorized to be possessed and consumed.
- vii. Food must be available at the event. Non-alcoholic beverages must be as readily available as alcoholic beverages.
- viii. Security personnel located throughout the area must monitor all alcohol wristband policies and patron behavior.
- ix. Event sponsors/food providers must be required to insure and indemnify the State of Idaho, the State Board of Education and the institution for a minimum of \$2,000,000, and must obtain all proper permits and licenses as required by local and state ordinances. All applicable laws of the State of Idaho and the local jurisdiction with respect to all aspects of the event, including the possession, sale and consumption of alcoholic beverages, must be complied with. Event sponsors/food providers supplying the alcoholic beverages shall

assume full responsibility to ensure that no one under the legal drinking age is supplied with any alcoholic beverage or allowed to consume any alcoholic beverage at the event. Further, event sponsors/food providers must provide proof of insurance coverage, including host liquor liability and liquor legal liability, in amounts and coverage and coverage limits sufficient to meet the needs of the institution, but in no case less than \$500,000 minimum coverage per occurrence. Such insurance must list the event sponsor/food provider, the institution, the State Board of Education and the State of Idaho as additional insureds, and the proof of insurance must be in the form of a formal endorsement to the policy evidencing the coverage and the required additional insureds.

x. A report must be submitted to the Board annually after the conclusion of the football season before consideration is given to the approval of any future requests for similar events on home football game days.

The Board approved a similar request by Boise State University under the stipulation that it be accomplished in full compliance with Board policy I.J. including the minimum provisions provided herein. Boise State University's request was for a single location, the Caven Williams Sports Complex, the University of Idaho's request is for two (2) locations.

BOARD ACTION

I move to approve the request by the University of Idaho to establish secure areas under the conditions set forth in this request, and in full compliance with Board policy I.J., for the purpose of allowing alcohol service during pre-game activities for the 2015 home football season in the North Kibbie Field and the Student Activities Field; a request will be brought back to the Board after the conclusion of the 2015 season for reconsideration for 2016.

Moved by _____ Seconded by _____ Carried Yes ____ No ____

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2015 Vandal Pre-game Activities Map



PPGA



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