Memorandum

To: SBOE chair Tom Raffio,

SBOE members

Frank Edelblut

Heather Gage

Sandie MacDonald

Re:  **Recommend that the assessment RFP be pulled back and rewritten with input from a broad based task force.**

Date: April 5, 2017

# Recommendation

Here in the state that wrote the book on local control, our department of education has taken the ultimate top-down approach to the annual assessment, the state’s primary school accountability tool.  Apparently committed to moving away from the current widely used assessment just recently implemented after years of preparation by teachers and school leaders, the department has moved to administer a new assessment at breakneck speed - in the next school year, 2017/18.

The RFP has been rushed out, virtually unannounced, with no consultation with parents, teachers, school leaders, business, the state board of education, or community members.  The result is a deeply flawed RFP.

The state board is preparing, with the department’s support, to review the English Language Arts and math standards that are, by federal and state law, the basis for the annual assessment.  Any revisions to the standards should be ready for the 2018/19 school year.  Implementing a new assessment the year before revising the standards would be illogical, confusing and unnecessarily costly.  The tight timeline reduces the department's choice of vendors and its leverage in the contract negotiation process because only an off-the-shelf test could conceivably be implemented by spring of 2018.  But few off-the-shelf assessments are likely to align sufficiently with our current standards and, since they are shelf tests, cannot both align to our current standards and any potential revised set of content standards.

But the problem of greatest concern is the impact on our teachers and school leaders.  They have invested years in learning how to teach to the high level expectations and results so they feel like they now have it under control.  And students and parents will not know what to make of the new assessment.  The whole idea of implementing a new assessment would come as a total surprise when school opens in September.

Teachers and school leaders have for years had a close and respectful working relationship with the department.  They have been consulted on every policy move and, when a decision was made, they shared ownership of it and were committed to making it a success.  Now, suddenly, they are not consulted, are unlikely to understand the logic of the change or know how to make it successful.

All this, and the many problems with the RFP, some of which are detailed below, could easily be avoided.  The department should pull back the RFP and avoid creating confusion in New Hampshire classrooms next year.  It is a credible, widely accepted assessment and is successfully in place in our schools.

Then the department should convene a task force of students, parents, teachers, school leaders, business leaders and assessment experts to consider what our assessment goals should be, what practical issues should be considered, and what our requirements should be.  The task force can then decide whether the current assessment can meet our needs and, if we do need to consider a change, how we should go about that.

Many states - Tennessee, North Dakota, Arizona, Iowa, Wyoming, Kentucky and probably many others - have done just that.  It has worked well.  They mitigated the risk that their assessment RFP would be marred by the kinds of issues found in the current RFP.

Issuing an RFP during a standards review, without consultation, is a major mistake but it can easily be remedied at this point.  Any change in assessment needs at least a year of preparation to avoid the kind of “teaching to the test” that an untested new assessment could cause.

I have included as an appendix more detail on some of the issues that will have to be addressed a new RFP. Most serious are the statutory and cost issues, though I noted others where I saw them as well.

The department should take the corrective steps and issue a new RFP in a responsible way that involves stakeholder engagement, clarity of vision, and technical expertise.

Appendix 1 – Outline of Major Issues with the March 29, 2017, New Hampshire Assessment RFP

**Appendix 1 - Outline of Major Issues with the March 29, 2017, New Hampshire Assessment RFP**

Although the time is short since the RFP was issued, here is some more detail on the most obvious issues.

### Cost and Statutory Issues

Issued under an unnecessarily rushed timeline, the RFP would increase the cost and compliance risks to the State and put the State at a disadvantage in negotiating contracts with potential vendors.

* **Changing assessment vendors while changing standards**

SBOE is about to undertake a standards review that should yield revised ELA and math standards the implementation of which could begin in the 2018/19 school year.  We have a functional, compliant assessment in place, implemented after many years of preparation just two years ago.  It is provided by the largest assessment consortium and aligns with the standards used in our schools.  There is no need to put our schools through a transition to an unknown new vendor on a high risk timeline when there is no documented problem that makes a transition urgent.

* **Cost implications of hiring a new vendor first and changing standards later**

The requirement that the assessments be modified after the first year to align with unknown future standards will lead to change orders of indeterminate size.  The normal process would be to change the standards, then seek an aligned assessment.  Doing it the other way around means that there’s no way to know whether the selected vendor can provide an assessment aligned to the new standards at all or for an acceptable price.  If not, NH would need to change vendors and test again. We would lose all credibility with our educators and other stakeholders.

* **No time for the normal procurement process**

The unnecessarily rushed July 1, 2017 date to begin work under the contract provides insufficient time for the state procurement process and Executive Council review.  It is unlikely that work could begin on this complex 5 component project with possibly multiple vendors three months after issuing the RFP.  However, if a contract does reach a June Executive Council meeting, the Council will have insufficient time for proper consideration.

* **The RFP requires an off-the-shelf test vendor in the first year but a custom test vendor in the second**

Although it would be difficult to transition smoothly to a new test on the schedule proposed in the RFP, the timeline makes an off-the-shelf test already aligned with New Hampshire standards the only potentially viable solution.  The alternative, a custom test developed specifically to meet our needs, requires a complex multi-step process that could not be ready for 2018.

Most test vendors provide either a shelf or a custom test, but not both.  One key reason the RFP is not viable is that it is a collection of incompatible requirements, a quick off-the-shelf solution for 2018 and a custom solution for future years when the standards will change.  No single vendor is likely to be able to meet these requirements, even if its proposal expresses confidence about that.

* **Stating a preference for a shelf test appears inconsistent with state statute**

The RFP says repeatedly that customized solutions are acceptable and enumerates many requirements for customization.  However, in addition to imposing timeline constraints, the RFP explicitly states on page 27 that the shelf test is the preferred solution.

By stating a preference for a shelf test and actually making that the only viable solution, the RFP has added a limitation not contained in state law.  This kind of restriction would usually be supported by a strong rationale but there is none in this RFP.  Limiting bids to off the shelf products or telling bidders that we have a preference for an off the shelf product may put the state in jeopardy of a lawsuit by a vendor who was essentially precluded from bidding. Or we could be accused of trying to steer a contract that should have follow the open competitive bidding process.

* **RFP provides for sole source renewal for a total of 7 years**

While the 4 year contract contemplated in this RFP is the conventional length of time, the built-in 3 year sole source extension to a total of 7 years appears to be end run around the contracting process.  This is an excessive contract term under any circumstances but especially after a rushed process that would limit the State’s vendor choices.

* **Teacher participation required by statute does not appear feasible**

The RFP and RSA 193-C:1 III d) require that, "Teachers shall be involved in designing and using the assessment system.”  Since the timeline does not allow for custom test development, there would be no opportunity for New Hampshire teachers to be involved as required by the statute.

* **Unclear language about alignment to New Hampshire standards risks noncompliance with and federal statutes**

RSA 193-C says, "The assessment exercises or tasks shall be valid and appropriate representations of the academic standards the students are expected to achieve.”

But the RFP cover page, while referring to the statute, turns the phrase around and says that "assessments must align with: Appropriate representations of the New Hampshire’s grade level academic standards for ELA, mathematics and science.”  This is an incorrect reading of the statute that does not clearly state that the assessment must be alignment to New Hampshire’s academic standards.

The cover page further muddies the waters by adding that assessments must align with, "Nationally and/or internationally recognized academic standard(s) with demonstrable longitudinal data supporting both student growth and student achievement models leading to college and career readiness.” .” I am unclear what this even means, but it appears to provide an opportunity not to align with New Hampshire standards.

The RFP goes on to use conflicting and imprecise language throughout:

* P 0: "RFP Purpose: To contract with a qualified vendor for a statewide, computer-based assessment system based upon New Hampshire’s academic standards…”
* P 2: The State seeks an "assessment system that is substantially aligned with New Hampshire academic standards”
* P 18: Scoring.  The assessment must "Be substantially aligned and include appropriate representations of the New Hampshire’s grade level academic standards for ELA, mathematics and science.”
* P 24: "The primary goals of the NH DOE with respect to assessment delivery include ensuring that all assessments measure student mastery of academic standards…”
* P 25: "All assessments must include appropriate representations of the New Hampshire’s grade level academic standards”

The department has no authority to soften the state statutory requirement.  In addition, if the test does not meet the federal requirement that the assessment be aligned to the state’s standards, the test may not pass federal peer review and the State will be required to change assessments again, as has happened in many other states.

* **With no statutory the vague requirement for “longitudinal support models” opens the state to the charge of steering the contract.**

Page 4 of the cover sheet calls for “longitudinal support models.” The RFP uses this phrase in various forms throughout and the requirement is featured on page 18 as a component in scoring the qualities of the assessment.

This requirement presents several serious problems. First, it is not justified by statute and, therefore, not a legitimate requirement.

Second, any assessment actually aligned with the Common Core standards would have a relatively short history of longitudinal data and clearly not be able to demonstrate meaningful “student growth and achievement” results.

Third, the longitudinal data that matters to New Hampshire parents is that being developed by consistent use of a single assessment aligned to New Hampshire standards, not to some other assessment used elsewhere in the world to assess other children and aligned to undefined other standards.

In fact, those normed comparisons are specifically what is not appropriate for an assessment that is statutorily required to serve as a criterion based assessment measuring student proficiency against standards.

Finally, although the requirement is not statutorily supported, it is probable that few vendors would be able to comply with the requirement. Therefore, like several other requirements, the longitudinal data requirement unnecessarily opens the State to the charge of contract steering.

There is no benefit to incurring that risk because even if a vendor could comply and provide criterion-based comparisons going back in time, only their data based on the Common Core standards would be relevant to New Hampshire students and parents.

### Additional Issues

* **RFP is too long and repetitive**

At 151 pages, this RFP is three times as long as most and twice as long as the longest other assessment RFP I have ever seen. Its repetitiveness will promote confusion in proposal writing, proposal scoring and contract negotiation.

* **Science standards not under review**

The third page of the cover sheet says that the science standards are under review. The board, which has sole responsibility for the standards, has proposed reviewing the ELA and math standards but not the science standards, which it just adopted in November after a two year, highly participative process.

* **It would be a mistake to drive classroom curriculum with a test vendor’s interim assessments**

RFP says that the proposed assessment system should include, "Interim assessment results that may be aggregated and used in lieu of summative assessments, if permitted under ESSA.”  This would be a major change in the New Hampshire assessment system that is inserted here without the required planning and consultation with the field that might have led to the right kind of re-consideration.

The concept has been tried and rejected in other states, including Massachusetts.  They found that the impact of this approach was to take control of the curriculum out of the teachers’ hands and give control to the test vendor.

A recent CCSSO report, “Using Interim Assessments in Place of Summative Assessments? Consideration of an ESSA Option,” says (emphasis in the original):

“Developing and implementing these kinds of systems of interim assessments represent uncharted territory. …[T]hey have never been researched in detail nor put into practice. There are many technical and practical challenges inherent to such systems, many of which currently lack clear solutions. In addition, any set of assessments used to meet the ESSA interim provision will need to, collectively, meet the requirements of federal-peer review. Current commercially available interim assessments, then, will likely need additional documentation, development, or both. In some cases, commercial interim assessments many not meet a state’s needs (e.g., interim assessments designed to measure a specific subset of standards), meaning new interim assessments will need to be developed….

“The ultimate conclusion of this work is that **implementing a system of interim assessments will require a sustained, multiyear effort that goes above and beyond that currently involved in typical summative assessment programs.”**

We should not try to do this in New Hampshire.

* **A formative assessment is not the same as an interim assessment**

It would be a serious error to conflate the terms “formative” and “interim.” A formative assessment is facilitates instruction, provides frequent feedback to the student and teacher on small bits of learning and is not used as a comparative tool. An interim assessment is a periodic evaluation on much larger units of work controlled by the school or some larger entity and provides data that can be compared across a number of students.

If the proposed assessment program does require both formative and interim material, that requirement should be addressed explicitly and in detail.

* **The timeline leaves no opportunity for a field test or other preparation**

The RFP appears to provide for the field testing a successful program would require but there appears to be no provision in the timeline for a viable field testing program.

* **A shelf test will normally have more limited item types than the RFP demands**

The RFP says on page 48, "The vendor’s response must describe the variety of item types that could be included on the assessment components bid on, including item types that require students to generate or produce a response as well as select a response” and goes on to list five item types including constructed response.

This is inconsistent with a shelf test preference, which tends to include a limited number, if any, items that require the student to generate a response.

* **Requirements are too general and conflicting**

The requirements are so general that we would be at the mercy of the vendor.  Instead of telling the vendor what NH needs to accomplish its goals, the vendor just tells us what it has.  DOE has left itself no leverage - and each attempt to add specificity could lead to cost increases.

In addition, they are conflicting in that the RFP requires both custom and shelf test features. Though vendors will do their best to be responsive in their proposals, the reality is that we cannot have both. Beyond the item type issue discussed above, a serious implementation of the Item Review Committees called for on page 45 would not be feasible or relevant in for a shelf test.

* **Some scoring requirements may not be workable**

On page 23, the RFP requires that assessment tasks be “objectively scored." Writing samples and other open-ended tasks cannot be objectively scored. Some of those tasks could be machine scored, as discussed on page 65 and in other places.  However, artificial intelligence (AI) scoring works with narrative prompts, but not with prompts that reward students for citing evidence, as is required in argumentative essays and extended-response math and science tasks.