

4000-01-U

DEPARTMENT OF EDUCATION

Enhanced Assessment Instruments

Catalog of Federal Domestic Assistance (CFDA) Number:  
84.368A.

AGENCY: Office of Elementary and Secondary Education,  
Department of Education.

ACTION: Notice of proposed priorities and selection  
criteria.

SUMMARY: The Assistant Secretary for Elementary and  
Secondary Education proposes priorities and selection  
criteria under the Enhanced Assessment Instruments grant  
competition. The Assistant Secretary may use the priorities  
requirements and selection criteria for competitions in  
fiscal year (FY) 2008 and later years. We take these  
actions to focus Federal financial assistance on  
applications that address pressing needs and promising  
developments related to developing and implementing  
assessments under the No Child Left Behind Act and to  
provide for the use of selection criteria during application  
review that are likely to recognize high-quality proposals.

DATES: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Address all comments about this notice to Collette Roney and Sharon Hall, U.S. Department of Education, 400 Maryland Avenue, SW., room 3W210, Washington, DC 20202-6450. Telephone: (202) 260-0934.

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

If you prefer to send your comments by e-mail, use the following address: collette.roney@ed.gov or sharon.hall@ed.gov. You must include the term "Enhanced Assessment Instruments--Comments on Proposed Priorities" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Collette Roney or Sharon Hall at (202) 260-0934 or by e-mail: collette.roney@ed.gov or sharon.hall@ed.gov.

If you use a TDD, call the FRS, toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have

maximum effect in developing the notice of final priorities, and selection criteria, we urge you to identify clearly the specific proposed priority or selection criterion your comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from the proposed priorities and selection criteria. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about the proposed priorities and selection criteria in room 3E335, 400 Maryland Avenue, SW., Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record

for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Purpose of Program: The purpose of this program is to enhance the quality of assessment instruments and systems used by States for measuring the achievement of all students.

Program Authority: 20 U.S.C. 7301a and 7842.

PROPOSED PRIORITY:

This notice contains three proposed priorities.

Background:

Enhancing assessment instruments so that they take into consideration alternatives for assessing students with disabilities and limited English proficient students is one of the pressing needs in the area of assessments. Enhancing assessment instruments so that they involve uses of technology is one of the developing innovations in the area of assessments. In addition, the complexity of improving assessments calls for collaborative efforts between and among states to yield approaches that can be adapted to various contexts and for effective dissemination of the results to increase the likelihood that the projects funded

will contribute to ongoing State efforts to improve their assessment systems.

Proposed Priority 1—Focus of Project.

Applications that can be expected to advance practice significantly in one or more of the following areas: (a) Accommodations and alternate assessments -- Increasing accessibility and validity of assessments for students with disabilities or limited English proficiency, or both, including strategies for test design, administration with accommodations, scoring, and reporting; or (b) Innovative technology-based assessments -- Innovative uses of technology for assessments, such as test design, test formats and item types. *[Note: Proposed Priority 1b is still under review; final agreed upon language will be inserted here]*

Proposed Priority 2-- Collaborative efforts.

Applications that are sponsored by a consortium of States.

Proposed Priority 3-- Dissemination.

Applications that include an effective plan for dissemination of results.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

PROPOSED SELECTION CRITERIA:

Background:

Beginning with the original Enhanced Assessment Instruments Program competition, all competitions have used selection criteria authorized by sections 75.209-210 of the Education Department General Administrative Regulations (EDGAR). In general, based on our experience with administering these competitions, we believe these selection criteria have effectively supported reviewers in recognizing high-quality proposals. We also believe that adding certain additional considerations allowed by EDGAR for determining the degree to which an applicant has addressed a particular criterion will strengthen the selection criteria for this program. We believe the following proposed selection criteria would continue to contribute to our efforts to award Enhanced Assessment Instrument funds to exemplary, effective, or promising projects.

Proposed Selection Criteria:

The Assistant Secretary for Elementary and Secondary Education proposes the following selection criteria for evaluating an application under this program. We may apply one or more of these criteria in any year in which this program is in effect. In the notice inviting applications or the application package or both we will announce the maximum possible points assigned to each criterion.

(a) Need for project.

- The extent to which the proposed project will provide services or otherwise address the needs of students at risk of educational failure.
- The extent to which the proposed project will focus on serving or otherwise addressing the needs of disadvantaged individuals.
- The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(b) Significance.

- The potential contribution of the proposed project to increased knowledge or understanding of educational problems, issues, or effective strategies.
- The potential contribution of the proposed project to the development and advancement of theory, knowledge, and practices in the field of study.
- The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies.

- The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(c) Quality of the project design.

- The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable. The extent to which there is a conceptual framework underlying the proposed research or demonstration activities and the quality of that framework.
- The quality of the proposed demonstration design and procedures for documenting project activities and results.
- The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.
- The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

- The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.
- The extent to which the proposed project represents an exceptional approach for meeting statutory purposes and requirements.
- The quality of the methodology to be employed in the proposed project.

(d) Quality of project personnel.

- The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.
- The qualifications, including relevant training and experience, of the project director or principal investigator.
- The qualifications, including relevant training and experience, of key project personnel.
- The qualifications, including relevant training and experience, of project consultants or subcontractors.

(e) Adequacy of resources.

- The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.
- The extent to which the budget is adequate to support the proposed project.
- The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(f) Quality of the management plan.

- The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.
- The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(g) Quality of the project evaluation.

- The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

- The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.
- The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.
- The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

Final Priority, Requirements, Definitions, and Selection Criteria:

We will announce the final priorities and selection criteria in a notice in the Federal Register. We will determine the final priorities and selection criteria after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this proposed priority

and one or more of these proposed requirements, definitions, and selection criteria, we invite applications through a notice in the Federal Register.

Executive Order 12866: This notice has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this proposed regulatory action.

The potential costs associated with this proposed regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits--both quantitative and qualitative--of this proposed regulatory action, we have determined that the benefits of the proposed priorities and selection criteria justify the costs.

We have determined, also, that this proposed regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Alternative Format: Individuals with disabilities can obtain this document in an alternative format (e.g.,

Braille, large print, audiotape, or computer diskette) on request to the contact person listed under FOR FURTHER INFORMATION CONTACT.

Electronic Access to This Document: You can view this document, as well as all other documents of this Department published in the Federal Register, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: [www.ed.gov/news/fedregister](http://www.ed.gov/news/fedregister).

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC, area at (202) 512-1530.

Note: The official version of this document is the document published in the Federal Register. Free Internet access to the official edition of the Federal Register and the Code of Federal Regulations is available on GPO Access at: [www.gpoaccess.gov/nara/index.html](http://www.gpoaccess.gov/nara/index.html).

Dated:

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Kerri L. Briggs, Ph.D.,  
Assistant Secretary for Elementary  
and Secondary Education.