



STATE BOARD of ELEMENTARY and SECONDARY EDUCATION

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July 10, 2014

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The Honorable Bobby Jindal
Governor of Louisiana
P.O. Box 94004
Baton Rouge, LA 70804-9004

Dear Governor Jindal,

As you know, in 2010 you and BESE established a long-term objective to raise expectations in Louisiana for literacy and math achievement, and to measure our students' accomplishments on a level playing field with students across America. In the service of that objective, you and our Board together created and signed off on a plan to implement the Common Core State Standards in English and math, and we together signed a commitment to design a quality standardized test through the Partnership for the Assessment of Readiness for College and Careers (PARCC).

In 2012, the Legislature joined that effort, placing into law a requirement that "[b]eginning with the 2014-2015 school year, standards-based assessments implemented by the State Board of Elementary and Secondary Education in English language arts and mathematics shall be based on nationally recognized content standards."

In the time since, BESE and the Department of Education have overseen the training of thousands of teachers, an overhaul in the state's curriculum guidance, and a comprehensive upgrade in classroom technology. We have also overseen the creation by educators from Louisiana and across the country of a better "blueprint" for standardized tests through the PARCC process, including test questions that reintroduce writing and independent thinking to our classrooms.

We know that you have developed concerns related to this long-term initiative. When we understood those concerns to be about federal intervention in curriculum, we supported regulations ensuring local curriculum choice. When concerns regarded parental rights to review curriculum, we supported regulations mandating such rights. Regarding your concerns on the privacy of student information, we supported a rule ending the use of social security numbers and other personally identifiable information. And as you had expressed concerns regarding the speed of implementation, we supported a plan to give teachers more time to learn the new expectations and to gradually phase in accountability provisions.

The Legislature also addressed these issues, providing local communities autonomy in selecting curriculum, ensuring parents are provided the opportunity to review all instructional materials, and passing landmark legislation on data privacy. Finally, speaking to your concern regarding the speed of implementation, the Legislature passed a bill extending the period of time to learn the new expectations for teachers, students, and parents.

June 18, after the above steps had been completed, you announced for the first time that you had concerns regarding how the new tests would be obtained, and you promulgated an executive order requiring that BESE and the Department of Education commence a process to procure new testing services contracts immediately.

Superintendent White responded that the Department maintains testing services contracts already, procured through the state's process, signed off on by your administration, and providing a wide range of services, from designing tests to delivering them, collecting them, scoring them, analyzing them, and reporting on their results. The Superintendent stated that the Department's intent is to provide testing services by way of these contracts, continuing with the same vendor but using questions developed through the PARCC process on next year's grade 3-8 tests.

The Commissioner of Administration immediately suspended these contracts, modifying her orders later to suspend only development of tests for the upcoming school year. We have heard from her and other members of your administration that subcontracting on pre-existing contracts is of concern to them and that no activity to develop next year's tests using these contracts should go forward.

Because these are legally complex issues, involving the Constitution, education statutes, and the procurement code, July 1 we began the process of obtaining outside legal counsel to advise us. That day we also required that Superintendent White seek a meeting with you and report back to the Board by July 18. Yesterday you scheduled a meeting with him for July 17 at 4:40 p.m.

Governor, we continue to believe that the best way to address your concerns is to support policies that respond directly to them, outside of courts, and there is no time to waste.

We hear from parents and teachers every day that the state of ambiguity in which the current impasse has placed them is not beneficial to them or to the children they love and serve. As it stands today, in four and a half weeks, when the doors to schools open statewide, our state will be sending 50,000 teachers off on another leg of this ambitious journey without clarity. For the sake of our parents and teachers, as well as our students and our state as a whole, we cannot permit this to happen. We must provide them immediate clarity, while complying with the law's requirements that 2014-2015 tests be based on nationally recognized standards.

Therefore, today we propose a solution that addresses your concerns regarding the procurement of standardized tests, provides teachers and parents immediate clarity, and remains faithful to laws mandating higher expectations. We present this solution to you and to our fellow Board members for consideration.

First, regarding Louisiana Education Assessment Program (LEAP) testing services for 2015-2016 and beyond, we propose a transparent and competitive bidding process, to start immediately.

- Under this plan, the Department of Education will immediately produce a Request for Proposals (RFP) for LEAP testing services in grades 3-8 and will seek a contract through a competitive bidding process, to start July 1, 2015, upon expiration of contracts

currently in use. We propose that a vendor be selected not later than December 31, 2014, so that the vendor can ensure teachers have appropriate lead time in preparing for the 2015-2016 school year, and we ask your administration's partnership in meeting that deadline.

- Because PARCC is not a vendor of services — it is a collaborative effort among states to design a better test — you can be assured that PARCC will not apply in response to the RFP, nor will it be a subcontractor.
- As the law charges BESE with adopting LEAP tests based on “nationally recognized content standards,” the RFP will reflect this requirement.
- As the law requires that “student achievement standards shall be set with reference to test scores of students of the same grade level nationally,” the RFP will reflect this requirement.
- Finally, as the law specifically charges BESE with implementing standards-based assessments, BESE and the Department will be the authors of this LEAP RFP and will establish the process, per the law, by which bidders are scored. Under this proposal, BESE and the Department will create the best testing blueprint possible to meet with the terms of the law.

For the 2014-2015 school year, there remains a testing contract in place. Teachers were first provided guidance on 2014-2015 tests six months ago, and they have been preparing for specific types of test questions in the time since, anticipating new questions to replace the state's depleted reservoir. We have an urgent need to clarify the state's vision for 2014-2015 tests. We thus propose the following solution.

- Under the plan we propose today, the contractor awarded testing services contracts through June 30, 2015, will continue to deliver and administer the LEAP tests in 2014-2015 in four academic subjects, through the end of its contracted term, necessitating that the Commissioner lift the current suspension. These contracts were established through the state's procurement process and were approved by your administration.
- For the sake of expediency, consistency, and cost effectiveness — as well as to be consistent with the law — we propose to complement 2014-2015 LEAP test questions created through Louisiana's historical test question development process with questions Louisiana created as part of the PARCC process and to which our state thus has immediate access.
- Under this plan, the Department would not enter into subcontracts to acquire additional questions. Louisiana educators and administrators participated in creating these questions, and the state can thus access them without entering into a contract or a subcontract, thereby solving the urgent need for new test questions and meeting the legal mandate for tests based on “nationally recognized content standards.”
- While this plan would not necessarily allow for the precise test format of other states, it would allow Louisiana to assemble the 2014-2015 LEAP tests in a way whereby “student achievement standards shall be set with reference to test scores of students of the same grade level levels nationally,” thus meeting another legal mandate.

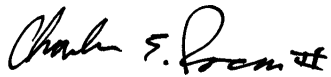
This plan provides teachers immediate clarity. It also complies with the law's mandate that in 2014-2015 tests measure nationally recognized standards and yield outcomes comparable to those of other states, while simultaneously resolving any concerns about contracts and subcontracts having gone through the state's procurement process.

Governors and state boards have worked closely together for nearly two decades in Louisiana to raise expectations for students. You have been a remarkable partner to BESE over your nearly two terms as Governor, and together we have accomplished much.

When you have raised concerns, our Board has been responsive to them without taking us off the long-term course we established together. We offer this solution to you and to our fellow Board members in the spirit of sustaining that approach, finding common ground, and resolving differences that may affect teachers, families, and students in negative ways.

We will make ourselves available to meet with you if you like. Otherwise, we await your response and thank you for your urgent attention.

Sincerely,



Chas Roemer
President
District 6



Jim Garvey
Vice President
District 1



Holly Boffy
Secretary
District 7

c:

Lottie Beebe, District 3
Connie Bradford, Member-at-Large
Jay Guillot, District 5
Carolyn Hill, District 8
Walter Lee, District 4
Judy Miranti, Member-at-Large
Kira Orange Jones, District 2
Jane Smith, Member-at-Large
Commissioner Kristy Nichols
Superintendent John White
Heather Cope, Executive Director