



## **Smarter Balanced Assessment Consortium Governance Structure Document**

**July 1, 2010**

**Amended July 5, 2012**

Guiding Principle: State led and governed,  
the Smarter Balanced Assessment Consortium (Consortium) is committed to a  
balanced and integrated comprehensive assessment system.

The organic document establishing the Consortium is the Memorandum of Understanding, Smarter Balanced Assessment Consortium, Race to the Top Fund Assessment Program: Comprehensive Assessment Systems Grant Application CFDA Number: 84.395B, executed by member states and made effective as of October 1, 2010 (hereinafter referred to as “Consortium MOU”). The Consortium MOU in several places delegates authority and responsibility to the Governing States as a governance body to make changes in the governing structure as deemed necessary to fully implement the purposes of the Consortium MOU.<sup>1</sup>

This governance structure document memorializes the exercise of that authority by the Governing States. The governance structure of the Consortium is hereby amended as set forth in this document and shall supersede the specific governance structure provisions set forth in the MOU. This document shall be known as the “Governance Structure Document” and shall be attached to the Consortium MOU for purposes of obtaining signatures on the Consortium MOU by any additional states seeking membership.

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<sup>1</sup> See Smarter Balanced MOU Section (c) (11) (governance body will be responsible for implementing plans that are consistent with this MOU, but may make changes as necessary through a formal adoption process); Section (e): (a Governing State is a state that . . . [p]articipates in the final decision-making of . . . [c]hanges in Governance and other official documents); (Steering Committee to operationalize the plan to transition from the proposal governance to implementation governance).

# I. The Smarter Balanced Assessment System Vision

- A. The Consortium's priorities for a new generation assessment system are rooted in a concern for the valid, reliable, and fair assessment of the deep disciplinary understanding and higher-order thinking skills that are increasingly demanded by a knowledge-based economy. These priorities are also rooted in a belief that assessment must support ongoing improvements in instruction and learning, and must be useful for all members of the educational enterprise: students, parents, teachers, school administrators, members of the public, and policymakers.

The Consortium intends to build a system of assessment upon the Common Core State Standards in English language arts and mathematics with the intent that all students across this Consortium will know their progress toward college and career readiness.

The Consortium recognizes the need for a system of formative, interim, and summative assessments, organized around the Common Core State Standards, that support high-quality learning and the demands of accountability, and that balance concerns for innovative assessment with the need for a fiscally sustainable system that is feasible to implement. The efforts of the Consortium will be organized to accomplish these goals.

- B. The comprehensive assessment system developed by the Consortium will include the following key elements and principles:
1. A Comprehensive Assessment System that will be grounded in a thoughtfully integrated learning system of standards, curriculum, assessment, instruction, and teacher development that will inform decision-making by including formative strategies, interim assessments, and summative assessments.
  2. The assessment system will measure the full range of the Common Core State Standards including those that measure higher-order skills and will inform progress toward and acquisition of readiness for higher education and multiple work domains. The system will emphasize deep knowledge of core concepts within and across the disciplines, problem solving, analysis, synthesis, and critical thinking.
  3. Teachers will be involved in the design, development, and scoring of assessment items and tasks. Teachers will participate in the alignment of the Common Core State Standards and the identification of the standards in the local curriculum.
  4. Technology will be used to enable adaptive technologies to better measure student abilities across the full spectrum of student performance and evaluate growth in learning; to support online simulation tasks that test higher-order abilities; to score the results; and to deliver the responses to trained scorers/teachers to access from an electronic platform. Technology applications will be designed to maximize interoperability across user

- platforms, and will utilize open-source development to the greatest extent possible.
5. A sophisticated design will yield scores to support evaluations of student growth, as well as school, teacher, and principal effectiveness in an efficient manner.
  6. On-demand and curriculum-embedded assessments will be incorporated over time to allow teachers to see where students are on multiple dimensions of learning and to strategically support their progress.
  7. All components of the system will incorporate principles of Universal Design that seek to remove construct-irrelevant aspects of tasks that could increase barriers for non-native English speakers and students with other specific learning needs.
  8. Representatives from higher education and employers/business leaders will be involved in order to link the design and scoring of the assessments to evidence of college and career readiness, and to sustain these linkages over time.
  9. Optional components will allow members flexibility to meet their individual needs.

## II. Total Membership

The total membership of the Consortium is composed of Governing States, Advisory States, Affiliate members, and the Lead Procurement State. Governing States are states that are fully committed to the Consortium only and meet the qualifications specified in this document. Advisory States are states that have not fully committed to a consortium, but support the work of the Smarter Balanced Consortium. Affiliate members are territories and commonwealths<sup>2</sup> of the United States and/or the Department of Defense Education Activity (DoDEA) that have not committed to a consortium, but support the work of the Smarter Balanced Assessment Consortium. The state of Washington is the Lead Procurement State and oversees all financial procurement on behalf of the Consortium. See Appendix A for an organizational chart.

After receipt of the grant award, any request for entrance into the Consortium must be approved by the Executive Committee. Upon approval, the Project Management Partner will then submit a change of membership to the U.S. Department of Education for approval.

For the purpose of describing membership in the Consortium the term “state” will be used throughout the remainder of this document to refer to Governing States, Advisory States, and Affiliates.

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<sup>2</sup> The territories of Guam, the United States Virgin Islands, and American Samoa, and the Commonwealths of Puerto Rico and the Northern Mariana Islands.

#### **A. Membership Criteria**

Any state that chooses to join the Consortium can do so based upon the following membership criteria:

1. Appropriate signatures on the Memorandum of Understanding (Consortium MOU),
2. Adopt the Common Core State Standards that are college- and career-ready standards no later than December 31, 2011, or have adopted them before joining,
3. Adopt common achievement standards no later than the 2014–2015 school year,
4. Fully implement statewide the summative assessment for both mathematics and English language arts no later than the 2014–2015 school year,
5. Adhere to the governance plan as further outlined in this document,
6. Agree to support the decisions of the Consortium,
7. Agree to follow agreed-upon timelines, and
8. Participate in the decision-making process and, if a Governing State, in the final decision.

#### **B. A Governing State is a state that:**

1. Has fully committed to this Consortium only and met the qualifications specified in this document,
2. Is a member of only one Consortium applying for a grant in the Program,
3. Provides a representative to serve the Consortium’s decision-making and project tasks needs,
4. Has one vote through its designated representative in Consortium decision-making,
5. Is committed to using the assessment system or program developed by the Consortium,
6. Provides a representative(s) to serve on two or more work groups,
7. Approves the Executive Committee Members, and
8. Participates in the final decision-making, as outlined in the “Decision-making” section of this document.

#### **C. An Advisory State is a state that:**

1. Has not fully committed to a consortium but supports the work of this Consortium,
2. Participates in all Consortium activities but does not have a vote unless the Governing States deem it beneficial to bring an issue before the total membership for voting,
3. May contribute to policy, logistical, and implementation discussions that are necessary to fully operationalize the Smarter Balanced Assessment System, and
4. Is encouraged to participate in the work groups.

**D. An Affiliate member** may be a territory or commonwealth of the United States and/or the DoDEA that:

1. Has not fully committed to a consortium but supports the work of this Consortium,
2. May participate in all Consortium activities at their expense<sup>3</sup> but does not have a vote unless the Governing States deem it beneficial to bring an issue before the total membership for voting,
3. May contribute to policy, logistical, and implementation discussions that are necessary to fully operationalize the Smarter Balanced Assessment System, and
4. Is encouraged to participate in the work groups.

**E. The Lead Procurement State**

1. Is a Governing State,
2. May receive the state's negotiated indirect rate for federal grants,
3. Oversees the management of funds, in collaboration with the Executive Committee,
4. Oversees all procurement on behalf of the Consortium, and
5. Provides one representative to serve on the Executive Committee.

All financial activities will be governed by the laws and rules of the state of Washington, acting in the role of Lead Procurement State, and in accordance with 34 CFR 80.36. Additionally, Washington is prepared to follow the guidelines for grant management associated with the American Recovery and Reinvestment Act (ARRA), and will be legally responsible for the use of grant funds and for ensuring that the project is carried out by the Consortium in accordance with Federal requirements. Washington has established an ARRA Quarterly reporting system (also referred to as *1512 Reporting*).

As part of a comprehensive system of fiscal management, Washington's accounting practices are stipulated in the State Administrative and Accounting Manual (SAAM) managed by the state's Office of Financial Management. The SAAM provides details and administrative procedures required of all Washington State agencies for the procurement of goods and services. As such, the state's educational agency is required to follow the SAAM; actions taken to manage the fiscal activities of the Consortium will, likewise, adhere to policies and procedures outlined in the SAAM.

For information on the associated contracting rules that Washington will adhere to while serving as fiscal agent on behalf of the Consortium, refer to the Revised Code of Washington (RCW) 39.29 "Personal Service Contracts." Regulations and policies authorized by this RCW are established by the state's Office of Financial Management, and can be found in the SAAM.

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<sup>3</sup> The Race to the Top Assessment Program grant that funds the Consortium states that the Consortium can only fund the participation of states. Costs may include travel, hotel, and administrative costs associated with participation.

### III. Organizational Structure

- A. State Education Chiefs** perform a leadership role as they oversee and direct all aspects of K-12 education in their respective states. In order for Chiefs to lead their state's participation in Smarter Balanced, they and their designated lead representatives should be fully informed of Consortium activities. They should also be equipped to represent the work of the Consortium to stakeholders and constituents.

Responsibilities for Chiefs include the following:

1. Appoint lead representative(s) for their respective state,
2. Participate in regularly scheduled Chiefs meetings,
3. Participate in policy decisions brought by the Executive Committee, and
4. Receive regular updates from the lead representative for their respective state, Consortium staff, and partners.

- B. Governing State Leads** may be Chiefs or their designees. State Leads must meet the following criteria:

1. Be an employee of a Governing State education agency,
2. Have prior experience in either the design or implementation of curriculum and/or assessment systems at the policy or implementation level, and
3. Be willing to serve as the liaison between the total state membership and work groups.

Responsibilities will include the following:

1. Collaborate and vote in decisions pertaining to the assessment system,
2. Review and inform SEA staff about regular reports from the Executive Committee, the Executive Director, the Project Management Partner, the Policy Coordinator, and the content advisors, and
3. Review the expenditure of funds.

**C. Executive Committee**

1. The Executive Committee is made up of two Co-chairs, one representative from the Lead Procurement State, four representatives from four separate Governing States, and two representatives from higher education—one representing two-year institutions and one representing four-year institutions. The four Governing State representatives will be selected by the Governing State members. The Executive Director will participate as a non-voting member of the Executive Committee along with other appropriate members of his or her staff.
2. For the first year, the Governing State members will vote on four representatives, one each from four Governing States. The two representatives with the most votes will serve for three years (with terms expiring September 30, 2013), and the two representatives with the second highest votes will serve for two years (with terms expiring September 30, 2012). This process will allow for the rotation of two new representatives each

year, starting in October 2012. If an individual is unable to complete the full term of office, then the above process will occur to choose an individual to serve for the remainder of the term of office. If there is a tie between two or more representatives, the Project Management Partner will prepare a runoff ballot that includes only those representatives who received the greatest number of votes. The Governing State members will vote for one representative among those tied. If the tie is unresolvable by further voting (such as a second two-way tie) after this runoff, the Executive Committee may appoint one of the representatives.

3. The Executive Committee may delegate any of its duties or functions to the Executive Director to carry out. Any such delegation will be recorded in the Executive Committee meeting minutes or otherwise reduced to writing.

Responsibilities will include the following:

1. Oversee development of the Smarter Balanced Comprehensive Assessment System,
2. Provide oversight of the Project Management Partner,
3. Provide oversight of the Executive Director,
4. Provide oversight of the Lead Procurement State,
5. Provide oversight of the Consortium work groups, to include monitoring processes, decisions, and deliverables, as well as providing regular reports on each work group to the Governing States,
6. Work with project staff to develop agendas,
7. Resolve issues,
8. Determine what issues/decisions are presented to the Chiefs and/or Governing States Leads for decisions/votes,
9. Oversee the expenditure of funds, in collaboration with the Lead Procurement State,
10. Evaluate contract proposals or delegate evaluation to work groups,
11. Recommend successful contract proposals for approval by the Lead Procurement State, and
12. Receive and act on special and regular reports from the Project Management Partner, senior Consortium staff, and the Lead Procurement State.

#### **D. Executive Committee Co-chairs**

1. Two Co-chairs will be selected from the Governing States. The two Co-chairs must be from two different states. Co-chairs will work closely with the Project Management Partner and Executive Director. Governing State members wishing to serve as Executive Committee Co-chairs will submit in writing to the Project Management Partner their willingness to serve. They will need to provide a document signed by their state Chief indicating state support for this role. The Project Management Partner will then prepare a ballot of interested individuals. Each Governing State member will vote on the two individuals they wish to serve as Co-chair. The individuals with the most votes will serve as the new Co-chairs.

2. Each Co-chair will serve for two years on a rotating basis. For the first year, the Governing State members will vote on two individuals; the individual with the most votes will serve a three-year term (with a term expiring September 30, 2013), and the individual with the second highest number of votes will serve a two-year term (with a term expiring September 30, 2012). If there is a tie between two or more representatives, the Project Management Partner will prepare a runoff ballot that includes only those representatives who received the greatest number of votes. The Governing State members will vote for one representative among those tied. If the tie is unresolvable by further voting (such as a second two-way tie) after this runoff, the Executive Committee may appoint one of the representatives.
3. If an individual is unable to complete the full term of office, then the above process will occur to choose an individual to serve for the remainder of the term of office.

Executive Committee Co-chair Responsibilities will include:

1. Approve the Governing States meeting agendas,
2. Approve the Executive Committee meeting agendas,
3. Approve all Consortium meeting agendas (Chiefs, work groups Co-chairs, etc.),
4. Lead the Executive Committee meetings,
5. Lead the Governing States meetings,
6. Lead all Consortium meetings (Chiefs, work group Co-chairs, etc.),
7. Oversee the work of the Executive Committee,
8. Coordinate with the Project Management Partner,
9. Coordinate with the Executive Director,
10. Coordinate with the Technical Advisory Committee (TAC), and
11. Coordinate with the Executive Committee to provide oversight to the Consortium.

#### **E. Decision-making**

Consensus will be the goal of all decisions. The Executive Committee will bring decisions or issues related to the topics listed below to the Governing State Chiefs and/or Governing State Leads for a vote.

Topics that require a Governing States vote are:

1. Budget line item changes that are greater than \$100,000,
2. Deviations from original assessment structure and scope of Consortium work (as outlined in the grant application),
3. Consortium policy, and
4. Consortium governance.

Voting state members have one vote when votes are conducted (the state of Washington has one vote to encompass the role of Lead Procurement State and Governing State).



All other decisions (e.g., budget changes less than \$100,000, logistical decisions) made by the Executive Committee shall be documented in the Executive Committee meeting minutes, which are posted on the internal Smarter Balanced website so that all state members may review and stay informed of the work of the Executive Committee.

Process for all Consortium decisions that require a vote:

Step 1: All voting state members shall receive information on the decision or issue at least four (4) working days in advance of a scheduled discussion.

Step 2: All voting state members shall have an opportunity to discuss the decision or issue at a time scheduled.

Step 3: A vote is conducted on the issue or decision (votes may be conducted verbally during a scheduled meeting of the voting states, over email with an attached ballot, or virtually on the internal Consortium website, with a published deadline for voting within five business days). When the vote is conducted, a quorum of half the voting state Chiefs or their representatives plus one is required. States not voting shall be counted as abstaining.

- If a unanimous decision is reached in Step 3, the issue or decision is resolved.
- If unanimity is not reached in Step 3, the Consortium will follow the steps below:

Step 4: Discussion will be reopened and, if appropriate, the Executive Committee will prepare additional information as to the pros and cons of the issue to assist voting states in developing consensus and reaching a final decision. Discussions as needed will be held to review, evaluate, and attempt to resolve states' concerns.

Step 5: Another vote is conducted on the decision or issue.

- If a two-thirds majority vote of the quorum is achieved, the decision is considered final.
- If a two-thirds majority of the voting quorum is not achieved, Steps 4 – 5 are repeated until the decision or issue reaches a two-thirds majority vote.

When making decisions, the Executive Committee may act by a majority vote of its nine voting members.

## **F. Communication**

Communication is extremely important to all states in the Consortium. All members will be involved in communication. Communication about decisions/issues/concerns will be proposed and then consensus building will be achieved through emails and using the Consortium internal website. This website will regularly post major issues, decisions, and documents. The website will be maintained and monitored by the Project Management Partner. The website will easily highlight any new information that has been posted. Decisions/issues will have a clearly communicated timeline for

completion. Decisions will be posted within one week on the website. For the decision-making process, please see the “Decision-making” section above.

## **G. Work Groups**

### **Membership Criteria**

The work groups are composed of representatives from all member states and may include Chiefs, assessment directors, assessment staff, curriculum specialists, professional development specialists, and other specialists as needed. Governing States are committed to participate in two or more work groups based on skills, expertise, and interest within the state to maximize contributions and distribute expertise and responsibilities efficiently and effectively. Advisory States are strongly encouraged to participate as fully as possible. Priority will be given to Governing and Advisory States when selecting membership to the work groups. Each work group is led by two Co-chairs from Governing States, approved by the Executive Committee.

The Consortium has established the following work groups:

1. Transition to Common Core State Standards,
2. Technology Approach,
3. Assessment Design: Item Development,
4. Assessment Design: Performance Tasks,
5. Assessment Design: Test Design,
6. Assessment Design: Test Administration,
7. Reporting,
8. Formative Assessment Practices and Professional Learning,
9. Accessibility and Accommodations, and
10. Validation and Psychometrics.

The work groups will be governed by the “Smarter Balanced Work Group Structure & Governance” document. Work group recommendations that are not consistent with the assessment system proposed in the grant application will be escalated to the Executive Committee, which will then bring the recommendations to the Governing States for resolution. The Smarter Balanced work groups may change and/or be adjusted to best meet the needs of the Consortium. Refer to the “Smarter Balanced Work Group Structure & Governance” document for the current listing of work groups as well as a description of work group roles and responsibilities.

## **H. Supporting Roles**

The work of the Consortium will be supported by several additional individuals and groups, including

1. Executive Director and staff,
2. Project Management Partner,
3. Technical Advisory Committee (TAC) and other advisory committees,
4. Policy and Technical Consultants,

5. Policy Advisors, and
6. Advisory Partners.

Descriptions for each of these supporting roles follow. See Appendix B for an organizational chart.

1. Executive Director

The Executive Director reports to the Executive Committee and oversees staff of the Consortium, as authorized by the Executive Committee. His or her responsibilities will include:

- a. Serve as an ex-officio member of the Executive Committee,
- b. Provide strategic leadership to the Executive Committee and Governing States,
- c. Monitor the performance of the Project Management Partner in coordinating the development of the assessment system components,
- d. Serve as spokesperson for the Consortium,
- e. Set the agenda for the Executive Committee meetings,
- f. Set the agenda for the Governing States meetings,
- g. Lead the Technical Advisory Committee (TAC) meetings,
- h. Supervise the performance of staff in the Office of the Executive Director, and
- i. Perform any other such duties as delegated by the Executive Committee.

2. Project Management Partner

The Project Management Partner reports to the Executive Director. Its responsibilities are codified in the contract with the Lead Procurement State. In summary, the Project Management Partner responsibilities will include:

- a. Provide project management support and coordination to the Executive Committee, Executive Director, and work groups,
- b. Collaborate with the Executive Director in monitoring the development of the assessment system components,
- c. Inform the Executive Director, Executive Committee, and Governing States on progress, deliverables, vendor status, and issues,
- d. Perform the administration activities necessary to support the entrance, exit, and status changes of the Smarter Balanced member states, and
- e. Support the Lead Procurement State in reporting Smarter Balanced information to the U.S. Department of Education, and support the Consortium in fiscal analysis and reporting to its funders.

3. Technical Advisory Committee (TAC) and other advisory committees

The Consortium will create a TAC whose members will include national experts who will contribute their knowledge and expertise regarding Universal Design and item writing, psychometrics, accommodations for ELLs and SWDs, standard setting, etc. TAC membership will be determined by the Executive Committee. The TAC will provide detailed technical advice regarding assessment design, development, administration, and reporting. States will be encouraged to involve

their state TACs in reviewing the work of the assessment development process and the final assessment system.

Other advisory committees may be formed by the Executive Committee, with the consent of the Governing States, for the purpose of providing ongoing advice and guidance to the Consortium on topics and issues for that may have significant operational and/or policy implications. The length of service and membership of advisory committees will be established by the Executive Committee, with the consent of the Governing States.

4. Policy and Technical Consultants

Policy and technical consultants will advise the work groups as required. These consultants will assist with small-scale research studies and targeted advice regarding policy questions, technical assessment issues, and information systems as required by the Consortium.

5. Policy Advisors

Policy advisors will include state education Chiefs, Governors, legislators, and state boards of education. Policy advisors will be determined by the Executive Committee with support from the Executive Director and Policy Coordinator. Given the significant impact education Chiefs, Governors, legislators, and state boards of education have on policy decisions affecting state education systems, the Consortium will seek input regarding state priorities from these advisors on various issues, such as implementation of the Common Core State Standards, federal- and state-level assessment policies, and accommodation policies for ELLs and SWDs.

6. Advisory Partners

The Executive Director in collaboration with the Executive Committee will engage as needed various groups and consultants to advise the Consortium. This may include but not be limited to representatives such as, or on behalf of,

- a. Students with Disabilities,
- b. English Language Learners,
- c. Special Populations,
- d. Technology,
- e. Business/Industry/Workforce Preparation,
- f. Educator Professional Organizations, and
- g. Institutions of Higher Education.

## IV. Membership Policies

### A. Entrance into the Consortium

Entrance into the Consortium is assured when:

1. The level of membership is declared and signatures are secured on the Memorandum of Understanding (Consortium MOU) from the state's Commissioner, state Superintendent, or Chief; Governor; and President/Chair of the state board of education (if the state has one),
2. The state's Chief Procurement Officer has reviewed its applicable procurement rules and provided assurance that it may participate in and make procurements through the Consortium,
3. The state is committed to implement a plan to identify any existing barriers in state law, statute, regulation, or policy to implementing the proposed assessment system and to addressing any such barriers prior to full implementation of the summative assessment components of the system,
4. Whether joining as a Governing or Advisory State, the entering state agrees to adhere to the requirements of the "Smarter Balanced Assessment Consortium Governance Structure" document (i.e., this document),
5. The state agrees to support all decisions made prior to the state joining the Consortium,
6. The signed Consortium MOU is submitted to the Project Management Partner,
7. The Executive Committee will act upon the request within a week of the request, and
8. Upon approval of the request, the Project Management Partner will then submit to the USED for approval.

### B. Exit from the Consortium

Any state may leave the Consortium without cause, but must comply with the following exit process:

1. A state requesting an exit from the Consortium must submit in writing its reasons for the exit request,
2. The written explanation must include the statutory or policy reasons for the exit,
3. The written request must be submitted to the Project Management Partner with the same signatures as required for the Consortium MOU,
4. The Executive Committee will act upon the request within a week of the request, and
5. Upon approval of the request, the Project Management Partner will then submit a change of membership to the USED for approval.

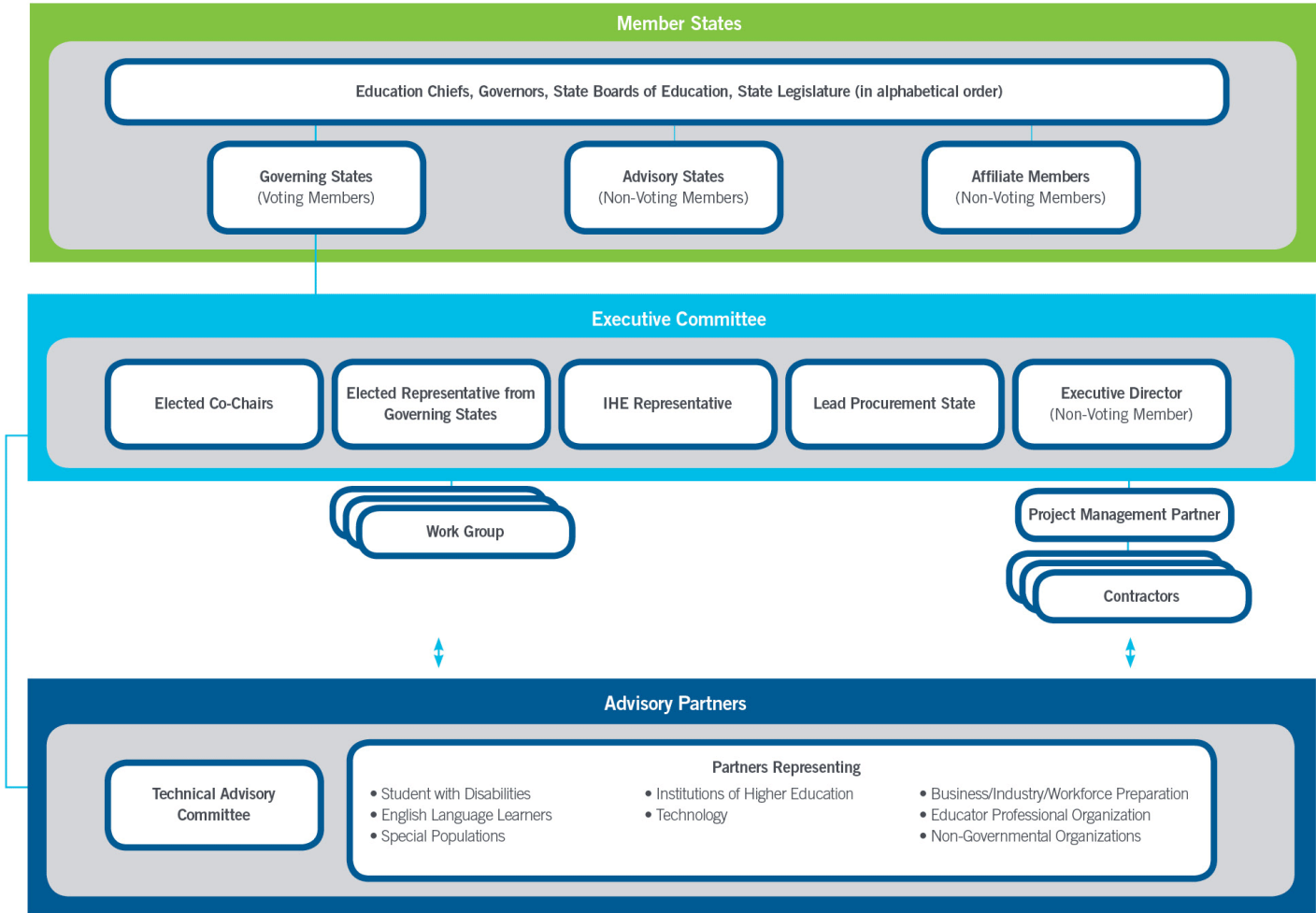
### C. Changing Roles in the Consortium

A state desiring to change from an Advisory State to a Governing State or from a Governing State to an Advisory State may do so under the following conditions:

1. A state requesting a role change in the Consortium must submit in writing its reasons for the request,
2. The written request must be submitted to the Project Management Partner with the same signatures as required for the Consortium MOU, and
3. The Executive Committee will act upon the request within a week of the request and submit to the USED for approval.

If a state does not fulfill the responsibilities as outlined in this document, the Executive Committee will bring this concern to the attention of the state. If the state continues not to fulfill the responsibilities as outlined in this document, the Executive Committee will bring this concern to the attention of the Governing States. The Governing States will then have the option to either continue to encourage the state to fulfill the responsibilities as outlined in this document or require the state to change its role from a Governing State to an Advisory State or from an Advisory State to no longer participating in the Consortium.

# Appendix A – Consortium Organizational Chart



# Appendix B – Office of the Executive Director Organizational Chart

