



## HIGH PLAINS REC #3 SOLE SOURCE REQUEST AND DETERMINATION FORM

A sole source **determination** is not effective until the **sole source request for determination** has been posted for thirty (30) calendar days without challenge, and subsequently approved in writing by the State Purchasing Agent or, for Professional Services Agreements, the Secretary of the Department of Finance and Administration. The foregoing requirement is regardless of whether the **sole source request for determination** has been signed by the Agency and/or the Contractor.

I. Name of Agency: **High Plains Regional Education Cooperative #3**

Agency Chief Procurement Officer: **Brandon Hightree**

Telephone Number: **(575) 445-7090**

Agency Contact for this request: **Brandon Hightree**

Telephone Number & Email Address: **(575) 445-7090; bhightree@hprec.com**

II. Name of prospective Contractor: © **Avant Assessment, LLC**

Address of prospective Contractor: **940 Willamette St. Ste. 530, Eugene OR 97401**

Contact Name, Telephone Number and Email Address:

**Bonnie Buck**

**541-743-8912**

**bonnie.buck@avantassessment.com**

Amount of prospective contract before tax: **\$510,000.00**

Term of prospective contract: **1 year**

Note: For terms longer than one year, Request for Policy Exemption from DFA MUST be included.

III. Agency is required to state purpose/need of purchase and thoroughly list the services (scope of work), construction or items of tangible personal property of the prospective contract (if this is an amendment request to an existing contract, include current contract number issued by SPD):

**Avant is a provider of language proficiency assessments, specifically Spanish language proficiency for students served in elementary (Avant STAMP 4Se) and at the secondary level (Avant STAMP 4S). Avant provides a Spanish screener for heritage learners, a group of students that represents the majority of the students in the state of New Mexico given our unique history and tie to the Spanish language. Avant also provides language proficiency assessments in other world languages, including those that are not taught in New Mexico public schools but are heritage languages or the home languages of students. Additionally, Avant provides a custom consultation and development of proficiency assessments in tribal languages, which is needed to monitor the proficiency in tribal languages in New Mexico Native American tribes and in each of their students' future in their home or heritage language.**

IV. Provide a detailed explanation of the criteria developed and specified by the agency as necessary to perform and/or fulfill the contract and upon which the state agency reviewed

available sources. (Do not use “technical jargon;” use plain English. Do not tailor the criteria simply to exclude other contractors if it is not rationally related to the purpose of the contract.)

**The State of New Mexico has Bilingual Multicultural Education Programs (BMEP) in districts and charter schools that are funded through the Bilingual Multicultural Education Act. The programs have an assessment requirement for the home or heritage language, please see below.**

**6.32.2.14 PROGRAM ELEMENT - ASSESSMENT:**

**A. Trained personnel shall administer state-approved language proficiency assessments in English and the home or heritage language annually until proficiency in each language is achieved; public schools providing a Native American language revitalization program, or other approved Native American bilingual multicultural education model, shall obtain approval for language proficiency assessments from tribal councils or from other appropriate tribal entities with authority to make educational decisions on behalf of Native American children; for Native American languages that are oral only, the literacy component shall be measured only in the skill areas or domains of listening, speaking, and comprehension.**

**B. Public school districts shall comply with federal assessment requirements.**

**C. Students enrolled in this program shall participate in the New Mexico standards-based assessment (NMSBA) program.**

**D. In those grades that students do not participate in the New Mexico standards-based assessment program, the public school district shall develop and implement an assessment and evaluation program.**

**[6.32.2.14 NMAC - Rp, 6.32.2.14 NMAC, 7/1/2018]**

**District and charter schools have traditionally used several Spanish Language proficiency assessment options for use in Bilingual Multicultural Education Programs. One of the goals of the Bilingual Multicultural Education Act (NMAC 6.32.2.14) is to include current analysis of language assessment results demonstrating that students are making measurably significant growth toward meeting language proficiency. The PED will acquire one Spanish Language Proficiency assessment to support districts and support with its administration as well as set language growth targets to support with this requirement.**

- V. Provide a detailed, sufficient explanation of the reasons, qualifications, proprietary rights or unique capabilities of the prospective contractor that makes the prospective contractor ***the one source*** capable of providing the required professional service, service, construction or item(s) of tangible personal property. (Please do not state the source is the “best” source or the “least costly” source. Those factors do not justify a “sole source.”)

**Avant assessments accurately measures language proficiency based on the American Council on the Teaching of Foreign Languages (ACTFL) standards. The ACTFL standards are national standards for language proficiency that are for K-12 and have been adopted by the State of New Mexico. Avant aligns with other national Spanish language proficiency scales. Avant scores the test and delivers results electronically within seven business days. This allows the data to be utilized for driving instruction and making program decisions at a faster rate. The time required to administer the four domains of language proficiency is about two hours in a group setting which is significantly less than current assessments. Avant reports clearly identify the students’**

proficiency levels across the four domains of language; it provides composite and scaled scores, which allows teachers to make informed decisions about instruction, and highlights focus areas needed within the four domains. These reports provided by Avant also include access to the students' individual responses, which can be included in conversations with students and parents in creating family engagement for their home or heritage language. Avant is an online adaptive test, and the writing and the speaking tasks change annually. The BMEP Assessment taskforce completed surveys to stakeholders to implement the types of assessments needed for the New Mexico Students and reviewed the elements needed, to go through obtaining the correct assessment aligned with New Mexico Regulations and Standards.

- VI. Provide a detailed, sufficient explanation of how the professional service, service, construction or item(s) of tangible personal property is/are *unique and how this uniqueness is substantially related to the intended purpose of the contract*.

In addition to Spanish language proficiency assessments, Avant offers a Spanish for Heritage Learners assessment that can be utilized as a screener for newcomers that are dominant in Spanish at the secondary level. The newcomer students' proficiency in Spanish, particularly literacy would be important information for educators as they support with English language development. In addition, Avant offers assessments in multiple world languages that can be used, and are already used by districts, to award the State Seal of Bilingualism-Biliteracy (SSBB) on the diploma of excellence. Another very important aspect about Avant is WS, which is a web-based test that assesses language proficiency for less commonly taught languages. This program allows the assessment of the proficiency of tribal languages within Native American tribes in New Mexico. Furthermore, Avant also provides a remote proctoring option to earn the SSBB on the diploma of excellence. NMPED will cover the cost of the remote proctoring option for seniors for the purpose of receiving the SSBB on the diploma of excellence in school year 2021-2022.

- VII. Explain why other similar professional services, services, construction or item(s) of tangible personal property *cannot* meet the intended purpose of the contract.

Based on the research provided previously by the BMEP taskforce, 14 questions were sent to relevant assessment companies to present on their assessments. The responding answers are included in the enclosed document, Recommendations – BMEP Assessment Taskforce. The findings show that majority of the assessment companies were not adaptable to many the languages offered here in New Mexico, or the assessments are recurring. The BMEP taskforce has included recommendations for implementation of the Spanish proficiency assessment, recommendations for trainings with the assessments and recommendations beyond the scope of work for the taskforce.

- VIII. Provide a narrative description of the agency's due diligence in determining the basis for the procurement, including procedures used by the agency to conduct a review of available sources such as researching trade publications, industry newsletters and the internet; contacting similar service providers; and reviewing the State Purchasing Divisions' Statewide Price Agreements. Include a list of businesses contacted (*do not state that no other businesses were contacted*), date of contact, method of contact (telephone, mail, e-mail, other), and documentation demonstrating an explanation of why those businesses could not or would not, under any circumstances, perform the contract; or an explanation of why

the agency has determined that no businesses other than the prospective contractor can perform the contract.

**See accompanying document, *BMEP Assessment Taskforce Recommendations*.**

## **BMEP Assessment Taskforce Recommendations**

### **ACKNOWLEDGEMENTS**

#### **Lead:**

Aaron Taylor, Ph.D., Bilingual Coordinator, Rio Rancho Public Schools, Rio Rancho, NM

#### **Members:**

Suzanne Jacquez Gorman, Ph.D., NBCT, Santa Fe Public Schools, District EL Coach, Santa Fe, NM

Christian Loreda, Bilingual Teacher, Deming Public Schools, Deming, NM

Rosalba Mendoza, M.A. Ed., Spanish and AP Teacher, Roswell Independent School District Roswell, NM

Sonia Sánchez Cuesta, M.Ed., NBCT, Bilingual Coordinator and Spanish Teacher, Monte del Sol Charter School, Santa Fe, NM

Mercedes Valenzuela, M.A., Bilingual Resource Teacher, Language Cultural and Equity, Albuquerque Public Schools, Albuquerque, NM

Dixie Vejil, MA, Director of Title I, Bilingual, and Testing, Hobbs Municipal Schools, Hobbs, NM

### **OVERVIEW AND PURPOSE**

The purpose of the Bilingual Multicultural Education Program (BMEP) Assessment Taskforce was to assist the New Mexico (NM) Public Education Department (PED) in the creation of a recommendation package on a Spanish language proficiency assessment necessary to support Spanish language learners within our state's BMEPs. The BMEP Assessment Taskforce members worked in coordination with the state—via direct advisement to the Language and Culture Bureau (LCB)—on the following tasks:

1. research, review and identify assessments for Spanish language proficiency (Speaking, Reading, Writing and Listening) in order to develop a recommendation package on one K-12 assessment that is rigorous and meets the states' guidelines for implementing BMEPs and any applicable Federal Every Student Succeeds Act (ESSA) requirements; and
2. provide actionable recommendations from its research and review process for LCB to inform statewide policy and decision-making on the matter.

### **PROCESS AND METHODS**

1. The taskforce developed fifteen survey questions (**APPENDIX A**). The survey questions were distributed by the NMPED to stakeholders in BMEPs in New Mexico. Survey results were reviewed and analyzed by taskforce (**APPENDIX B**). The survey data was used to generate the rubric for assessment evaluations (**APPENDIX C**).



2. The taskforce reviewed state approved language proficiency assessments (Avant STAMP 4Se, Avant STAMP 4S, IDEA Proficiency Test, LAS Links, Woodcock-Muñoz).
3. The taskforce identified and researched the following assessments based on survey results and online searches: EMC ELPAC (EMC Language Proficiency Assessments by CARLA) and AAPPL (ACTFL Assessment of Performance toward Proficiency in Languages).
4. Based on this research, the taskforce contacted relevant assessment companies to present on their assessments. We sent a list of 14 preliminary questions for each vendor and their responses are included in **APPENDICES E AND F**. The following companies presented to the taskforce: LAS Links, AVANT, and ACTFL.

## SURVEY OF STAKEHOLDERS

The taskforce determined that we needed stakeholder input in making crucial decisions on a state level. We developed a survey in order to gather input from colleagues in the field. These stakeholders included current BMEP teachers, principals, coordinators, and program directors. We received over 300 responses. This information was utilized to guide our considerations in reviewing the various Spanish language proficiency assessments (**SEE APPENDIX A**).

## GENERAL CONSIDERATIONS

Assessment in BMEP continues to be a complex issue when trying to value and validate the perspectives of all stakeholders while assuring that the assessment is valid and reliable. Below are some of the main considerations that were considered when making our recommendation:

1. Access to data and reports and interpretation for all stakeholders.
2. Accommodations for special education students.
3. Assessment covers the four language domains and reports proficiency levels of each.
4. Assessment is adaptive to student performance on test.
5. Assessment is aligned to recognized standards (ACTFL, Spanish Language Development (SLD), Common Core State Standards (CCSS), etc).
6. Culturally and linguistically responsiveness.
7. Online assessment with paper option for accommodations.
8. Efficiency in administration process by using online assessments.
9. Cost effective.
10. Company support for development, training, and administration.
11. How does the assessment inform instruction.

## CURRENT CHALLENGES

Based on the survey results and taskforce discussions, multiple challenges were identified for the proficiency assessment component of BMEPs. A brief list of the current challenges includes:

1. The current language proficiency assessments do not accurately measure students' language ability.
2. Results of assessments are not received in a timely manner for all stakeholders: students, parents, and teachers.
3. Excessive time is spent administering and scoring current assessments.

4. There is a lack of clarity in understanding the rationale for current assessments.
5. The data derived from current assessments is not useful, well understood, and/or stakeholders are not trained to interpret and utilize reports to drive instruction.
6. Test data and scores are often used only for state reporting.
7. Confusion exists between assessing content knowledge and language proficiency, along with which standards are being assessed.

#### ASSESSMENTS REVIEWED (See APPENDIX D)

Assessment	Presentation by Vendor	Score of Presentation Based on Rubric	Rationale of Score
AAPPL	YES	37/56	Not adaptive test, instructions and reports are not in Spanish.
IPT (Idea Proficiency Test)/ IDEA	NO	N/A	Format and questions remain the same yearly.
LAS Links	YES	40/56	Not adaptive test, does not fit all students' language needs.
Woodcock-Muñoz	NO	N/A	Diagnostic test, not proficiency test.
AVANT Stamp 4S STandards-based Measurement of Proficiency, (2-6) (STAMP) and 4Se (7-16)	YES	52/56	Instructions and questions currently not in Spanish. The new version will have instructions in both languages, but NOT the questions.
EMC-ELPAC	NO	N/A	Based on initial contact via email, the taskforce determined that this assessment did not cover a range of proficiency levels.

**\*WIDA (World-class Instructional Design and Assessment) K-2 (Prueba Óptima del Desarrollo del Español Realizado) Poder - shelved not available for review and/or consideration at this time**

#### SUMMARY OF FINDINGS

After a careful and thorough review of the various assessments, the task force recommends the following characteristics in the adoption of a Spanish language proficiency assessment. The task force believes that AVANT Stamp is currently the best available Spanish language assessment. AVANT is releasing an updated version of the STAMP 4S (7th -12th ) and 4Se (\*K-6th) in August 2018 which will enhance the current assessment. This includes directions in English and

Spanish, but NOT the questions in Spanish. The characteristics that are most important to the taskforce are underlined.

1. AVANT Stamp accurately measures language proficiency based on ACTFL (American Council on the Teaching of Foreign Languages) standards. ACTFL standards are national standards for language proficiency that are used for K-16. AVANT also aligns with other national Spanish language proficiency scales. **(Appendix B)**.
2. AVANT Stamp scores the test and delivers results electronically within 7 business days. This allows for the data to be utilized for driving instruction and making program decisions.
3. The time required to administer the four domains is about 2 hours in a group setting which is significantly less than current assessments.
4. AVANT Stamp reports clearly identifies student proficiency levels across the four domains, provides composite and scaled scores, which allows teachers to make informed decisions about instruction. These reports also include access to the students' individual responses which can be included in conversations with students and parents.
5. AVANT Stamp is an adaptive test, and the writing and the speaking tasks change annually. This is the only adaptive test we found in our search.
6. AVANT Stamp is an approved assessment for the State of New Mexico Diploma of Excellence Bilingual and Biliteracy Seal.
7. AVANT has partnered with the Center for Applied Linguistics.
8. The taskforce strongly recommends that PED works with AVANT in the creation of a monolingual Spanish language proficiency assessment. The modifications being made to AVANT to translate instructions to Spanish, while important, still leave monolingual Spanish speakers and early English Language Learners at a disadvantage because test questions and response choices remain in English. AVANT has provide a sample of what this assessment would look like on pages 13- 17 of the Appendix G, page 84-88 of the pdf file.
9. If PED accepts the recommendation to work with AVANT on the creation of a monolingual Spanish language proficiency assessment, the current taskforce members would like to participate in the review and field test of this assessment.
10. Future work as a result of this taskforce should include a more balanced representation of elementary and secondary teachers.

\*Vendor works with states that utilize Avant Stamp 4Se for 1st grade with the recommendation to use the speaking and listening components only. The taskforce believes these listening and speaking components could also be used to establish a baseline for kindergarten.

## RECOMMENDATIONS FOR IMPLEMENTATION OF SPANISH PROFICIENCY ASSESSMENT

The task force recommends that the following guidelines be adopted in order to accurately measure growth of student progress in BMEPs and effectively drive instruction, which will increase the value of the assessment for all stakeholders in BMEPs.



- A. Grades 2nd through 12th will administer all four domains of the AVANT Stamp 4Se/S.
- B. Kindergarten and 1st grade will only administer the Listening and Speaking portions for reporting. Districts will have the option to administer all 4 domains. Feedback from several kindergarten and first grade teachers was encouraging; however, more input from these stakeholders is recommended.
- C. The PED should negotiate a state contract with AVANT to provide the best price for all districts in the state. AVANT stated that the price for the test will be the same across district.
- D. BMEPs should move the testing window to uniformly administer AVANT Stamp in the fall in order to effectively use proficiency data to drive instruction during the year. A spring testing window does not support the use of this test to drive instruction.
- E. New students entering a BMEP should be tested upon entrance to the program within 20 days of enrollment.
- F. The PED should create a way for BMEP students' language proficiency scores to be accessed statewide by districts in STARS in order to appropriately place students in program and drive instruction. This will be more cost and time effective.
- G. Recommend AVANT Stamp be placed under the Assessment Bureau in order to maintain equity and importance of the assessment. It should be added to the State Assessment Calendar.

#### RECOMMENDATIONS FOR TRAINING

- A. PED should share the rationale for adoption of AVANT and its usefulness in measuring proficiency and driving instruction.
- B. AVANT has offered to provide training to BMEP staff, including assessment goals, test administration, and how to interpret the results. We recommend they offer face-to-face and virtual trainings.
- C. The taskforce recommends AVANT share other relevant resources (placement test, formative assessments, and writing tool) for use by BMEPs at their discretion.
- D. PED should create a link on their website which explains the rationale for the assessment and the same support items as for other state mandated assessments, including how to interpret data for teachers, parents, and students.
- E. PED should offer training on ACTFL standards and their correlation to the various standards used in BMEP curriculum such as WIDA, SLA, and CCSS.
- F. PED should move the September 30th Director's Report to October 15th in order to gather and analyze current year proficiency data and set program goals. The current window does not allow sufficient time for authentic program evaluation.
- G. Districts should be able to use AVANT Stamp in the 2018-2019 school year if they so choose, considering that the changes to the assessment made by AVANT might not be ready for fall implementation. Districts should develop their local transition plan. IT Departments should assess and prepare for online administration of AVANT.
- H. For the 2019-2020 school year, all districts should utilize the updated AVANT assessment if possible. For the 2020-2021 school year, all districts must utilize new assessment with the recommended guidelines.

## RECOMMENDATIONS BEYOND THE SCOPE OF TASKFORCE WORK

- A. Clarify differences between Bilingual and World Language classes and how these classes are utilized consistently within an effective BMEP.
- B. Recommend changing from End of Course (EOC) (currently used in some Enrichment models along with the BMEP tests), to only the adopted proficiency assessments.
- C. Recommend Taskforce to create formative assessments aligned with adopted language proficiency assessments to just for Spanish Language Arts in K-12
- D. Training for all teachers working with students enrolled in BMEP programs to learn about ACTFL, SLD, Spanish Language Arts (SLA) standards.
- E. Language Acquisition training for all teachers regarding best practice teaching of languages (e.g., second, third language, etc.).
- F. Create statewide database to track and monitor student language proficiency and program placement.

## APPENDICES

Appendix A Spanish Language Assessment Survey Questions

Appendix B Spanish Language Assessment Survey Results

Appendix C Rubric to Evaluate Language Assessment based on Vendor Presentation

Appendix D Completed Rubric to Evaluate Language Assessment based on Vendor Presentation

Appendix E Preliminary Questions for Companies

Appendix F Preliminary Answers from Testing Companies

- a. AAPPL
- b. AVANT Stamp 4S and 4Se
- c. EMC
- d. LAS Link


Appendix G Avant Assessment PowerPoint for New Mexico Bilingual & Multicultural Education Taskforce June 5, 2018

Certified by:

  
\_\_\_\_\_  
Agency Chief Procurement Officer

Date: 9/2/2021

Agency Approval by:

  
\_\_\_\_\_  
Agency or Entity Head or Designee

Date: 09/02/2021