



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JAN 8 2009

The Honorable Keith W. Rheault
Superintendent of Public Instruction
Nevada Department of Education
700 East 5th Street
Carson City, Nevada 89701-5096

Dear Superintendent Rheault:

As we approach our seventh year of implementing the accountability provisions of the Elementary and Secondary Education Act, I want to take a moment to thank you and your colleagues for all your hard work to help realize the goals of the *No Child Left Behind Act of 2001* (NCLB) which has led to real and meaningful improvements in student achievement. These outcomes are due, in no small part, to the efforts of the dedicated educators in your state. We have seen an increased attention on high expectations for every child, an improvement in student performance across the board and a decrease in achievement gaps.

As Secretary Spellings is fond of saying, "what gets measured, gets done." With that in mind, I want to take this opportunity to update you on the status of some NCLB cornerstones with respect to Nevada. Detailed information on specific components of your state's assessment and accountability system is contained in an attachment to this letter.

- Assessment system: An assessment system that produces valid and reliable results is fundamental to an accountability system that holds schools and districts accountable for educating all students. Information regarding both the reading/language arts and mathematics assessment system used in determining adequate yearly progress for schools and districts in your state as well as details of the 2007–08 administration of science assessments are attached.
- Accountability components: The Department's new Title I regulations provide for greater scrutiny to states' accountability systems, including establishing a uniform and more accurate measure of calculating high school graduation rate that is comparable across states and requiring that states ensure that statistical measures maximize the inclusion of students and student subgroups in accountability determinations. Hence, the regulations also require that all states submit portions of their Accountability Workbook for peer review. In the attachment to this letter you will find information on Nevada's minimum group size, annual measurable objectives, confidence interval, full academic year definition, and graduation rate.
- Departmental flexibilities: Over the past several years, the Secretary has offered several flexibilities to states, such as growth model and differentiated accountability pilots, assessing students with disabilities and recently arrived limited English proficient (LEP) students, and discretionary grant programs, such as the Teacher Incentive Fund, Enhanced Assessment Grants, and State Longitudinal Data System Grants. I am pleased to note that Nevada is participating in two of these endeavors.
 - Enhanced Assessment Grant:
 - Integrated Simulation-Based Science Assessments into Balanced State Science Assessment Systems; Nevada State Department of Education in collaboration with seven states and partnership with Wested, the Council of Chief State School Officers (CCSSO), and the Center for Research on Educational Standards and Student Testing (CRESST), received funds in fiscal year 2007 to study the feasibility of integrating computer simulation-based

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science assessments into balanced state science assessment systems. Award Amount:
\$1,683,765

- Nevada, in collaboration with 16 other states, received funds in fiscal year 2002 to design and develop an English language development (ELD) assessment. Amount: \$2,266,506

In addition, for your information, I am enclosing a file that provides information across all states on the current assessment status, participation in flexibilities offered by the Department, AYP information, and discretionary grants. I wish you continued success in raising the achievement in Nevada. NCLB has focused our attention on closing achievement gaps and increasing the awareness of those students who have often been left behind: economically disadvantaged, limited English proficient, and students with disabilities. I have enjoyed the opportunity to work with you and all your colleagues across the country on such important issues.

Sincerely,



Kerri L. Briggs, Ph.D.

Enclosures

cc: Governor Jim Gibbons
Carol Crothers

Assessment System

Your assessment system met the requirements to be considered *Approval Pending*. This means Nevada's standards and assessment system does not meet all statutory and regulatory requirements of Section 1111(b)(1) and (3) of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001. As a result, Nevada has entered into a compliance agreement with the Department.

- Because your state's assessment system is not fully approved, Nevada must submit evidence enclosed with this letter and that was originally sent on September 21, 2007.
- Nevada's science assessments are not yet fully compliant.
 - In 2007–08, the Department required that the state meet four minimal criteria related to the content area of science: have science content standards; have a general and alternate science assessment; include all students in one of the science assessments (i.e., either the general and alternate); and report the results of the science assessments. Nevada met these requirements.
 - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Beginning with the 2008–09 school year, science assessments will be included in the states' assessment status. For additional detail, please see the enclosed fact sheet.
- I know that Nevada submitted evidence regarding your science assessments for review from October 25 through November 2. My staff will be sharing the peer notes and formal feedback as soon as possible.
- Nevada is developing an alternate assessment based on modified academic achievement standards (AA-MAAS).

Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): Nevada's minimum group size is 25. (The average across all states is approximately 30 students.)
- Annual measurable objectives (AMO) (the yearly target for the percentage of students required to be proficient or above for a school to make AYP):
 - 2008–09: Nevada's goal for this year is 52, 58, and 82 percent of grades 3-5, 6-8, and high school students, respectively, scoring proficient in reading/language arts and 56, 55, and 62 percent of grades 3-5, 6-8, and high schools students, respectively, scoring proficient in mathematics.
 - AMO type: Nevada set its AMOs consistent with the statutory requirements, using a mixed method. This means that Nevada's AMO's increased first after one year, then three years, then in two-year increments through 2010–11, then annually through 2013–14 to reach 100 percent proficient.
- Confidence interval: The state applies a confidence interval of 95 percent.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In Nevada, a student must be enrolled on October 1st through test administration in order to be included in AYP determinations.
- Graduation rate:
 - Currently, Nevada is using a graduation rate that can be described as a completer rate, which is the number of graduates divided by the number of graduates plus the number of dropouts for each of the past four years.
 - As required by the recently issued Title I regulations, states must report graduation rate data, in the aggregate and disaggregated by subgroup, using the four-year adjusted cohort graduation rate beginning with report cards providing assessment results for the 2010-11 school year.
 - The graduation rate target Nevada requires for the district or school to make AYP is 50 percent or improvement from the previous year.

- According to the National Governor's Association (NGA) 2008 report *Implementing Graduation Counts: State Progress to Date, 2008*, "is taking steps to implement the NGA Compact 4-year graduation rate by 2010."

SUMMARY OF ADDITIONAL EVIDENCE THAT NEVADA MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR THE NEVADA ASSESSMENT SYSTEM

2.0 - ACADEMIC ACHIEVEMENT STANDARDS

1. A clear and complete description of the process and decisions made in the development of the Nevada Alternate Scales of Academic Achievement (NASAA) standards for reading and mathematics, including the qualifications of participants in the standards-setting activity.
2. Documentation confirming Board approval of the revised cut scores that were applied to the 2007 results of the NASAA.

4.0 - TECHNICAL QUALITY

1. Data that supports the current policy that accommodations yield valid scores and modifications do not.

5.0 - ALIGNMENT

1. A detailed explanation of the actions that will be taken to ensure improved alignment between assessments and revised content standards as the basis for test validity.
2. Evidence of alignment of the High School Proficiency Examination (HSPE) with Nevada's academic content standards.
3. A plan for using alignment study results to guide future development activities to improve alignment of the tests to standards.
4. Documentation of alignment between the NASAA tasks administered by teachers and grade-level content standards.