



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

The Honorable Marge Harouff  
Interim Commissioner  
Nebraska Department of Education  
301 Centennial Hall, South, 6th Floor  
P.O. Box 94987  
Lincoln, NE 68509-4987

JAN 08 2009

Dear Interim Commissioner Harouff:

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 Nebraska. 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 Nebraska'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 students (LEP), 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 Nebraska is participating in two of these endeavors.
  - General Supervision Enhancement Grant: Nebraska received funds to work toward development of an alternate assessment based on modified academic achievement standards (AA-MAAS). (Year 1: \$400,000; Year 2: \$300,000; Year 3: \$300,000)
  - Statewide Longitudinal Data Systems Grant: Nebraska Statewide Longitudinal Data System; Amount: \$3,468,335

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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 Nebraska. 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 Dave Heineman  
Marilyn Peterson  
Pat Roschewski

## Assessment System

Your assessment system is *Approval Pending* as of 2007-08. This means Nebraska'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 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB). As a result, Nebraska has entered into a compliance agreement with the Department.

- Because your state's assessment system is not fully approved, Nebraska must submit evidence enclosed with this letter and that was originally sent on October 11, 2007.
- Nebraska'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 or alternate); and report the results of the science assessments. Nebraska met these requirements.
  - In 2008–09, the Department will conduct peer reviews of science assessments and expects the assessments to be fully compliant. Since Nebraska has not brought in its science assessments for peer review to date, it must do so by March 2009 at the latest. Beginning with the 2008-09 school year, science assessments will be included in the states' assessment status. For additional details, please see the enclosed fact sheet.

## Accountability System

- Minimum group size (the state-defined minimum number of students necessary to have valid and reliable AYP determinations): Nebraska's minimum group size is 30. (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: Nebraska's goal for this year is 81 and 83 percent of students in grades 3-8 and high school, respectively, scoring proficient in reading/language arts and 83, 79, and 81 percent of students in grades 4-5, grades 6-7, and high school, respectively, scoring proficient in mathematics.
  - AMO type: Nebraska set its AMOs consistent with the statutory requirements, using a stair-step method. This means that Nebraska's AMOs increased in three-year increments through 2013–14 to reach 100 percent proficiency.
- Confidence interval: The state applies a confidence interval of 95 percent to the percentage of students scoring proficient or above in the school.
- Full academic year definition (for purposes of determining whether a student's score must be included in AYP determinations): In Nebraska, a student must be enrolled from the last Friday in September until the end of the assessments or end of the school year in order to be included in AYP determinations.
- Graduation rate:
  - Currently, Nebraska is using a graduation rate that can be described as a completer rate, which means that the number of graduates is divided by the number of graduates plus dropouts from each of the previous 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 Nebraska requires for the district or school to make AYP is 83.97 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*, Nebraska "is taking steps to report the NGA Compact graduation rate by 2011."

## **SUMMARY OF ADDITIONAL EVIDENCE THAT NEBRASKA MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR THE NEBRASKA ASSESSMENT SYSTEM**

### **3.0 - FULL ASSESSMENT SYSTEM**

1. Evidence that the peer review of each LEA's assessment system reviewed all of the LEA-specific general assessments and alternate assessments used in NCLB accountability decisions in grades 3-8 and high school for reading/language arts and mathematics, as required by federal statute and regulations.
2. Revision of the quality criteria and the assessment tool used in the Nebraska peer review process to strengthen the review criteria for academic content standards, performance descriptors, technical quality, and alignment. The evaluation of a district's compliance with ESEA requirements must be based on all aspects of the assessment tool for all grades and subjects – failure to meet the minimum level must lead to a finding of “non-compliance” and sanctions (Element 3.2, Standards and Assessments Peer Review Guidance, April 28, 2004).
  - a. How has the State ensured that all local assessments are aligned with the State's academic content and achievement standards?
  - b. How has the State ensured that all local assessments are equivalent to one another in terms of content coverage, difficulty, and quality?
  - c. How has the State ensured that all local assessments yield comparable results for all subgroups?
  - d. How has the State ensured that all local assessments yield results that can be aggregated with those from other local assessments and with any statewide assessments (comparability)?
  - e. How has the State ensured that all local assessments provide unbiased, rational, and consistent determinations of the annual progress of schools and LEAs within the State?
3. Peer review evidence that LEA academic content standards since the implementation of NCLB reflect the full range of coverage of the reading and mathematics curriculum in grades 3-8 and high school for each LEA.
4. Evidence of the alternate assessment based on alternate academic achievement standards used in each State, whether it is State- or locally developed. Evidence that the State-developed and locally developed, if applicable, alternate assessments based on alternate academic achievement standards for students with significant cognitive disabilities meet ESEA requirements.
5. Documentation that all students, including students with disabilities and English language learners are being included in the assessment system at grades 3-8 and high school in both reading/language arts and mathematics.