



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUG 12 2014

The Honorable Dale A. R. Erquiaga  
Superintendent of Public Instruction  
Nevada Department of Education  
700 East Fifth Street  
Carson City, NV 89701

Dear Superintendent Erquiaga:

On July 11, 2014, the U.S. Department of Education (ED) learned that the Nevada Department of Education (NDE) will not require local educational agencies (LEAs) to administer the Smarter Balanced assessment at high schools in the 2014-2015 school year. To meet the requirements of ESEA flexibility, a State educational agency (SEA) must develop annual, Statewide, high-quality assessments, and corresponding academic achievement standards, in reading/language arts and mathematics in grades 3 through 8 and once in high school. These assessments must be fully implemented no later than the 2014–2015 school year. Among other characteristics, a high-quality assessment must be valid, reliable, and fair for its intended purposes, be aligned with a State’s college- and career-ready content standards, and provide an accurate measure of student growth over a full academic year or course. In its approved ESEA flexibility request, the NDE met this requirement through its assurance it would administer Smarter Balanced to students in Grade 11. Because the NDE will no longer administer this assessment, it must amend its ESEA flexibility request to demonstrate how it will meet the requirement to administer high-quality assessments in reading/language arts and mathematics at the high school level by the 2014–2015 school year. This letter details how NDE must amend its request in order to remain in compliance with ESEA flexibility requirements.

Upon Nevada’s approval of ESEA flexibility, ED provided the SEA with three options to address how it would meet the requirement to develop and administer high-quality assessments aligned with college- and career-ready standards: (1) participate in one of the two State assessment consortia — *i.e.*, PARCC or SBAC; (2) if the SEA is not in a consortium and has not yet developed high-quality assessments, provide the SEA’s plan to develop and administer those assessments no later than 2014–2015; or (3) if the SEA is not in a consortium but has developed high-quality assessments, it must provide evidence that the SEA submitted those assessments to ED for peer review or provide a timeline of when the SEA will submit them for peer review.

Because the NDE is no longer planning to administer Smarter Balanced in Grade 11, the NDE must amend its approved request for ESEA flexibility to provide a high-quality plan that details the steps that NDE will take to administer a high-quality assessment, as defined in the document titled *ESEA Flexibility* (available at: <http://www.ed.gov/esea/flexibility/documents/esea-flexibility-acc.doc>), in reading/language arts and mathematics at the high school level by the 2014–2015 school year.

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As described in the *ESEA Flexibility Review Guidance*

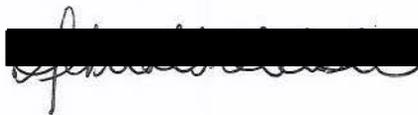
(available at: <http://www.ed.gov/esea/flexibility/documents/review-guidance.doc>), such a plan must include, at a minimum, for each key component of the plan, the following elements: (1) key milestones and activities, (2) a detailed timeline, (3) the party or parties responsible, (4) evidence, (5) resources, and (6) significant obstacles. Generally, an SEA's plan to develop and administer high-quality assessments should minimally address the following key components:

- the process and timeline for development of test blueprints and item specifications;
- the review and selection of items for inclusion in the assessments;
- scaling and scoring procedures to be used;
- test administration procedures, including selection and use of appropriate accommodations;
- data analyses proposed to document validity and reliability of the assessments;
- an independent evaluation of alignment of the assessments with the State's college- and career-ready standards;
- the process and timeline for setting college- and career-ready achievement standards and the method and timeline to validate those achievement standards; and
- meaningful report formats to communicate results to students, parents, and educators.

To amend its approved request for ESEA flexibility, the NDE must submit both the amendment request template (available at: <http://www2.ed.gov/policy/elsec/guid/esea-flexibility/index.html>) and a redlined version of its currently approved request, reflecting that it has changed its approach to developing and administering high-quality assessments. (The high-quality plan described above may either be inserted into the redlined request or submitted as an attachment to the redlined request.) The NDE must submit this amendment request no later than 30 calendar days from the date of this letter. ED will review the request and notify the NDE of its determination in writing.

In the coming days, ED will contact Diane Mugford, your ESEA flexibility lead, to check in regarding your amendment request. In the meantime, please refer to the document titled *ESEA Flexibility Amendment Submission Process* (available at: <http://www2.ed.gov/policy/eseaflex/amendment-submission-process.doc>), which describes the steps that are necessary as part of requesting an amendment. If you have any questions, please do not hesitate to contact Leslie Clithero of my staff at: [leslie.clithero@ed.gov](mailto:leslie.clithero@ed.gov).

Sincerely,



Deborah S. Delisle  
Assistant Secretary

cc: Diane M. Mugford, Office of Assessment, Program Accountability and Curriculum