



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUL 13 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:

Thank you for submitting additional assessment materials for peer review under the standards and assessment requirements of the *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended. We appreciate the efforts that were required to prepare for the latest peer reviews that occurred in March 2009 and October 2008.

As you know, Nevada entered into a compliance agreement with the Department on December 4, 2008 because of the outstanding issues with Nevada's high school assessments for reading/language arts and mathematics and the alternate assessments based on alternate academic achievement standards in reading/language arts, mathematics, and science for grades 3-8 and 10. In the compliance agreement, we enumerated the evidence required for Nevada's standards and assessment system to be fully approved. In addition to needing to provide the evidence required by the compliance agreement, Nevada was also obligated to submit evidence regarding its science standards and assessments for peer review in 2008-09. Outside peer reviewers and Department staff have evaluated Nevada's additional submissions for the general science assessments for grades 3-8 and 10. I have determined that Nevada's general assessments in science for grades 3-8 and 10 still do not meet all the statutory and regulatory requirements of section 1111(b)(1) and (3) of the ESEA. Specifically, I cannot approve these general science standards and assessments due to lack of complete documentation of evidence for academic achievement standards, technical quality, and alignment. The enclosed list provides greater detail about the evidence Nevada must submit to the Department to demonstrate full compliance of the general science standards and assessments. In addition, I have also enclosed detailed comments from the peer review team that evaluated Nevada's submission which I hope will help you in gathering the additional required evidence. Please note that, notwithstanding these concerns, Nevada may include the results of its general reading and mathematics assessments in grades 3-8 and 10 and its alternate assessments based on alternate academic achievement standard in reading/language arts/mathematics for grades 3-8 and 10 in adequate yearly progress (AYP) determinations for the 2008-2009 school year, so long as the percentage of proficient and advanced scores on that assessment does not exceed 1.0 percent of all students in the grades assessed at the district or Nevada level.

Because Nevada was not able to demonstrate that its general standards and assessments and alternate assessments based on alternate academic achievement standards are fully compliant, Nevada's standards and assessment system remains ***Approval Pending*** and the condition on

400 MARYLAND AVE. S.W., WASHINGTON, DC 20202  
www.ed.gov

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

Nevada's Title I, Part A grant award will continue. In addition, Nevada remains obligated to comply with the terms of its compliance agreement.

I appreciate the steps Nevada has taken toward meeting the requirements of the ESEA, and I know you are eager to receive full approval of your standards and assessment system. We are committed to helping you accomplish that goal and remain available to provide technical assistance. We will schedule a peer review, either in the fall of 2009 or earlier, if you have evidence available to further evaluate your system. If you have any questions or would like to discuss this further, please do not hesitate to contact Sharon Hall of my staff at [Sharon.hall@ed.gov](mailto:Sharon.hall@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph C. Conaty". The signature is fluid and cursive, with a large initial "J" and a distinct "C" at the end.

Joseph C. Conaty  
Delegated Authority to Perform the Functions and  
Duties of the Assistant Secretary for Elementary  
and Secondary Education

Enclosure

cc: Governor Jim Gibbons  
Carol Crothers

## **SUMMARY OF ADDITIONAL EVIDENCE THAT NEVADA MUST SUBMIT TO MEET ESEA REQUIREMENTS FOR NEVADA'S GENERAL SCIENCE STANDARDS AND ASSESSMENTS**

### **SECTION 2: ACADEMIC ACHIEVEMENT STANDARDS**

- Evidence of approval/adoption of the academic achievement descriptors for grade 10 science assessments. (2.2)
- Evidence of the TAC's recommendation, Nevada's rationale, and the NSBOE's approval to retain current cut scores for grades 5 and 8 general science assessments, given changes that were made to the content standards and cognitive level of test items in 2006, instead of conducting a new standards-setting process in 2006. (2.6)

### **SECTION 4: TECHNICAL QUALITY**

- Evidence that Nevada has ascertained that test and item scores are related to outside variables as intended for the general science assessments. (4.1.e)
- Evidence that Nevada has a plan and timeline to ascertain whether the general science assessments produce intended or unintended consequences. (4.1.g)
- Documentation that Nevada has evaluated its use of accommodations. (4.6)
- Assurance that students tested with modification are not counted as participants for AYP purposes. (4.6)

### **SECTION 5: ALIGNMENT**

- Documentation of the winter 2009 meeting of the Nevada TAC's review and recommendations based on the presentation of the proposed changes in the coding of items, changes in the test blueprints, and impact on test item development, test design, and the need to re-examine and reset standards and a timeline for implementing the recommendations. (5.7)