



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 5, 2015

The Honorable Virginia M. Barry
Commissioner of Education
New Hampshire Department of Education
101 Pleasant Street
Concord, NH 03301

Dear Commissioner Barry:

I am writing in response to the New Hampshire Department of Education's (NHDOE) request on November 21, 2014, to pilot the Performance Assessment of Competency Education (PACE) with four local educational agencies (LEAs) in the State, in transition to a new Statewide assessment system. In this transitional pilot, the four LEAs, comprising approximately 8,000 students, or four percent of the students in the State, will administer and report results for locally developed performance tasks and common performance tasks in grades K-12 for reading/language arts, mathematics, and science. These tasks align to the State's academic content standards as well as the State's graduation competencies and each LEA's K-12 course and grade competencies map to the State's graduation competencies. The pilot LEAs will continue to administer, once each in elementary, middle, and high school, high-quality Statewide assessments. The pilot LEAs will also make accountability determinations based on the reading/language arts and mathematics assessments administered in grades 3 through 8 and high school. NHDOE believes this research-based pilot is an important component of the State's plans to move toward full implementation of a Statewide assessment to be administered to all students in the State that best meets the needs of parents, educators, and students in the State.

I appreciate the work NHDOE and the four pilot LEAs have undertaken since 2013 to prepare for the launch of PACE this spring. There has been considerable time and energy spent defining the State's competency-based model and providing the training and resources necessary to support the creation of high-quality, locally developed performance tasks aligned to the competencies. We also know that there is work still to be done to refine and improve PACE this year and for the future. We look forward to working with you throughout this process.

Pursuant to my authority under section 9401 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), I am pleased to grant a two-year waiver, for the 2014–2015 and 2015–2016 school years, of the following statutory requirements under Title I, Part A of the ESEA and their associated regulatory provisions:

- ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), which require the State educational agency (SEA) to use the same academic assessments and academic achievement

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standards, respectively, for all public school children in the State. NHDOE requested this waiver so that the students in four pilot LEAs may take the PACE assessments and not take the Statewide assessment in all grades.

- The four LEAs will administer the NHDOE State assessments in reading/language arts and mathematics once each in elementary, middle, and high school and will administer PACE in every grade (K-12). NHDOE may increase the number of pilot LEAs to eight in year 2 of the pilot, subject to the relevant conditions below.

This waiver is granted to NHDOE on the condition that it will do the following:

1. By April 30, 2015, provide a 1-2 page timeline that identifies critical milestones for implementation of the transitional pilot in the second year following the successful completion of year 1 milestones.
2. By April 30, 2015, identify and submit to ED 4-6 key quantitative criteria and qualitative criteria NHDOE will use to determine whether or not to continue the transitional pilot in year 2, as well as criteria for selecting a limited number of additional pilot LEAs from those already engaged in pre-pilot training and capacity-building activities in the 2014–2015 school year. Any additional LEAs piloting PACE in year 2 must be, in the aggregate, demographically similar to the rest of the State.
3. By October 1 in each year of the pilot, submit a report to ED incorporating the quantitative results of the transitional pilot and make those results public on the State website. Data (which ED will use to help evaluate the progress and success of the pilot) must include, at a minimum:
 - Scale and quality of pilot administration for each LEA (i.e., number of students included in the system and performance levels, for all students and for all subgroups of students identified in ESEA section 1111(h)(1)(C); information on the number of tasks administered in each classroom; analysis of the inter-rater reliability and comparability in the scoring of the tasks across teachers; results of achievement standards-setting activities; and data from surveys or consultation of students, parents, and administrators);
 - Aggregate performance of students across schools in the pilot LEAs;
 - Analysis of comparability of student results across pilot schools and LEAs;
 - Comparability of student results between the results on PACE and the New Hampshire Statewide assessments within PACE LEAs and compared to non-PACE LEAs (both Statewide and looking at similar LEAs to the pilot LEAs);
 - Alignment of educator growth and evaluation results in pilot schools compared to non-pilot schools with similar student populations and, within PACE schools, between educators with growth data on the New Hampshire Statewide assessments compared to growth on PACE tasks (as feasible in year 1); and
 - Other analyses of data identified by NHDOE to evaluate the transitional pilot's success and inform its continuation or expansion.
4. Prior to beginning the pilot assessments for each year of the transitional pilot, provide notification to parents of student attending a school in a pilot LEA that their students will be participating in the PACE pilot and information about PACE.
5. Submit the PACE assessment system to ED to be reviewed as part of the Title I assessment peer review process, including a review of the comparability of results across LEAs, at a date yet to be determined by NHDOE and ED, to inform ED's determination

for the continuation or expansion of the transitional pilot beyond the 2015–2016 school year.

6. Continue to consult with external assessment experts, such as the current arrangement with the Center for Assessment, for the duration of the transitional pilot.
7. Report to ED on October 1 and March 1 of each year for which NHDOE is approved for the transitional pilot, on the overall milestones achieved, results, and lessons learned. NHDOE will also participate in quarterly conference calls with ED.
8. Ensure all students in the pilot LEAs have access to grade-level content and assessments and are held to grade-level academic achievement standards that are comparable to the Statewide achievement standards.
9. Conduct an external evaluation of the transitional pilot, including a detailed implementation study of the pilot LEAs' instructional model, and submit the results of the evaluation to ED.

This waiver is granted based on NHDOE's commitment to continue to report results to parents for every student in the State, including students participating in the transitional PACE pilot. NHDOE will make annual accountability determinations for the schools in the pilot LEAs based on the assessments, which are aligned with the State standards, administered during the transitional pilot. NHDOE is still required to provide accommodations for students on its assessment, including the PACE assessments, as appropriate. NHDOE must also administer an alternate assessment based on alternate academic achievement standards for students with the most significant cognitive disabilities and an assessment of English language proficiency in the pilot LEAs.

Finally, this waiver is also granted based on NHDOE's intent to move to a single Statewide system in which all LEAs are administering the same assessment system to all students in each grade, within a timeframe identified by NHDOE and approved by ED. If the transitional pilot proves impracticable to continue or expand (or ED determines it must withdraw approval of the waiver), NHDOE will require the pilot LEAs to administer the Statewide assessments to all students.

Thank you for your commitment to enhancing education for all of New Hampshire's students, including your continued focus on developing new and innovative assessments to improve outcomes for students. I appreciate the challenging and time-consuming work you and your pilot LEAs have undertaken to date and look forward to continuing to work with you and learn from this pilot. I am excited to hear all of the great information you will have to share and to help problem-solve the inevitable challenges that such complex work will bring. If you or your staff have any questions, please contact me directly, or have your staff contact Danielle Smith at (202) 453-5546 or Collette Roney at (202) 401-5245 or by e-mail at: OSS.NewHampshire@ed.gov.

Sincerely,

/s/

Deborah S. Delisle
Assistant Secretary