



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 6, 2016

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 submitted on August 5, 2016, along with the clarifying e-mail sent on August 19, 2016, to extend the waiver allowing implementation of the New Hampshire Performance Assessment of Competency Education (PACE) Pilot. On March 5, 2015, the U.S. Department of Education (Department) approved a waiver, subject to certain conditions and commitments, to permit NHDOE to pilot the PACE assessment system, a system of locally developed, competency-based assessments, in four local educational agencies (LEAs) in 2014–2015 and eight LEAs in 2015–2016, in place of the statewide assessments administered consistent with section 1111(b)(2) of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB) of 2001.

I am pleased to grant, pursuant to my authority under section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), a one-year extension of the waiver, for the 2016–2017 school year, for implementation of the PACE pilot and expansion to include nine LEAs and 36 schools in total within those LEAs, of the following statutory requirements under Title I, Part A of the ESEA and their associated regulatory provisions: sections 1111(b)(1)(B) and 1111(b)(3)(C)(i) of the ESEA, as amended by NCLB, which require a State educational agency to use the same academic achievement standards and assessments, respectively, for all public school children in the State. NHDOE requested this extension so that the students in the nine pilot LEAs may take PACE Pilot assessments in reading/language arts, mathematics, and science in lieu of the statewide assessment in certain grades in 2016–2017. The 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 Pilot assessments in every other grade in which assessments are required under Title I and NHDOE will ensure comparable achievement levels across all LEAs in the State. This waiver extension is granted because NHDOE sufficiently demonstrated that the innovative assessment system being developed will advance student academic achievement, continue to provide assistance to the populations participating in the PACE Pilot, and maintain or improve transparency in reporting to parents and the public on student achievement and school performance, as required in section 8401(b)(1) of the ESEA, as amended by the ESSA.

This waiver is granted to NHDOE subject to the following condition:

New Hampshire will submit a report on November 15, 2016, and October 1, 2017, on implementation in the previous school year, 2015-2016 and 2016-2017, respectively, that includes at least the following information:

- Overview of the PACE Pilot and results, including:

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- Achievement results and participation rates for each PACE LEA by subject and grade for the “all students” group and each subgroup;
- Summary of implementation, including status on the State’s criteria for success and identified milestones (as developed by the State under the initial waiver permitting NHDOE to pilot the PACE assessment system); and
- Copies of key documents supporting PACE Pilot implementation (e.g., PACE guidebook, PACE manual for LEAs, task development template, and task review tool) and results from the State’s independent evaluation of the PACE Pilot that is currently underway.
- Results of the analyses NHDOE identified in its extension request, including:
  - Findings and analysis from the State’s review of local assessment maps;
  - Summary of the State’s review of the technical quality of the common performance tasks;
  - Findings and analyses from the State’s audit of local assessments, which includes a review of both locally developed performance tasks and “unit summative assessments”;
  - Summary and results of the State’s local task review, for which all PACE Pilot LEAs will submit their summative non-“common” locally developed performance tasks for review;
  - Results of the State’s planned comparability analyses, including comparisons of individual student-level results on the Statewide assessments taken the prior year and the PACE Pilot assessments taken the current year (e.g., mathematics grade 4 Smarter Balanced in 2014–2015 and grade 5 PACE Pilot in 2015–2016), and individual student-level results on PACE Pilot assessments taken the prior year and the Statewide assessments taken the following year (e.g., mathematics grade 3 PACE Pilot in 2014–2015 and grade 4 Smarter Balanced in 2015–2016). The State’s analyses must also include evidence of the reliability of scoring for the PACE assessments; and
  - Results of other implementation analyses of the PACE Pilot planned by NHDOE, such as the generalizability study.

I note that on July 11, 2016, the Department published a notice of proposed rulemaking (NPRM) regarding the Innovative Assessment Demonstration Authority authorized in Title I, Part B of the ESEA, as amended by the ESSA. We are in the process of reviewing the comments submitted on the NPRM and revising the regulations, as necessary. These regulations will govern any future requests to implement innovative assessments in New Hampshire.

This letter and the State’s final renewal application will be posted on our website. Thank you for your continued commitment to enhancing education in New Hampshire, including your focus on developing new and innovative assessments to improve outcomes for New Hampshire’s students. We look forward to continuing to work with you and learn from this pilot effort. If we can provide any further assistance as you implement the PACE Pilot under the waiver, please contact Collette Roney or Tawanda Avery of my staff at: [OSS.NewHampshire@ed.gov](mailto:OSS.NewHampshire@ed.gov).

Sincerely,

/s/

Ann Whalen  
Senior Advisor to the Secretary  
Delegated the Duties of Assistant Secretary  
for Elementary and Secondary Education

cc: Paul Leather, Deputy Commissioner