



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Matthew L. Blomstedt
Commissioner of Education
Nebraska Department of Education
301 Centennial Mall South
P.O. Box 94987
Lincoln, NE 68509-4987

August 4, 2020

Dear Commissioner Blomstedt:

Thank you for your participation in the U.S. Department of Education's (the Department) assessment peer review process under Title I of the Elementary and Secondary Education Act of 1965 (ESEA). I appreciate the efforts of the Nebraska Department of Education (NDE) to prepare for the peer review, which occurred in March 2020. Specifically, NDE submitted evidence regarding its general State assessments in reading/language arts (R/LA) and mathematics in grades 3-8, its alternate assessments in grades 3-8 and high school in R/LA and mathematics, and its general high school assessment in R/LA, mathematics, and science.

State assessment systems provide essential information that States, districts, principals and teachers can use to identify the academic needs of students, target resources and supports toward students who need them most, evaluate school and program effectiveness and close achievement gaps among students. A high-quality assessment system also provides useful information to parents about their children's advancement against and achievement of grade-level standards. The Department's peer review of State assessment systems is designed to provide feedback to States to support the development and administration of high-quality assessments.

External peer reviewers and Department staff carefully evaluated NDE's submission and the Department found, based on the evidence received, that the components of your assessment system meet some, but not all, of the statutory and regulatory requirements of sections 1111(b)(1) and (2) of the ESEA. Based on the recommendations from this peer review and our own analysis of the State's submission, I have determined the following:

- General assessments in R/LA for grades 3-8 (NSCAS R/LA): **Substantially meets requirements of the ESEA.**
- Alternate assessment based on alternate academic achievement standards (AA-AAAS) in R/LA for grades 3-8 and high school (NSCAS Alternate R/LA): **Substantially meets requirements of the ESEA.**
- General assessments in mathematics, R/LA, and science for high school (ACT): **Substantially meets requirements of the ESEA.**
- General assessments in mathematics for grades 3-8 (NSCAS Mathematics): **Partially meets requirements of the ESEA.**

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

- AA-AAAS for grades 3-8 and high school mathematics (NSCAS Alternate Mathematics): **Partially meets requirements of the ESEA.**

Substantially meets requirements means that these assessments meet most of the requirements of the statute and regulations but some additional information is required. Partially meets requirements means that these assessments do not meet a number of the requirements of the statute and regulations and/or the NDE will need to provide substantial additional information to demonstrate it meets the requirements. The Department expects that the NDE may not be able to submit all of the required information within one year.

Because NDE must submit substantial additional information, the Department is placing a condition on the State's 2020 Title I, Part A grant award. This condition will remain until the assessments in this review have been determined to meet all requirements. If the outcome of the re-review by peers indicates full approval, then the condition will be removed. The Department also notes that many of the concerns raised in the 2018 peer review were not resolved in this peer review. If adequate progress is not made in subsequent reviews, the Department may take additional action.

The specific list of items required for the NDE to submit is enclosed with this letter. I request that the NDE submit a plan within 30 days outlining when it will submit all required additional documentation for peer review. I recognize the unprecedented situation affecting you and your schools due to widespread and extended school closures caused by the novel coronavirus, COVID-19. As a result, if you need more than 30 days to submit your plan, please let my staff know at ESEA.Assessment@ed.gov. Upon submission of the plan, the Department will reach out to the SEA to determine a mutually agreeable schedule. Resubmission should occur once all necessary evidence is complete (rather than in multiple submissions).

The full peer review notes from the review are enclosed. These recommendations to the Department formed the basis of our determination. Please note that the peers' recommendations may differ from the Department's feedback; we encourage you to read the full peer notes for additional suggestions and recommendations for improving your assessment system beyond what is noted in the Department's feedback. Department staff will reach out to your assessment director in the next few days to discuss the peer notes and the Department's determination and to answer any questions you have.

Thank you for your ongoing commitment to improving educational outcomes for all students. I look forward to our continued partnership as we move ahead with this critical work. I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at: ESEA.Assessment@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

Enclosures

cc: Jeremy Heneger, Director of Statewide Assessment

Critical Elements Where Additional Evidence is Needed to Meet the Requirements for Nebraska’s Assessment System

| Critical Element | Additional Evidence Needed |
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| 1.4 – Policies for Including All Students in Assessments | <p>For the State assessment system:</p> <ul style="list-style-type: none"> • Evidence of policies stating that all students with disabilities publicly placed in private schools as a means of providing special education and related services must be included in the assessment system. |
| 1.5 – Meaningful Consultation in the Development of Challenging State Standards and Assessments | <p>For Nebraska’s science standards:</p> <ul style="list-style-type: none"> • Evidence that the State has conducted meaningful and timely consultation with: <ul style="list-style-type: none"> ○ State leaders, including the Governor, members of the State legislature and State board of education (if the State has a State board of education). ○ Local educational agencies (including those located in rural areas). ○ Representatives of Indian tribes located in the State. ○ Teachers, principals, other school leaders, charter school leaders (if the State has charter schools), specialized instructional support personnel, paraprofessionals, administrators, other staff, and parents. |
| 2.1 – Test Design and Development | <p>For the ACT in science:</p> <ul style="list-style-type: none"> • Evidence that the test design is aligned to the depth and breadth of the State’s high school academic content standards (e.g., evidence of alignment of the test design blueprint to academic content standards). <p>For the NSCAS mathematics:</p> <ul style="list-style-type: none"> • Test blueprints that describe the structure of each assessment in sufficient detail to support the development of assessments that are technically sound, measure the depth and breadth of the State’s grade-level academic content standards and support the intended interpretations and uses of the results. • Processes to ensure that each academic assessment is tailored to the knowledge and skills included in the State’s academic content standards, reflects appropriate inclusion of challenging content, and requires complex demonstrations or applications of knowledge and skills (i.e., higher-order thinking skills). • Evidence that the item pool and item selection procedures adequately support the test design and intended uses and interpretations of results. • Evidence that the State makes proficiency determinations with respect to the grade in which the student is enrolled and uses that determination for all reporting. <p>For the NSCAS alternate mathematics:</p> <ul style="list-style-type: none"> • Statement(s) of the purposes of the assessments and the intended interpretations and uses of results. • Test blueprints that describe the structure of each assessment in sufficient detail to support the development of assessments that are technically sound, measure the depth and breadth of the State’s grade-level academic content standards and support the intended interpretations and uses of the results. |

| Critical Element | Additional Evidence Needed |
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| | <ul style="list-style-type: none"> Processes to ensure that each academic assessment is tailored to the knowledge and skills included in the State’s academic content standards, reflects appropriate inclusion of challenging content, and requires complex demonstrations or applications of knowledge and skills (i.e., higher-order thinking skills). |
| 2.2 – Item Development | <p>For the NSCAS mathematics:</p> <ul style="list-style-type: none"> Evidence provided for critical element 2.1 will address this critical element. |
| 2.3 – Test Administration | <p>For the NSCAS alternate R/LA and mathematics:</p> <ul style="list-style-type: none"> Clear and consistent administration procedures for determining when a student is not responsive. <p>For the NSCAS R/LA and mathematics and the NCAS alternate mathematics:</p> <ul style="list-style-type: none"> Evidence of a contingency plan to address possible technology challenges during online test administration. <p>For the NSCAS mathematics and NSCAS alternate mathematics:</p> <ul style="list-style-type: none"> Evidence of a process for ensuring that relevant staff receive necessary training to administer assessments. |
| 3.1 – Overall Validity, including Validity Based on Content | <p>For the NSCAS alternate R/LA:</p> <ul style="list-style-type: none"> A plan and timeline for addressing the issues raised in the State’s alignment study. <p>For the ACT science:</p> <ul style="list-style-type: none"> Documentation of adequate alignment between the State’s assessments and the State’s academic content standards the assessments are designed to measure in terms of content (i.e., knowledge and process), the depth and breadth of the State’s academic content standards, balance of content, and cognitive complexity. <p>For the NSCAS mathematics:</p> <ul style="list-style-type: none"> Evidence that assessments measure the knowledge and skills specified in the State’s academic content standards, including: <ul style="list-style-type: none"> Documentation of adequate alignment between the State’s assessments and the academic content standards the assessments are designed to measure in terms of content (i.e., knowledge and process), balance of content, and cognitive complexity. Documentation that the assessments address the depth and breadth of the content standards. <p>For the NSCAS alternate mathematics:</p> <ul style="list-style-type: none"> A plan and timeline for addressing issues identified in the alignment report. |
| 3.2 – Validity Based on Cognitive Processes | <p>For the NSCAS R/LA, alternate R/LA, mathematics, and alternate mathematics:</p> |

| Critical Element | Additional Evidence Needed |
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| | <ul style="list-style-type: none"> Evidence that its assessments tap the intended cognitive processes appropriate for each grade level as represented in the State’s academic content standards. |
| 3.3 – Validity Based on Internal Structure | <p>For the ACT (R/LA, mathematics and science):</p> <ul style="list-style-type: none"> Evidence that the scoring and reporting structures are consistent with subdomain structures of the State’s academic content standards on which the intended interpretations and uses of results are based (such as a factor analysis). <p>For the NSCAS mathematics:</p> <ul style="list-style-type: none"> Evidence of adequate validity evidence that the scoring and reporting structures of its assessments are consistent with the sub-domain structures of the State’s academic content standards. |
| 3.4 – Validity Based on Relationships with Other Variables | <p>For the NSCAS alternate R/LA and mathematics:</p> <ul style="list-style-type: none"> Evidence that the scores are related as expected with other variables. |
| 4.1 – Reliability | <p>For the NSCAS mathematics:</p> <ul style="list-style-type: none"> Evidence of adequate reliability evidence for its assessments for the following measures of reliability for the State’s student population overall and each student group consistent with nationally recognized professional and technical testing standards including: <ul style="list-style-type: none"> Test reliability of the State’s assessments estimated for its student population. Consistency and accuracy of estimates in categorical classification decisions for the cut scores, achievement levels or proficiency levels based on the assessment results. For computer-adaptive tests, evidence that the assessments produce test forms with adequately precise estimates of a student’s academic achievement. <p>For the NSCAS alternate mathematics:</p> <ul style="list-style-type: none"> Evidence of adequate reliability evidence for its assessments for the following measures of reliability for the State’s student population overall and each student group consistent with nationally recognized professional and technical testing standards (e.g., sub-score reliability). |
| 4.3 – Full Performance Continuum | <p>For the NSCAS mathematics and alternate mathematics:</p> <ul style="list-style-type: none"> Evidence it has ensured that each assessment provides an adequately precise estimate of student performance across the full performance continuum for academic assessments, including performance for high- and low-achieving students. |
| 4.4 – Scoring | <p>For the NSCAS mathematics and alternate mathematics:</p> <ul style="list-style-type: none"> Evidence that the State has established and documented standardized scoring procedures and protocols for its assessments that are designed to produce reliable and meaningful results, facilitate valid score |

| Critical Element | Additional Evidence Needed |
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| | <p>interpretations, and report assessment results in terms of the State’s academic achievement standards.</p> |
| <p>4.5 – Multiple Assessment Forms</p> | <p>For the NSCAS mathematics:</p> <ul style="list-style-type: none"> • Evidence that the computer adaptive testing adequately represents the State’s academic content standards and yield consistent score interpretations such that the forms are comparable within and across school years. |
| <p>4.6 – Multiple Versions of an Assessment</p> | <p>For the NSCAS general and alternate assessments in R/LA mathematics:</p> <ul style="list-style-type: none"> • For multiple versions, evidence that the State followed a design and development process to support comparable interpretations of results for students tested across the versions of the assessments; and documented adequate evidence of comparability of the meaning and interpretations of the assessment results. |
| <p>4.7 – Technical Analysis and Ongoing Maintenance</p> | <p>For the NSCAS alternate mathematics:</p> <ul style="list-style-type: none"> • Evidence of technical quality is made publicly available, including on the State’s website. |
| <p>5.1 – Procedures for Including Students with Disabilities</p> | <p>For the ACT in R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence provided for critical element 5.3 will address this critical element. <p>For the NSCAS alternate mathematics:</p> <ul style="list-style-type: none"> • Evidence that the State provides information for IEP Teams to inform decisions about student assessments that provides a clear explanation of the differences between assessments aligned with grade-level academic achievement standards and those aligned with alternate academic achievement standards, including any effects of State and local policies on a student's education resulting from taking an AA-AAAS, such as how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma. • Evidence that the State ensures that parents of students assessed with an AA-AAAS are informed that their child’s achievement will be measured based on alternate academic achievement standards. • Evidence that the State does not preclude a student with the most significant cognitive disabilities who takes an AA-AAAS from attempting to complete the requirements for a regular high school diploma. |
| <p>5.2 – Procedures for Including ELs</p> | <p>For the ACT in R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence provided for critical element 5.3 will address this critical element. |

| Critical Element | Additional Evidence Needed |
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| <p>5.3 – Accommodations</p> | <p>For the NSCAS R/LA and alternate R/LA:</p> <ul style="list-style-type: none"> • Evidence demonstrating the accommodations provided: <ul style="list-style-type: none"> ○ Are appropriate and effective for meeting the individual student’s need(s) to participate in the assessments. ○ Do not alter the construct being assessed. ○ Allow meaningful interpretations of results and comparison of scores for students who need and receive accommodations and students who do not need and do not receive accommodations. <p>For the ACT in R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence that children with disabilities and English learners are not denied the opportunity to participate in the assessment and any benefits from participation in the assessment. <p>For the NSCAS mathematics and alternate mathematics:</p> <ul style="list-style-type: none"> • Evidence of a process to review and allow exceptional requests for students who require accommodations beyond those routinely allowed. |
| <p>5.4 – Monitoring Test Administration for Special Populations</p> | <p>For all assessments:</p> <ul style="list-style-type: none"> • Evidence that the State monitors test administration in districts and schools to ensure that appropriate assessments, with or without appropriate accommodations, are selected for students with disabilities under the Individuals with Disabilities Education Act, students covered by Section 504, and English learners, to ensure that accommodations are administered with fidelity and State test administration procedures are followed. |
| <p>6.3 – Challenging and Aligned Academic Achievement Standards</p> | <p>For the ACT in R/LA, mathematics and science:</p> <ul style="list-style-type: none"> • Evidence that the State’s academic achievement standards are challenging and aligned with the State’s academic content standards. <p>For the NSCAS alternate in R/LA and mathematics:</p> <ul style="list-style-type: none"> • Evidence that the alternate academic achievement standards ensure that students are on track to pursue postsecondary education or employment, as specified in section 1111(b)(1)(E) of the ESEA. NDE should provide this evidence by December 31, 2020. |
| <p>6.4 – Reporting</p> | <p>For the NSCAS alternate R/LA and alternate mathematics:</p> <ul style="list-style-type: none"> • Evidence that translated versions of the score reports and interpretive documents are available for students and parents in languages commonly spoken in the State, such as Spanish. <p>For the NSCAS mathematics and alternate mathematics:</p> <ul style="list-style-type: none"> • Upon request by a parent who is an individual with a disability as defined by the ADA, as amended, are provided in an alternative format accessible to that parent. • A process and timeline for delivering reports to students, parents, teachers, principals, and other stakeholders as soon as practicable after each test administration. |

| Critical Element | Additional Evidence Needed |
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| | <ul style="list-style-type: none"><li data-bbox="483 237 1450 342">• Evidence the State reports to the public its assessment results on student academic achievement for all students and each student group at each achievement level. |