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Dear Test Director,

In August 2013, the Nevada Department of Education (NDE) notified school districts of the required expansion of the test participation requirements set forth by the United States Department of Education (USED). In addition to the 95 percent test participation requirements for all students on the state reading and math tests, USED required that Nevada also report on the participation rates by subpopulation and attach consequences for schools that fall below the 95 percent test participation for each subpopulation. Subpopulations in Nevada consist of three subgroups (students who are FRL, IEP and ELL) and seven race/ethnicities (Hispanic, Asian, Black, Native American, Pacific Islander, Caucasian, and Multi-race).

The consequences for low participation are as follows:

School Participation Penalty

The USED approved ESEA Waiver Request specifies that any school failing to assess 95 percent of “all students” in tested grades will be rated as a 1 Star school regardless of the School Index Score or the points earned. For schools failing to meet the 95 percent participation expectation, the Waiver Request allows schools to meet the participation expectation through a 2- and 3-Year average and or by having met the expectation through the N-1 calculation in cases where the student count in this category is less than 20. In these cases the LEA or school must complete the Sign Off document made available during the appropriate data validation periods and provide the documentation through NDE’s bug tracking system showing that the participation requirement was met through one of the alternative methods.

Subpopulation Participation Penalty

The USED required that the NDE develop a Subpopulation Participation Penalty for schools whose subpopulation (race/ethnicity, IEP, ELL, and FRL) participation rate(s) fall(s) below 95 percent. Beginning with the 2013 NSPF, the NDE will issue a written warning to LEAs after the last assessment data validation period in July identifying schools where the subgroup participation expectation was not met.

For subpopulations failing to meet the 95 percent participation expectation, the Waiver Request allows schools to meet the subpopulation participation expectation through a 2- and 3-Year average and/or having met the expectation through the N-1 calculation in cases where the student count in any of the subpopulations is less than 20. In these cases the LEA or

school must complete the Sign Off document made available during the data validation period and provide the documentation through NDE's bug tracking system showing that the participation requirement was met through one of the alternative methods.

Schools failing to meet the subpopulation participation rate of 95 percent and failing to meet the 2- and 3-Year average participation rate of 95 percent over the most recent two or three years will be publically identified as failing this important metric. The NSPF school report will prominently display the "PARTICIPATION WARNING" with the school index score and Star Rating. If the school fails to meet the subpopulation participation rate of 95 percent and fails to meet the 2- and 3-Year average participation rate of 95 percent over the most recent two or three years for a second consecutive year, the Status Indicator will be reduced by a total of six points and the NSPF school report will prominently display the "PARTICIPATION PENALTY" designation with the school index score and Star Rating.

If a school fails to meet the subpopulation participation rate of 95 percent and fails to meet the 2- and 3-Year average participation rate of 95 percent over the most recent two or three years for a third consecutive year, the school will be identified as and subjected to a "CONTINUING PARTICIPATION PENALTY". Schools designated as such will earn zero points for the Status Indicator (elementary and middle schools) or Achievement/Status Indicator (high schools).

Each of these 22 distinct participation rates ("all students" and subpopulations for reading and math) will be published on the Nevada School Performance Framework (NSPF) reports. Any category falling below 95 percent will be prominently identified. For the purpose of determining participation trends, school and subpopulation will be considered as two categories, where the school penalty will be determined first, followed by the subpopulation penalty. Falling below 95 percent participation in these two categories will be the basis for determining the penalty options for the following year.

Since the school penalty is severe and exhaustive, schools falling below 95 percent participation in the school category will not be subject to a subpopulation penalty although the subpopulation participation rates will be published in the NSPF reports. Additionally, since subpopulation is considered one category, schools falling below 95 percent participation in more than one subpopulation will only be subject to one subpopulation penalty.

In order for Nevada to participate in the field test of the Smarter Balanced Assessment, Nevada applied for and received additional flexibility offered by USED to waive the state testing requirement for students selected to participate in the field test. This flexibility does not, however, waive the federal test participation requirements; rather, it provides relief from students having to take both the state assessment and the field test. As a result, in order for Nevada schools to meet the 95 percent participation requirements, students must participate in either the state test or the field test.

To determine whether or not a student is a participant, NDE will look for a participation record in either the state assessment records, or the Smarter Balanced field test participant records; therefore, a student who is a participant in at least one of those two records, will be counted as a participant.

On March 10, 2014, NDE gave the following guidance to local districts:

One or more schools in your district are preparing to participate in the Smarter Balanced field test. We appreciate the efforts you have made in ensuring that Nevada teachers and students are prepared for this test.

On February 11th, 2014, the Nevada Department of Education (NDE) uploaded a file to the Smarter Balanced vendor, ETS, which lists the students in your district selected to participate in the field test. The NDE will not add or remove students from this file prior to the administration of the field test.

The Nevada Department of Education understands that your student enrollment counts may have changed since the date of the initial pre-ID pull (January 22nd, 2014) and prescribes the following courses of action to address these changes:

- 1. Students enrolling after submission of the pre-ID file should be administered the appropriate state assessment (CRT).*
- 2. Students who are pre-ID'd but have withdrawn from the school will be excluded from the test participation record in accordance with the established test participation criteria.*
- 3. Please be prepared to identify these students during the subsequent data validation process to ensure they do not count in a school's accountability rate.*

As stated above, since recently enrolled students will not be added to the Smarter Balanced field test file, and since there is flexibility in the Smarter Balanced field test window, it is possible for a student to enroll in a school after the state assessment is administered, but before the Smarter Balanced field test is administered. In this instance, there will be no opportunity for these students to participate in either the state test or the field test. NDE will work with local school districts to remove any such students from the participation calculations through NDE's bug tracking system. Additionally, the Superintendent of Public Instruction has recently offered an "opt out option" from the field test for those parents expressing data privacy concerns. Should the exercise of this option significantly impact a school's participation rates, NDE will work the district to resolve these instances on a case by case basis.

Respectfully Yours,



Dr. Steve Canavero
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Nevada Department of Education