UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 23, 2015

The Honorable Dale A. R. Erquiaga
Superintendent of Public Instruction
Nevada Department of Education
700 East Fifth Street
Carson City, NV 89701

Dear Superintendent Erquiaga:

I am writing in response to Nevada's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA), so that Nevada may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed Nevada's request dated June 15, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of Nevada's ESEA flexibility request for three years, through the end of the 2017–2018 school year.

My decision to renew approval of Nevada's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling Nevada to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, Nevada will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. Nevada's approved request will be posted on ED's website.

This letter also provides my approval of Nevada's proposed amendments to Principle 1 and Principle 2 of its ESEA flexibility request. A summary of Nevada's significant approved amendments is enclosed with this letter.

This renewal is subject to Nevada's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that it meaningfully collaborates with stakeholders on the implementation of Nevada's ESEA flexibility, including with students, community-based organizations, civil rights organizations, organizations representing students with disabilities, organizations representing English learners, institutions of higher education, and Indian tribes; and

- Provide additional information to ED, by December 31, 2015, on its progress in carrying out its plan to administer in school year 2015–2016 high-quality assessments in high school aligned to Nevada's academic content standards and alternate assessments based on alternate academic achievement standards aligned to Nevada's academic content standards for students with the most significant cognitive disabilities.

Nevada continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that Nevada will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please do not hesitate to contact Jessica McKinney or Zaid Abuhouran of my staff at OSS.Nevada@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of Nevada's students.

Sincerely,

Heather Rieman

Heather Rieman
Acting Assistant Secretary

Enclosure

cc: Steve Canavero, Nevada Department of Education
Diane Mugford, Nevada Department of Education

Approved Amendments to Nevada's ESEA Flexibility Request

The following is a summary of significant approved amendments that Nevada included as part of its request for renewal of ESEA flexibility. ED approves these amendments because Nevada's ESEA flexibility request, as amended, continues to be aligned with the principles of ESEA flexibility. Please refer to ED's website (http://www2.ed.gov/policy/elsec/guid/esea-flexibility/map/nv.html) for Nevada's complete ESEA flexibility request.

- **Accountability for School Year 2014-2015 (Principle 2)**
  Nevada will not assign schools new ratings under the Nevada School Performance Framework, the State system of differentiated recognition, accountability, and support, based on assessments administered in the 2014–2015 school year. Nevada will resume assigning school ratings based on assessments administered in the 2015–2016 school year.

- **Amendment to Exit Criteria for Priority Schools (Principle 2)**
  A school may exit Priority school status if, after three years of implementing interventions related to Priority status, it no longer meets the definition of a Priority school (based on annual determinations) and individual measures used for such identification are improving over at least two consecutive years and show stronger performance in the third year of Priority intervention implementation than in the first year. For high schools, in addition to these criteria, graduation rates must exceed 60% for three consecutive years.

- **Amendment to Exit Criteria for Focus Schools (Principle 2)**
  A school may exit Focus school status if, after three years of implementing interventions related to Focus status, it no longer meets the definition of a Focus school (based on annual determinations) and individual measures used for such identification are improving over at least two consecutive years and show stronger performance in the third year of Focus intervention implementation than in the first year. For high schools, in addition to these criteria, a school must not meet the designation criteria for subgroup graduation rate gaps for two consecutive years.