

Steve Sisolak
Governor

Jhone M. Ebert
Superintendent of Public
Instruction



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GUIDANCE MEMORANDUM 20-03

To: All School District Superintendents
State Public Charter School Authority

From: Jhone M. Ebert
Superintendent of Public Instruction

A handwritten signature in black ink, appearing to read "Jhone M. Ebert".

Date: May 18, 2020

Subject: **Participation in the ACT Assessment for School Year 2019-2020**

This correspondence is intended to provide information and clarification regarding students' participation on the ACT Assessment for the 2019-2020 school year both as a requirement for accountability purposes and as a requirement for earning Nevada's standard high school diploma.

ACT Assessment and Accountability

Nevada Revised Statutes (NRS) 390.600 outlines the requirements for the Nevada State Board of Education (SBE) to select a college and career readiness (CCR) assessment for students in Grade 11. It also outlines the requirements for which students are required to participate in the assessment and the use of results from the assessment. Nevada's current CCR assessment is the ACT. All students enrolled in Grade 11 at the time of the statewide census administration of the CCR assessment are required to participate. It is important to note that the requirement to administer a statewide CCR assessment is also found within the Every Student Succeeds Act (ESSA) which was signed into law in 2015.

In response to COVID-19, Governor Steve Sisolak issued Declaration of Emergency Directive 005, which suspended the requirements to conduct criterion referenced examinations pursuant to Nevada Revised Statutes section 390.105 and college and career readiness (CCR) assessments pursuant to Nevada Revised Statutes section 390.610 and all related reporting requirements.¹ This emergency directive was complemented by the Nevada Department of Education's (NDE) request to the United States Department of Education (USDOE).² As a result of these declarative actions, Nevada school

¹ Declaration of Emergency Directive 005 was issued on March 20, 2020.

² The waiver to USED was submitted on March 20, 2020 and subsequently approved. For additional information regarding the USED waiver, please [visit here](#).

districts and charter schools were not required to administer its statewide assessments to all students and the Nevada Department of Education will not be required to make annual accountability determinations for the 2019-20 school year. As a result, the lack of participation by any Grade 11 student in the statewide census administration of the ACT will not have any implications for Local Education Agencies (LEAs) regarding star ratings under the Nevada School Performance Framework (NSPF).³

ACT Assessment and the Nevada Standard Diploma

NRS 390.610 requires students to participate in the CCR assessment in order to earn Nevada's standard high school diploma. While traditionally, a majority of students satisfy this requirement during Grade 11, there may be students who fulfill this requirement during Grade 12. Due to the impact of COVID-19 and the emergency closure of school buildings, a number of students in Grade 12 may not have been able to participate in an administration of the ACT assessment to earn a standard diploma.

When Governor Steve Sisolak signed Declaration of Emergency Directive 014, it granted the Superintendent of Public Instruction the ability to temporarily waive or suspend those provisions of NRS and the Nevada Administrative Code that placed an undue burden on students' ability to graduate from high school. As a result, any student in Grade 12 within the graduating class of 2020 who has not taken the ACT assessment is eligible to earn the standard diploma, provided all other requirements have been met as determined by each LEA.

For questions regarding the ACT assessment and accountability, please contact Peter Zutz, Director of NDE's Office of Assessment, Data, and Accountability Management at pzutz@doe.nv.gov. For questions regarding graduation requirements, please contact Dave Brancamp, Director of NDE's Office of Standards and Instructional Support at dbrancamp@doe.nv.gov.

cc: Dr. Jonathan P. Moore, Deputy Superintendent of Student Achievement
Nevada Department of Education

³ Please note the statewide census administration of the ACT was February 25, 2020 with the make-up testing date on March 10, 2020. Both dates occurred before the emergency closure of school buildings due to COVID-19.