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Governor

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GUIDANCE MEMORANDUM 21-01

TO: School District Superintendents
State Public Charter School Authority

FROM: Jhone M. Ebert, Superintendent of Public Instruction

DATE: April 19, 2021

SUBJECT: Participation in the ACT Assessment for the Class of 2021

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

Introduction

The Nevada Department of Education (NDE or Department) defines educational equity to mean that the learning needs of every student are supported in an environment where all students are valued, respected, and see themselves in their curriculum and instructional materials while experiencing academic success without regard to differences in age, gender, socio-economic status, religion, race, ethnicity, sexual orientation, ability, native language, national origin, or citizenship status.

The federal Every Student Succeeds Act (ESSA), signed into law in 2015, empowers states to create accountability systems that promote equity by ensuring that students who have historically been underserved by education systems receive a high-quality education. ESSA contains several provisions that can be used to advance equity and excellence for Nevada's students regardless of their racial/ethnic background, socio-economic status, ability, native language, and homeless or foster care status. One of those provisions is the use of multiple measures for accountability, including assessments of students' progress.

ESSA (in other words, federal law) requires that states assess students as follows:

- In reading or language arts and mathematics annually in grades 3-8;
- In reading or language arts and mathematics once in grades 10-12; and
- In science once in each of the following grade spans: 3-5, 6-9, and 10-12.

Regarding the assessment in reading or language arts and mathematics for students in grades 10-12, Nevada's chosen assessment is the ACT.

On April 7, 2021, the NDE submitted a request to waive requirements for accountability under ESSA, including requirements to identify schools in need of targeted support as well as the requirement to rate schools for the 2020-21 school year. In addition, Governor Sisolak's [Declaration of Emergency Directive 014](#), signed on April 14, 2020, granted the State Superintendent of Public Instruction the ability to temporarily waive or suspend those provisions of NRS and the Nevada Administrative Code that would place an undue burden on students'

ability to graduate from high school with their peers. This authority was most recently exercised to support students within the Class of 2020.

ACT Assessment and the Nevada Standard Diploma

Nevada Revised Statutes (NRS) 390.610 requires students to participate in the College and Career Readiness (CCR) assessment 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. While the ACT was administered prior to school building closures during the 2019-20 school year, students in the graduating class of 2021 who intended to take the ACT while in Grade 12 may not have been able to do so due to the circumstances created by COVID-19.

[Guidance Memorandum 20-03](#), issued by the NDE on May 18, 2020, stated, "...the lack of participation by any Grade 11 [student in the Class of 2021] 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)." This memo also provided that "...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 Local Education Agency (LEA)."

Class of 2021

For the 2020-21 school year, guidance from the United States Department of Education (USED) communicates the expectation that states will administer assessments during the 2020-21 school year consistent with the requirements of federal law and following the guidance of local health officials. In a memo issued on August 6, 2020, NDE reaffirmed its commitment to being responsive to the needs of districts, schools, students, and educators by offering flexibility in the administration of assessments as we continue to respond to, and recover from, COVID-19. NDE also reiterated that our top priority is the safety and social-emotional wellbeing of students and staff. As such, assessments should be administered only when it is safe and appropriate to do so.

Regarding the ACT, the Statewide census administration occurred on February 23, 2021 with a make-up date of March 9, 2021. NDE recognizes that there may be students within the Class of 2021 who have continued full-time learning at a distance even as school buildings have opened for in-person learning. In this instance, returning to school buildings for the sole purpose of taking an assessment may present unique challenges for the student, their family, and the school community. **As a result, this memorandum provides for any student in Grade 12, within the graduating Class of 2021, who has not taken the ACT assessment due to the participation in full-time distance learning since the start of the 2020-21 school year, is eligible to earn the standard diploma, provided that all other requirements have been met as determined by LEA.**

To exercise this flexibility on behalf of students in your LEA, please draft a written correspondence to the Superintendent of Public Instruction that includes the number of students for which you are requesting a waiver from the ACT, confirmation that they have been engaged in full-time distance learning since the beginning of the 2020-21 school year, and that all other requirements for the standard diploma have been met. Please address the correspondence to Amelia Thibault at acthibault@doe.nv.gov.

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