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August 23rd, 2023 (sent via email only)

Secretary Cardona
U.S. Department of Education
Lyndon Baines Johnson Department of Education Building
400 Maryland Ave, SW
Washington, D.C. 20202

RE: Tydings waiver under Section 421(b) of the General Education Provisions Act

Secretary Cardona:

The New Hampshire Department of Education (NHED) hereby submits this letter to formally request a Tydings waiver under Section 421(b) of the General Education Provisions Act to extend the availability of fiscal year 2021 Title I B funds under which the NHED is the participating eligible agency. The NHED understands that the period of availability for this extension would cover 7/1/2023 through 9/30/2024 and that all funds must be obligated during this period.

The NHED has specific needs related to the implementation and on-going operation of its federal assessment and accountability program and plans to use the current fund balance under this waiver request in the federal FY21 grant to accomplish the following key projects:

- Current 5-year contracts with all of the state's primary assessment vendors expire in FY23 and FY24, and NHED recognizes that additional funds may be necessary to support the need for new assessment contracts and the procurement process by which the state identifies, selects, and implements new assessment contracts with vendors.
- NHED formally created a new Bureau of Assessment and Accountability in FY23 (previously assessment and accountability offices were in different Divisions within the Department). The newly created Bureau is completing significant work in identifying and documenting both internal and external processes, policies, and procedures in order to ensure efficient and transparent functioning of assessment and accountability programs. Funds from this request will continue to support the work of this new Bureau as it builds out the necessary structures to efficiently meet all federal statutes and regulations.
- NHED remains committed to enhancing its statewide longitudinal data systems in collaboration with the Institute of Education Sciences (IES). Work continues in partnership with the SLDS grant that the state was awarded in FY21. The allocated resources in Title I B from FY21 will play a pivotal role in continuing to furnish NHED with the essential support, time, and workforce required to seamlessly integrate assessment and accountability data systems into the comprehensive statewide data system revamp. This endeavor will additionally enhance the state's

capacity to assemble, validate, and transmit EdFacts data submissions, encompassing data elements procured from assessment and accountability initiatives.

- NHED made a one-year school improvement designation in Fall 2022, under the authority of a limited addendum to the state plan. Since this designation was a single year designation, the full accountability cycle will begin this Fall 2023. NHED submitted changes to the state plan that it plans to implement as part of the new accountability cycle rolling out this fall. Funds from FY21 will support these efforts through personnel expenditures, training, technical assistance to the field, and data systems collection and analysis.
- The state continues to provide resources to local schools and districts in understanding, interpreting, and using assessment and accountability data, and the funds in this Tydings waiver will continue to support the state level work involved in supporting local schools and districts in the appropriate use, access, and interpretation of summative assessment data and accountability indicators.
- NHED was recently selected to receive an audit of its state and local report cards. While NHED is waiting for the final report, there were several areas identified during the desk monitoring that will need to be corrected or expanded. The state will continue to update and improve the functionality of the state and local report cards, as required under ESEA, ensuring that all elements identified in this recent audit are corrected. Funds from FY21 will be used to support this work.
- Finally, the state plans to expand the current general assessment item bank, in partnership with selected state vendors, in mathematics, English/language arts, and science. Funds from FY21 will directly support item development and quality control, expanding the item bank that NHED has access to, and improving the overall quality, validity, and reliability of the statewide assessment system.

The process by which the state of New Hampshire approves fiscal expenditures is a unique method at the state level through a process that goes to the Governor and Executive Council (G & C). This can take anywhere from 3 to 5 months to secure an approval of expenditure. The projects described above utilizing FY21 funds require approval through G & C to fully encumber the funds, however, it is not possible to do so by the September 30 deadline.

If the waiver request is granted, the NHED assures that it will (1) use funds under the respective program in accordance with the provisions of all applicable statutes, regulations, program plans, and applications not subject to these waivers; (2) work to mitigate any negative effects that may occur as a result of the requested waiver; and (3) provide the public and all subgrantees in the State with notice of, and the opportunity to comment on, this request by posting information regarding the waiver request and the process for commenting on the State website.

The NHED is seeking the extension of fund availability to ensure that federal assessment and accountability programs continue to meet the state's standards for high-quality and benefit New Hampshire's schools and students.

Sincerely,

Nate Greene, Ed. D.
Bureau Administrator
Assessment and Accountability