



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

FEB 12 2014

The Honorable Randy Dorn  
State Superintendent of Public Instruction  
Washington State Office of the Superintendent of Public Instruction  
PO Box 47200  
Olympia, WA 98504-7200

Dear Superintendent Dorn:

I am writing in response to the Washington State Office of the Superintendent of Public Instruction's (OSPI) request on behalf of selected schools to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. Specifically, OSPI has requested on behalf of the selected schools a one-year waiver to allow the State to field test in 2013–2014 assessments in mathematics and reading/language arts aligned to college- and career-ready standards developed by the Smarter Balanced Assessment Consortium (SBAC) in lieu of the State's assessments in grade 3 through 8 and high school. OSPI has also requested flexibility in making accountability determinations for the selected schools.

I am pleased to grant, pursuant to my authority under section 9401 of the ESEA, a one-year waiver of the following statutory and regulatory requirements under Title I, Part A of the ESEA and their associated regulatory provisions:

- ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), which require a State educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. OSPI requested these waivers so that any individual student within Washington will be permitted to take only one assessment in each content area in 2013–2014 — either the current State assessment or the full form of the field test of the new assessments aligned to college- and career-ready standards.
- ESEA section 1111(b)(3)(C)(xii), which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given. OSPI requested this waiver to permit OSPI and its local educational agencies (LEAs) to refrain from producing or providing these reports for a student's performance on a field test.
- ESEA sections 1111(h)(1)(C)(ii) and 1111(h)(2)(B), which require an SEA and an LEA, respectively, to report on performance against annual measurable objectives (AMOs). OSPI requested these waivers to permit OSPI and its LEAs to refrain from reporting performance

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against AMOs for any school or single-school LEA that participates in the field test of the new assessments aligned to college- and career-ready standards.

This waiver is granted to OSPI on the condition that it will implement the following assurances:

- OSPI and its LEAs will ensure that all students in the tested grades who do not take a field test in a particular subject will take the current State assessment in that subject, as required by the ESEA.
- OSPI and its LEAs will report performance against AMOs for a subject that is not being field tested in a school that participates in the field test, for all schools that do not participate in the field test, and for all LEAs (except single-school LEAs that participate in the field test of a tested subject) based on current State assessments administered in the 2013–2014 school year.
- OSPI and its LEAs will meet all reporting obligations with respect to reporting the actual achievement of students who take the current State assessments.
- OSPI has properly notified all LEAs and schools that will participate in the field test of that participation.
- OSPI has ensured that parents of students in each school participating in the field test have been notified of the school’s participation, including by ensuring that the notification to parents includes a discussion of the implications of the school’s participation in the field test and a notification of whether the parents’ child will participate in the field test.
- In the 2014–2015 school year, OSPI will administer the new reading/language arts and mathematics assessments aligned to college- and career-ready standards, as well as its State science assessments, to all students in the grades required to be tested in accordance with the ESEA.

Please be aware that this waiver of Washington’s standards and assessment system under the ESEA is not a determination that the system complies with Federal civil rights requirements, including 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*, and requirements under the *Individuals with Disabilities Education Act*. This waiver also does not apply to statutory and regulatory requirements regarding science assessments under Title I, Part A of the ESEA.

I hope you find this flexibility helpful. I look forward to working with you and your staff as you implement this flexibility and as you continue working to improve education in Washington.

Sincerely,



Deborah S. Delisle  
Assistant Secretary

cc: Gil Mendoza, Ed.D., Assistant Superintendent Special Programs and Federal Accountability