



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 7, 2018

The Honorable Hanseul Kang
State Superintendent
District of Columbia Office of the
State Superintendent of Education
1050 First Street, NE
Washington, DC 20002

Dear Superintendent Kang:

I am writing regarding the District of Columbia Office of the State Superintendent of Education's (DC OSSE) recent announcement regarding problems with the science assessments administered in the 2015-2016 and 2016-2017 school years and the related decision to not administer a science assessment for the 2017-2018 school year, resulting in the DC OSSE not being able to report science assessment results during these school years.

Sections 1111(b)(2)(A) and (B)(v)(II) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), require annual assessments in science not less than one time during grades 3-5, 6-9, and 10-12. Additionally, sections 1111(b)(2)(B)(x) and (xii) and 1111(h) of the ESEA require a State to include the results of its science assessment in reports to parents, teachers and principals and on State and local educational agency (LEA) report cards, respectively. As you know, the U.S. Department of Education (Department) placed a condition on DC OSSE's Title I grant allocation for fiscal year (FY) 2017. The terms of the condition stipulated that DC OSSE would provide evidence that it had completed the work necessary to report science assessment results for the 2015-2016 school year by August 31, 2017. DC OSSE's announcement on January 19, 2018 appears to indicate that DC OSSE did not comply with its FY 2017 Title I, Part A grant award condition. Moreover, because DC OSSE will not administer a science assessment for the 2017-2018 school year, it will not have complied with sections 1111(b)(2)(A) and (B)(v)(II) of the ESEA, which require annual assessments in science not less than one time during grades 3-5, 6-9, and 10-12, or sections 1111(b)(2)(B)(x) and (xii) and 1111(h) of the ESEA, which require a State to issue reports to parents, teachers and principals and to include the results of its science assessments on State and LEA report cards, respectively. Additionally, although DC OSSE administered a science assessment in grades 5 and 8 and in high school in school year 2016-2017, it has made clear that it will not comply with the requisite reporting requirements.

I know that we agree that it is critical that each State administer a science assessment and report results for that assessment so that educators, students and parents have clear, consistent feedback about how students are performing in science, and I trust that it was not DC OSSE's intention to violate ESEA in this

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manner. Nevertheless, based on DC OSSE's prior non-compliance and its January 19, 2018 decision, pursuant to the authority in 2 C.F.R. §§ 200.207 and 3474.10, I have therefore determined to place DC OSSE's FY 2017 Title I, Part A grant award on "high-risk" status immediately.

In order to remove the high-risk status for Title I, Part A, DC OSSE must provide evidence that it has administered a science assessment in the 2018-2019 school year and reported the required science assessment results for that year by December 13, 2019. If DC OSSE fails to administer or report results on science assessments in the 2018-2019 school year, the Department will withhold a portion of the State's Title I, Part A administrative funds, consistent with section 1111(a)(7) of the ESEA. Specifically, if DC OSSE fails to carry out the activities for which the State's Title I, Part A grant award was put on "high risk" status, the Department will withhold 25 percent of DC OSSE's FY 2019 Title I, Part A administrative funds (which would constitute 5 percent for each year of non-compliance since DC OSSE last reported science results publicly). Based on DC OSSE's FY 2017 allocation, this would be \$108,000 (25 percent of \$435,000).

DC OSSE may request reconsideration of its "high-risk" designation for Title I, Part A by submitting to me in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If DC OSSE chooses to request such reconsideration, that request must be submitted via e-mail to me, with a copy to Millicent Bentley-Memon and Tahira Rashid at OSS.DC@ed.gov, as well as by U.S. mail or commercial delivery. If a request for reconsideration is not received by the Department by that date, DC OSSE's "high-risk" status for Title I, Part A will be considered final, and will be lifted only upon completing the actions set forth above.

If you have any questions regarding this letter, or the implementation of DC OSSE's Title I, Part A program, please contact Millie Bentley-Memon or Tahira Rashid of my staff at OSS.DC@ed.gov. Thank you for your commitment and continued focus on enhancing education for all of DC OSSE's students.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary, Delegated
the Authority to Perform the Functions and
Duties of the position of Assistant Secretary,
Office of Elementary and Secondary Education

cc: Danielle Branson, DC OSSE