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This guidance has been formally rescinded by the Department and remains available on the web for historical purposes only.

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

March 2, 2016

Dear Chief State School Officer:

This letter is following up on information I provided in fall 2015 regarding the peer review of State assessment systems. In a letter on September 25, 2015, I indicated that the U.S. Department of Education (ED) would provide additional information regarding how a State could request a limited waiver of the requirement that its assessment system cover the full range of its academic content standards for speaking and listening, if the State has adopted those as part of its reading/language arts standards.

Over the past several years, States have been working hard to establish and implement challenging, State-developed academic content standards and creating an assessment system that supports student learning and is aligned to those standards as part of a broader strategy to ensure that all students graduate from high school prepared for college and careers. ED is aware that many States have adopted speaking and listening content standards as part of their reading/language arts standards. However, we realize that measuring speaking and listening skills in a large-scale summative assessment may not be practicable at this time. Therefore, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), if a State's reading/language arts content standards include speaking and listening standards, ED invites the State to submit a request for a limited waiver of section 1111(b)(3)(C)(ii) of the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), so that the State's assessment system need not measure the State's speaking and listening standards at this time. ED is only inviting this waiver with respect to aligning assessments with speaking and listening standards.

If your State is interested in applying for this waiver, ED has provided the enclosed template to aid your request. A State may request a speaking and listening waiver through the 2016-2017 school year. ED will continue to work with States to develop best practices with respect to assessing speaking and listening on large-scale assessments, and may allow States to request an extension of the waiver for subsequent years based on their demonstrated progress towards implementing an assessment that measures speaking and listening standards. Please note that receipt of this waiver does not alleviate the other requirements regarding the State's assessment system as identified in the assessment peer review guidance, including the requirement to provide appropriate accommodations to all students, including students with disabilities and English learners.

In order to meet the requirements for a waiver under ESSA, a State must provide the public and any interested local educational agency (LEA) in the State with notice and a reasonable opportunity to comment and provide input on the request to the State. In addition, the State must provide notice and a reasonable time to comment to the public and LEAs in the manner in which

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

the State customarily provides similar notice and opportunity to comment to the public. In order for this information to inform the peer review of your State's assessment system this spring, we request interested States to submit their requests ***no later than April 22, 2016***. This will enable ED to make timely decisions and allow your State to meet its deadline for submitting the remainder of its assessment documentation for peer review.

Please contact Patrick Rooney (Patrick.Rooney@ed.gov) or your OSS State contact (OSS.[State]@ed.gov) if you have any questions or concerns. Thank you for your continued commitment to our nation's students.

Sincerely,

/s/

Ann Whalen
Senior Advisor to the Secretary Delegated the Duties of
Assistant Secretary for Elementary and Secondary
Education

Enclosure

cc: State Assessment Directors