



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Diane Douglas  
Superintendent of Public Instruction  
Arizona Department of Education  
1535 West Jefferson Street  
Phoenix, AZ 85007

March 29, 2018

Dear Superintendent Douglas:

I am writing in response to Arizona's request on December 8, 2017, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State who are assessed in a subject. Arizona requested this waiver because, based on State data for school year 2016-2017, the Arizona Department of Education (ADE) has concluded that it will not be practicable for the State to assess not more than 1.0 percent of students using an AA-AAAS in SY 2017-2018 in reading/language arts, mathematics, and science.

After reviewing Arizona's request, I am pleased to grant, pursuant to my authority under section 8401(b) of the ESEA, a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts and mathematics for school year 2017-2018.

As part of this waiver, ADE is assuring that the State educational agency:

- Will continue to meet all other requirements of section 1111 of the ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Assessed in the prior school year (2016-2017) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is required in reading/language arts and mathematics.
- Will provide appropriate oversight of a local educational agency (LEA) that is required to submit such information to the State, and it will make such information publicly available.
- Will require that an LEA submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will verify that each LEA at risk of assessing more than 1.0 percent of students with an AA-AAAS is following all State guidelines (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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- Will implement, consistent with the plan submitted in Arizona’s waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

I am, however, denying Arizona’s request for a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA to assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in the subject area of science. My reason for denial of the request is that ADE did not meet the requirement in 34 CFR 200.6(c)(4) that, in order to be eligible for such a waiver, the State must assess at least 95 percent of all students and 95 percent of children with disabilities on the science assessments. In 2016-2017, ADE assessed less than 95 percent of children with disabilities.

If the data ADE previously reported is erroneous and ADE can demonstrate that it assessed at least 95 percent of all students and 95 percent of students with disabilities on the science assessments, ADE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F) and resubmit the revised waiver request to address how it has met the requirements in 34 CFR 200.6(c)(4), including the requirement in 34 CFR 200.6(c)(4)(ii)(B) that the State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup under section 1111(c)(2)(C) of the ESEA who are enrolled in grades for which the State is required to administer statewide assessments. If ADE decides to resubmit, it must do so no later than 60 days from the date of this letter.

I appreciate the work you are doing to improve your schools and to provide a high-quality education for all students in Arizona. If you have any questions, please contact my staff at [OSS.Arizona@ed.gov](mailto:OSS.Arizona@ed.gov).

Sincerely,

/s/

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

cc: Kelly Koenig, Associate Superintendent, Student Achievement and Educator Excellence  
Division  
Audra Ahumada, Deputy Associate Superintendent, Assessment Section