



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Michael W. Kirst  
President  
California State Board of Education  
1430 N Street, Suite 5111  
Sacramento, CA 95814

The Honorable Tom Torlakson  
Superintendent of Public Instruction  
California Department of Education  
1430 N Street, Suite 5602  
Sacramento, CA 95814-5901

August 16, 2017

Dear President Kirst and Superintendent Torlakson:

I am writing in response to the California Department of Education's (CDE) request on April 28, 2017, and amended on June 14, 2017, for a one-year waiver under section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), related to CDE's implementation of new general and alternate science assessments.

CDE requested this one-year waiver to support its transition to new general and alternate science assessments aligned with the State's new academic content standards, the California Next Generation Science Standards. For the 2016–2017 school year, CDE administered a pilot of the California Science Test (CAST) or, for students with the most significant cognitive disabilities, the California Alternate Assessment for Science to all students in the grades in which science tests are administered. During the 2016–2017 school year, CDE did not administer its current science assessments (either the general or alternate assessments) that were aligned to the State's previous content standards and did not report individual student level data to parents, educators or the public. Specifically, CDE's waiver request includes a plan for test development and timeline for implementation from pilot status to fully operational status for the CAST.

As you know, on January 18, 2017, the U.S. Department of Education (the Department) denied a similar waiver request from CDE, although that request was for a two-year waiver for the general science assessment and a three-year waiver for the alternate science assessment. Upon further consideration and careful review of CDE's new request, and because I believe the waiver will benefit school children in California, I am approving CDE's request for the 2016–2017 school year and am waiving the following statutory requirements of the ESEA, as amended by the No Child Left Behind Act of 2001 (NCLB), which was in effect during the 2016–2017 school year:

400 MARYLAND AVE., SW, WASHINGTON, DC 20202  
<http://www.ed.gov/>

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

- ESEA sections 1111(b)(1)(A) and (C) and 1111(b)(3)(A) and (C)(ii) and (v)(II), which require a State to establish student academic achievement standards in science and implement high-quality, yearly student academic assessments in science that are aligned with those standards to measure student achievement and to inform instruction.
- ESEA sections 1111(b)(3)(C)(xii) and (xv) and 1111(h)(1)(C)(i) and (2)(B), which require the State to provide individual student reports to parents, teachers and principals and to include the results of science assessments on State and local report cards.

Please note that this waiver is applicable only for the science assessments administered in the 2016–2017 school year, during the administration of the full census pilot of the CAST and the California Alternate Assessment for Science.

Please note that a failure to administer general and alternate assessments in the 2017–2018 school year that meet all requirements would result in CDE being out of compliance with Title I of the ESEA and the Individuals with Disabilities Education Act, which could trigger one of a number of actions, including withholding of funds.

We appreciate our continued relationship with CDE and remain committed to working with you. If you have any questions, please contact Nkemjika Ofodile-Carruthers of my staff at: [OSS.California@ed.gov](mailto:OSS.California@ed.gov). Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Jason Botel  
Acting Assistant Secretary

cc: Keric Ashley, Deputy Superintendent, District, School and Innovation Branch