



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

March 9, 2018

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

Dear President Kirst and Superintendent Torlakson:

I am writing in response to the California Department of Education's (CDE) request on August 31, 2017, for a waiver of sections 1111(b)(1)(B) and 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Specifically, CDE requested a waiver of annual statewide assessment requirements for North Park Elementary School (San Bernardino City Unified School District) and Pacific Valley (K-12) (Big Sur Unified School District) for the 2016-2017 school year. CDE requested the waiver due to extenuating circumstances that prevented these schools from administering statewide assessments in the 2016-2017 school year. The fatal shooting at North Park Elementary School in spring 2017 and the flooding and landslides at Pacific Valley that resulted in the school being inaccessible for an extended period of time impacted the State's ability to administer the assessments.

After careful review of CDE's request, pursuant to my authority under ESEA section 8401(b), I am approving CDE's request and I am waiving the following statutory requirements:

- Section 1111(b)(1)(B) of the ESEA, as amended by the No Child Left Behind Act (NCLB), which requires that challenging academic content and achievement standards apply to all public schools and public school students in the State, and include the same knowledge, skills, and levels of achievement expected of all public school students;
- Section 1111(b)(3)(C) of the ESEA, as amended by NCLB, which requires that the same academic assessments be used to measure the achievement of all public elementary school and secondary school students in the State and be administered to all students in the State;

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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.

- Sections 1111(b)(3)(C)(xii) and (b)(3)(C)(xv) of the ESEA, as amended by NCLB, which require, respectively, a State to produce individual student interpretive, descriptive, and diagnostic reports for parents, teachers, and principals and to produce itemized score analyses for local educational agencies (LEAs) and schools; and
- Sections 1111(h)(1)(C)(ii) of the ESEA as amended by NCLB and the corresponding requirements in 1111(h)(2)(B), which require a State and each LEA to report on their respective report card student achievement data by achievement level.

Please note that approval of this waiver is applicable only for the assessments administered in the 2016-2017 school year, solely within the two affected schools and based on the specific challenges faced in the administration of the spring 2017 assessments.

California continues to have an affirmative responsibility to ensure that all students in grades three through eight and once in high school are assessed annually in reading/language arts and mathematics, and once in each of three grade spans in science as required in the ESEA. 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.

Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

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: Keric Ashley, Deputy Superintendent
Michelle Center, Director, Assessment Development and Administration Division