



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 5, 2018

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

Dear Superintendent Kang:

I am writing in response to the District of Columbia Office of the State Superintendent of Education's (DC OSSE) request to the U.S. Department of Education (the Department) on July 23, 2018, for a waiver of the requirements in sections 1111(b)(1)(B) and (b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), which requires a State to hold all students to the same academic standards and administer the same aligned assessments to all students. DC OSSE requested a waiver to expand the allowable grade eight mathematics exception in ESEA sections 1111(b)(2)(C)(i) through (iii) to permit any 7th-grade District of Columbia middle school student to take a high school end-of-course mathematics assessment when the student is enrolled in the corresponding course for high school credit.

After reviewing DC OSSE's request, I am pleased to grant, pursuant to my authority under ESEA section 8401(a)(3), a waiver of section 1111(b)(2)(B)(i)(I) of the ESEA as well as the corresponding regulation 34 C.F.R 200.2(b)(1)(i). This waiver will permit a 7th-grader taking a high school level course in mathematics to take the high school assessment for that course. This waiver is in effect from the 2018-2019 school year through the 2020-2021 school year. By granting this waiver, the Department and ODE have mutually agreed that:

- DC OSSE will apply the rules established in section 1111(b)(2)(C)(i) through (iii) of the ESEA and 34 C.F.R 200.5(b)(1) through (3) to any 7th-grader who does not take the mathematics assessment typically administered in that grade.
- If a student does not take the mathematics assessment typically administered in the grade in which he or she is enrolled (grade seven):
 - The student will take the end-of-course mathematics assessment the State administers to high school students to comply with assessment requirements established in ESEA section 1111(b)(2)(B)(v)(I)(bb) or a more advanced assessment;
 - The student's performance and participation on the high school assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA; and
 - In high school, the student will take a more advanced, State-administered end-of-course assessment or nationally recognized high school assessment (that meets the

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requirements in 34 C.F.R. 200.3(d)) and the student's performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA.

I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact Millie Bentley-Memon or Tahira Rashid of my staff at OSS.DC@ed.gov.

Sincerely,

/s/

Frank Brogan
Assistant Secretary for
Elementary and Secondary Education

cc: Danielle Branson, Director of Assessments