



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Susan Bunting
Secretary of Education
Delaware Department of Education
The Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901-3639

February 23, 2018

Dear Secretary Bunting:

I am writing in response to the Delaware Department of Education's (DDOE) request on December 20, 2017, for a 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 DDOE's implementation of new general science assessments.

DDOE requested a one-year waiver of certain ESEA requirements to support its transition to new general science assessments aligned with the State's new academic content standards, the Next Generation Science Standards. During the 2017-2018 school year, DDOE will administer a statewide field test of its new general science assessments to all students in the grades in which science tests are administered. DDOE will not administer its current science general assessments and will not report assessment results to parents, educators or the public. However, DDOE will hold districts and schools accountable for participation in the field test and will report participation rates to the U.S. Department of Education.

After reviewing DDOE's request, I find that the waiver will benefit school children in Delaware, so I am approving DDOE's request regarding the administration of the science general assessment for the 2017-2018 school year and waiving the following statutory requirements of the ESEA, as amended by the ESSA:

- Sections 1111(b)(1)(A) and (C) and 1111(b)(2)(B)(ii) and (v)(II), which require the 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.
- Sections 1111(b)(2)(B)(x) and (xii) and 1111(h)(1)(C)(ii) and (2)(C), which require the State and local educational agencies 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 only applicable for the 2017-2018 school year during the administration of the statewide field test of Delaware's new general science assessments.

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.

Please note that a failure to administer general and alternate science assessments in the 2018-2019 school year that meet all requirements would result in DDOE being out of compliance with Title I of the ESEA and the Individuals with Disabilities Education Act, which could result in a number of enforcement actions, including withholding of funds.

Please note that approval of this science assessment waiver request will require DDOE to also request an amendment to its consolidated State plan. In its State plan, DDOE plans to use proficiency on science assessments as one of its School Quality or Student Success indicators within its system of annual meaningful differentiation. We understand that DDOE has other measures of School Quality or Student Success that it will use in its accountability system; however, if DDOE will no longer administer the science assessment in school year 2017-2018, the State must remove proficiency on science assessments from its School Quality or Student Success indicators as well as redistribute its weight in the State's accountability system.

We appreciate our continued relationship with DDOE and remain committed to working with you. If you have any questions, please contact Dr. Tiffany T. Forrester of my staff at: OSS.Delaware@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 Assistant Secretary of the Office of
Elementary and Secondary Education

cc: Theresa Bennett, Director, Office of Assessment, Delaware Department of Education