



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Christina Kishimoto  
Superintendent  
Hawaii State Department of Education  
1390 Miller Street  
Honolulu, HI 96813

March 29, 2018

Dear Superintendent Kishimoto:

I am writing in response to the Hawaii Department of Education's (HIDOE) request on November 24, 2017, supplemented by information regarding public comment on the request submitted on December 13, 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. HIDOE requested this waiver because, based on State data for the 2016-2017 school year, the HIDOE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2017-2018 school year in reading/language arts and mathematics.

After reviewing HIDOE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, the following waiver for school year (SY) 2017–2018 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 mathematics and reading/language arts.

As part of this waiver, HIDOE assured 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.
- Will require that a complex area submit information justifying the need of the complex area to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of a complex area that is required to submit such information to the State, and it will make such information publicly available.
- Will verify that each complex area that is required to submit such information to the State is following all State guidelines in 34 CFR 200.6(d) (with the exception of incorporating principles

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of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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

However, I am denying HIDOE’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 science. My reason for denial of the request is that, based on the data submitted for school year 2016-2017, HIDOE does not require a waiver to assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in science because it did not exceed the 1.0 percent of the total number of students who were assessed in science. In addition, HIDOE 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, HIDOE assessed less than 95 percent of children with disabilities on the science assessment.

If the data HIDOE previously reported are erroneous and HIDOE exceeds the one percent of the total number of students who are assessed in science, and can demonstrate that it assessed at least 95 percent of all students and 95 percent of students with disabilities on the science assessments, HIDOE 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 HIDOE 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 provide a high-quality education for your students. If you have any questions, please contact Tawanda Avery of my staff at [OSS.Hawaii@ed.gov](mailto:OSS.Hawaii@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: Rodney Luke, Interim Assistant Superintendent  
Tom Saka, Director of Assessment and Accountability