



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 20, 2019

Dear Superintendent Kishimoto:

I am writing in response to Hawaii's request on December 7, 2018, to extend a waiver of certain statutory and regulatory requirements of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), granted on December 1, 2017 (see <https://www2.ed.gov/admins/lead/account/stateplan17/waivers/hitestesting2017.pdf>) to pilot for certain students the Hawaiian State Language Assessments in lieu of the State's grades 7 and 8 mathematics and grade 8 science assessments. In the request, Hawaii states that for the Hawaiian Language State Assessments these grades and subjects will be administered to approximately 300 students enrolled in the Hawaiian Language Immersion Program (HLIP). Hawaii stated it is necessary to request this waiver because the field test conducted in 2017-2018 in these grades and subjects was unsuccessful.

After careful review, I am denying the request pursuant to my authority under ESEA section 8401(b)(4)(A). I have determined that the State has not demonstrated the requested waiver would advance student achievement or how it will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, as required under ESEA sections 8401(b)(1)(C) and (F). In particular, I note that if the waiver was extended, students who participated in the 2017-2018 field test as a 7th-grader will not receive any information about his or her performance against the State's standards for two consecutive years, thereby resulting in parents and teachers not having any information about their student's performance. In addition, this would result in incomplete information used in the system of annual meaningful differentiation used to evaluate the performance of all public schools in the State. I also note that, absent this waiver, the State could complete the field testing work on the Hawaiian Language State Assessment while also administering the statewide assessments to these students. Waiving this requirement would undermine the intent of the statute that States set high expectations and hold all students to the same, high standards and hold schools accountable for reaching those expectations.

Hawaii 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. If Hawaii decides to resubmit, it must do so no later than 60 days from the date of this letter.

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.

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Thank you for your commitment and continued focus on enhancing education for all of Hawaii's students. If you need additional assistance, please contact my staff at: OSS.Hawaii@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
For Elementary and Secondary Education

cc: Keith Kameoka, Acting Director, Assessment and Accountability Branch