



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 1, 2017

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

Dear Superintendent Kishimoto:

I am writing in response to Hawaii's request on August 4, 2017, to pilot for certain students the Hawaiian State Language Assessments in lieu of the State's grade 5 through 8 reading/language arts and mathematics assessments and grade 8 science assessments. In the request, Hawaii states that the Hawaiian Language State Assessments in grades 5 through 8 in reading language arts and mathematics and in grade 8 science will be administered to approximately 775 students enrolled in the Hawaiian Language Immersion Program (HLIP). Hawaii also requested to apply a different set of academic content standards, the Hawaiian Language Arts standards, to the approximately 2,800 students enrolled in the HLIP in lieu of the State's academic content standards. Specifically, Hawaii requested to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA).

After considering the request, I am approving the request in part. Pursuant to my authority under section 8401 of the ESEA, I am granting a one-year waiver for the 2017–2018 school year of the following statutory requirements under Title I, Part A of the ESEA and their associated regulatory provisions in grades 5 through 8 in reading/language arts and mathematics and grade 8 science:

- ESEA sections 1111(b)(1)(B) and (2)(B)(i), which require the State to adopt challenging academic achievement standards that include the same knowledge, skills, and levels of achievement expected of all public school students in the State and administer the same academic assessments to measure the achievement of all public elementary school and secondary school students in the State.
- ESEA section 1111(b)(2)(B)(x) and (xii), which require, respectively, the assessment to produce individual student interpretive, descriptive, and diagnostic reports regarding achievement on such assessments and to produce itemized score analyses for local educational agencies (LEAs) and schools.

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- ESEA section 1111(h)(1)(C)(ii) and the corresponding requirements in 1111(h)(2)(C), which require a State and each LEA to report on their respective report card student achievement data by achievement level.

Note that in approving this waiver for Hawaii to field-test these new assessments in 2017–2018, the Department is not waiving the requirement that the State have a set of high-quality assessments as outlined in ESEA section 1111(b)(2)(B) and 34 CFR 200.2. In particular, the Hawaiian Language State Assessments must be aligned in the same manner as the general assessments to the State’s challenging academic content standards.

As noted in the previous waiver granted to Hawaii on March 30, 2016, when the Department approved Hawaii to pilot the Hawaiian Language State Assessments in grades 3 and 4 in reading/language arts and mathematics, this waiver is granted to Hawaii based on my determination that Hawaii has met the requirements of section 8401(b) of the ESSA with respect to its request to administer the Hawaiian Language State Assessments in reading/language arts and mathematics and is contingent on its commitment to implement the following assurances:

- Hawaii will ensure that all students in the tested grades who do not participate in the Hawaiian Language State Assessments in reading/language arts, mathematics, or science will take the statewide assessment in that subject as required by the ESEA.
- Hawaii will ensure that the Hawaiian Language State Assessments are aligned to the State’s challenging academic content standards that apply to all students and are comparable to the State’s achievement standards in reading/language arts, mathematics, and science.
- Hawaii will meet all reporting obligations with respect to reporting the achievement of students who take the statewide assessments in reading/language arts, mathematics and science.
- Hawaii will submit, as part of its full assessment system, the Hawaiian Language State Assessments in grades 3 and 4 in reading/language arts and mathematics for Title I peer review in winter 2017–2018.

With respect to Hawaii’s second request, to use the Hawaiian Language Arts standards in place of the State’s academic content standards for students in the HLIP, I am denying the request pursuant to my authority under ESEA section 8401(b)(4)(A). After reviewing this part of Hawaii’s request, 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 sections 8401(b)(1)(C) and (F). ESEA section 1111(b)(1)(B) requires the State educational agency (SEA) to apply the same challenging academic content standards and aligned academic achievement standards to all public schools and public school students in the State; holding all students to the same, high standards is critical to ensuring that the State will advance student achievement and that all students graduate high school with the knowledge and skills they need to succeed in college and the workforce. Waiving this requirement would undermine the intent of the statute that States set high expectations that apply to all students 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.

Thank you for your commitment and continued focus on enhancing education for all of Hawaii's students. If you need additional assistance, please contact Tawanda Avery or Deirdra Hilliard of my staff at: 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: Phyllis Unebasami, Assistant Superintendent
Tom Saka, Director of Assessment and Accountability