



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 15, 2018

The Honorable Jennifer McCormick  
Superintendent of Public Instruction  
Indiana Department of Education  
115 West Washington Street  
South Tower, Suite 600  
Indianapolis, IN 46204

Dear Dr. McCormick:

I am writing in response to Indiana Department of Education's (IDOE) request on October 16, 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. IDOE requested this waiver because, based on State data for the 2016-2017 school year, the IDOE 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, mathematics and science.

After reviewing IDOE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, 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 in the subjects of mathematics and reading/language arts more than 1.0 percent of the total number of students in the State who are assessed.

As part of this waiver, for the subjects of mathematics and reading/language arts, IDOE 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 local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.

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- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and will make such information publicly available.
- Will verify that each LEA 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 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 IDOE's waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

I am, however, denying Indiana'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 the subject area of science. My reason for denial of the request is that IDOE 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, IDOE assessed less than 95 percent of children with disabilities.

If the data IDOE previously reported is erroneous and IDOE can demonstrate that it assessed at least 95 percent of all students and 95 percent of students with disabilities on the science assessments, IDOE 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 IDOE 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 Robert Salley or Collette Roney of my staff at [OSS.Indiana@ed.gov](mailto:OSS.Indiana@ed.gov).

Sincerely,

/s/

Jason Botel  
Principal Deputy Assistant Secretary, Delegated  
the authority to perform the functions and duties  
of the position of Assistant Secretary, Office of  
Elementary and Secondary Education

cc: Dr. Charity Flores, Director, Assessment  
Dr. Pamela Wright, Director, Special Education