



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 28, 2017

The Honorable Jeff Wulfson
Acting Commissioner
Massachusetts Department of Elementary
and Secondary Education
75 Pleasant Street
Malden, MA 02148

Dear Acting Commissioner Wulfson:

I am writing in response to Massachusetts' request on August 30, 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 more than 1.0 percent of the total number of students in the State using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). Massachusetts requested this waiver because, based on State data for school year (SY) 2016-2017, the Massachusetts Department of Elementary and Secondary Education (MA DESE) has concluded that it will not be practicable for the State to assess not more than 1.0 percent of students using an AA-AAAS in SY 2017-2018.

After reviewing Massachusetts' request, I am pleased to grant, pursuant to my authority under section 8401(b) of the ESEA, 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 reading/language arts and mathematics for SY 2017–2018.

In its waiver request, Massachusetts made assurances that:

- It 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.
- It will provide appropriate oversight of a local education agency (LEA) that is required to submit such information to the State, and it will make such information publicly available.
- It will verify that each LEA at risk of assessing more than 1.0 percent of students with an AA-AAAS is following all State guidelines (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Consistent with the plan submitted in Massachusetts's waiver request, the SEA will implement system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

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.

I appreciate the work you are doing to improve your schools and provide a high-quality education for students in Massachusetts. If you have any questions, please contact LaTisha Putney of my staff at OSS.Massachusetts@ed.gov.

Sincerely,

/s/

Jason Botel
Principal Deputy Assistant Secretary
Delegated the Authority to Perform the Duties and
Functions of the Assistant Secretary

cc: Daniel Wiener, Administrator of Inclusive Assessment, Student Assessment Services
Michol Stapel, Associate Commissioner for Student Assessment
Rob Curtin, Associate Commissioner, Data and Accountability