



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Roger Dorson  
Interim Commissioner of Education  
Missouri Department of Elementary and Secondary Education  
P.O. Box 480  
Jefferson City, MO 65102-0480

July 27, 2018

Dear Interim Commissioner Dorson:

I am writing in response to the Missouri Department of Elementary and Secondary Education's (DESE) request on May 4, 2018, for a waiver under section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) of requirements related to DESE's implementation of new general science assessments.

DESE requested a one-year waiver of certain requirements for the 2017-2018 School Year (SY) to support its transition to new general science assessments aligned with the State's new academic content standards. DESE requested to administer a statewide field test in grades 5, 8 and high school to all students for which science tests are administered. DESE requested to not report results to parents, educators or the public for SY 2017-2018. DESE proposes to hold districts and schools accountable for participation in the field test and will report participation rates to the U.S. Department of Education (Department).

After reviewing DESE's request, I am declining to exercise my authority under ESEA section 8401 to grant DESE a retroactive waiver for administering the science achievements in SY 2017-2018. I am disapproving DESE's request because DESE requested the waiver after it administered the science field test and as a result cannot report science achievement data to parents and the public. For SY 2017-2018, DESE is out of compliance with sections 1111(b)(3)(A) and (C)(v)(II) of the ESEA, which require annual assessments in science not less than one time during grades 3 through 5, grades 6 through 9, and grades 10 through 12, as well as sections 1111(b)(3)(C)(xii) and (xv) and 1111(h) of the ESEA, which require a State to issue reports to parents, teachers, and principals and to include science assessments on State and local education agency report cards.

DESE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA and resubmit the revised waiver request. If DESE decides to resubmit, it must do so no later than 60 days from the date of this letter.

Because the State is out of compliance with the assessment requirements in Title I, Part A the Department will place a condition on DESE's FY 2018 Title I, Part A grant award. To satisfy this condition, DESE must administer science assessments in SY 2018-2019 and report the results of those

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assessments to parents, teachers, and principals and on State and local educational agency report cards and provide documentation to the Department showing that required reporting has occurred.

Please note that a failure to administer science assessments in SY 2018-2019 that meet all statutory and regulatory requirements will result in DESE being out of compliance with Title I of the ESEA and the Individuals with Disabilities Education Act, which could result in a number of enforcement actions, including withholding of funds.

We appreciate our continued relationship with DESE and remain committed to working with you. If you have any questions, please contact Joseph Lee Suh of my staff at [OSS.Missouri@ed.gov](mailto:OSS.Missouri@ed.gov).

Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Jason Botel  
Principal Deputy Assistant Secretary,  
Delegated the Authority to Perform the Functions  
and Duties of the Position of Assistant Secretary of  
Elementary and Secondary Education

cc: Stacey Preis, Deputy Commissioner, Division of Learning Services  
Chris Neale, Assistant Commissioner, Office of Quality Schools  
Jocelyn Strand, Coordinator, School Improvement  
Kim Oligschlaeger, Director, ePeGS, Federal Finance & School Finance