



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 21, 2017

The Honorable Roger Dorson
Interim Commissioner of Education
Missouri Department of Elementary & Secondary Education
205 Jefferson Street
Jefferson City, MO 65101

Dear Commissioner Dorson:

I am writing in response to the Missouri Department of Elementary and Secondary Education's (DESE's) request to the U.S. Department of Education (the Department) for a waiver of the requirements in sections 1111(b)(1)(B) and (b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), which requires a State to hold all students to the same academic standards and administer the same aligned assessments to all students. DESE requested this waiver to allow any middle school student enrolled in an advanced mathematics course to take the State-administered end-of-course (EOC) assessment in mathematics aligned with that course in lieu of the grade-level assessment in mathematics.

I have reviewed DESE's request dated August 25, 2017, and pursuant to my authority under ESEA section 8401(b), I am approving in part DESE's request for a waiver of ESEA sections 1111(b)(1)(B) and (b)(2)(B)(i). Specifically, I am approving for a period of four years (from school year 2017-2018 through school year 2020-2021), DESE's request that:

- Students taking the Algebra I EOC in middle school will take the Algebra II EOC in high school; and
- Students taking the Algebra I and Geometry EOCs in middle school will take the Algebra II EOC in high school.

In approving this aspect of the waiver request, the Department and DESE mutually agree that:

- DESE will apply the rules established as section 1111(b)(2)(C)(i) through (iii) of the ESEA, as amended by ESSA, and 34 C.F.R 200.5 (b)(1) through (3) to any student who does not take the mathematics assessment typically administered in the grade in which the student is enrolled.
- If a student does not take the mathematics assessment typically administered in the grade in which he or she is enrolled:
 - The student will take the mathematics EOC assessment the State administers to high school students to comply with assessment requirements established in section 1111(b)(2)(B)(v)(I)(bb) of the ESEA, as amended by ESSA;

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- The student’s performance and participation on the high school assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA, as amended by ESSA; and
- In high school, the student will take a more advanced, State-administered mathematics EOC assessment or nationally recognized high school mathematics assessment (that meets the requirements in 34 C.F.R. 200.3(d)) and the student’s performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under the ESEA.

With respect to one aspect of DESE’s request that students who take the State’s Algebra I, Geometry and Algebra II EOC assessments in middle school, and those students take an assessment based on a plan from the district, I am denying this aspect of the request pursuant to my authority under ESEA section 8401(b)(4)(A). After reviewing this part of DESE’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), because the State does not have any further statewide EOC assessments or use a nationally recognized high school assessment (that meets the requirements in 34 C.F.R. 200.3(d)).

DESE 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 students who take Algebra I, Geometry, and Algebra II in middle school. If DESE 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 Joseph Lee Suh of my staff at: OSS.Missouri@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: Stacey Preis, Deputy Commissioner, Division of Learning Services
Chris Neale, Assistant Commissioner, Office of Quality Schools
Craig Rector, Coordinator, Grants and Resources
Jocelyn Strand, Coordinator, School Improvement