



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 13, 2018

The Honorable Paolo DeMaria  
Superintendent of Public Instruction  
Ohio Department of Education  
25 South Front Street  
Columbus, OH 43215- 4183

Dear Superintendent DeMaria:

I am writing in response to the Ohio Department of Education's (ODE) request on November 20, 2017, (and amended on January 24, 2018), 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. ODE requested this waiver because, based on State data for the 2016-2017 school year, ODE 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.

After reviewing ODE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, the following waiver for school year 2017-2018:

- A waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that ODE may assess with an AA-AAAS more than 1.0 percent of the total number of students in the of Ohio who are assessed in a reading/language arts, mathematics and science.

As part of this waiver, ODE 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 each local educational agency (LEA) assessing more than 1.0 percent of its students with an AA-AAAS to submit information justifying such need.

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- Will provide appropriate oversight of an LEA that is required to submit such information to the State, and it will make such information publicly available.
- Will verify that each LEA or community school 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.
- Will implement, consistent with the plan submitted in its waiver request, its system improvements and monitor future administrations as described in their waiver request and within their stated timelines, in order to avoid exceeding the 1.0 percent cap.

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 Mario A. Nunez of my staff at [Mario.Nunez@ed.gov](mailto:Mario.Nunez@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: Jeremy Marks, Director, ODE Office of Federal Programs  
Kimberly S. Monachino, Director, ODE Office of Exceptional Children  
Brian Roget, Director, Office of Curriculum and Assessment