



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 16, 2018

The Honorable Paolo DeMaria
Superintendent of Public Instruction
Ohio Department of Education
25 S Front St
Columbus, OH 43215

Dear Commissioner DeMaria:

I am writing in response to the Ohio Department of Education's (ODE) request to the U.S. Department of Education (the Department) on September 18, 2017, 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. ODE requested a waiver to expand the allowable 8th-grade mathematics exception in ESEA sections 1111(b)(2)(C)(i) through (iii) to permit any Ohio middle school student to take a high school end-of-course assessment in reading/language arts, mathematics or science when the student is enrolled in the corresponding course for high school credit while the student is in middle school.

After reviewing ODE's request, I am pleased to grant, pursuant to my authority under ESEA section 8401(a)(3), a waiver of section 1111(b)(2)(B)(i)(I) of the ESEA, as amended by the ESSA, as well as the corresponding regulation 34 C.F.R 200.2(b)(1)(i). This waiver will permit any middle school student taking high school level courses in reading/language arts, mathematics and science to take the high school assessment for that course. This waiver is in effect from the 2017-2018 school year through the 2020-2021 school year. By granting this waiver, the Department and ODE have mutually agreed that:

- The ODE will apply the rules established in 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 reading/language arts, mathematics or science assessment typically administered in the grade in which the student is enrolled.
- If a student does not take the reading/language arts, mathematics or science assessment typically administered in the grade in which he or she is enrolled:
 - The student will take the end-of-course reading/language arts, mathematics or science 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, or a more advanced assessment;
 - 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

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
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.

- 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 end-of-course assessment or nationally recognized high school 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.

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 Nunez at OSS.Ohio@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: Jeremy Marks, Director of Federal Programs/Federal Liaison; Office of Federal Programs
Christopher Woolard, Senior Executive Director, Center for Accountability and Continuous
Improvement
Brian Roget, Interim Director, Office of Curriculum and Assessment