



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Candice McQueen
Commissioner of Education
Tennessee Department of Education
6th Floor, Andrew Johnson Tower
710 James Robertson Parkway
Nashville, TN 37243

November 17, 2016

Dear Commissioner McQueen:

I am writing in response to the Tennessee Department of Education's (TDOE) request on August 31, 2016, for a waiver of the requirement that a State assess all students annually in reading/language arts and mathematics in grades three through eight under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), by the No Child Left Behind Act of 2001 (NCLB), and to publically report data under section 1111(h).

TDOE is requesting the waiver due to technical challenges the State experienced administering its reading/language arts and mathematics assessments in spring 2016. The technical challenges resulted in the inability of many students to access the assessments online or, in some cases, have access to the tests at all. As a result, not all students successfully took the assessments, and the State has indicated that it has concerns with reporting its 2016 student test scores.

After careful review of TDOE's request and TDOE's responses to the Department's inquires, I am approving TDOE's request and am waiving the following statutory requirements and the corresponding regulations:

- Sections 1111(b)(3)(A), (b)(3)(C)(vii), and (b)(3)(C)(ix)(I), which require a State to administer annually to all students in each of grades 3 through 8 a set of high-quality student academic assessments in reading/language arts and mathematics.
- Sections 1111(b)(3)(C)(xii) and (b)(3)(C)(xv), which require, respectively, a State to produce individual student interpretive, descriptive, and diagnostic reports for parents, teachers, and principals and to produce itemized score analyses for local educational agencies (LEAs) and schools.
- Sections 1111(h)(1)(C)(i), (h)(1)(C)(iii), and (h)(1)(C)(iv) and the corresponding requirements in 1111(h)(2)(B), which require a State and each LEA to report on their respective report card student achievement data by achievement level, participation rate, and the most recent two-year trend in student achievement.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Please note that these waivers are one-time and applicable only for the assessments administered in the 2015–2016 school year, based on Tennessee’s evidence of widespread technical challenges in the administration of the spring 2016 assessments.

I know that you agree that it is critically important to measure student achievement and to hold all students to the same high expectations. The assessment requirements in the ESEA, as amended by NCLB, are focused on ensuring that parents and educators have the information they need to help every student be successful and protecting equity for all students. These requirements are also maintained in the Every Student Succeeds Act, which reauthorized ESEA.

At the Department’s request, TDOE provided a high-quality plan outlining how Tennessee will ensure it administers annual statewide assessments in the 2016–2017 school year. The Department carefully reviewed this documentation and is satisfied with Tennessee’s timeline and authority to secure the appropriate assessments.

Tennessee continues to have an affirmative responsibility to ensure that all students in grades three through eight and once in high school are assessed annually in reading/language arts and mathematics, and once in each of three grade spans in science as required in the ESEA. We appreciate our continued relationship with TDOE and remain committed to working with you. If you have any questions, please contact Nkemjika Ofodile-Carruthers or Hans Neseth of my staff at: OSS.Tennessee@ed.gov. Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Ary Amerikaner
Deputy Assistant Secretary
Delegated the Duties of Assistant Secretary
for Elementary and Secondary Education

cc: Eve Carney, Executive Director, Consolidated Planning and Monitoring