



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable James F. Lane
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218

August 6, 2018

Dear Superintendent Lane:

I am writing in response to the Virginia State Department of Education (VDOE) request on April 5, 2018, including supplemental information submitted by VDOE on June 25, 2018, 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. VDOE requested this waiver to allow students, starting in grade 3, who are enrolled in advanced mathematics courses one, two or three grade levels above the grade in which the student is enrolled to take the mathematics assessments for the mathematics courses in which they are enrolled in lieu of the mathematics assessment for the grade in which they are enrolled. Such students would take a more-advanced mathematics assessment in high school in lieu of VDOE's statewide mathematics assessment under the ESEA.

After reviewing VDOE's request, I am pleased to approve, pursuant to my authority under ESEA section 8401(a)(3), a waiver of sections 1111(b)(1)(B) and 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 students as early as grades 3 to take more-advanced mathematics assessments in place of grade-level assessments. In high school, the students will take either the Geometry and Algebra II statewide assessments or the ACT, SAT, AP Calculus or IB mathematics assessments. This waiver is in effect from the 2017-2018 school year through the 2020-2021 school year. By granting this waiver, the U.S. Department of Education and VDOE have mutually agreed that:

- The VDOE 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 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 advanced mathematics assessment one, two or three grade levels above the grade in which the student is enrolled;
 - The student's performance and participation on the more-advanced mathematics 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

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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.

- 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 Collette Roney of my staff at OSS.Virginia@ed.gov.

Sincerely,

/s/

Frank Brogan
Assistant Secretary for Elementary and Secondary
Education

cc: Lynn Sodat, Director, Office of Program Administration and Accountability