



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Chris Reykdal
Superintendent of Public Instruction
Washington Department of Public Instruction
Old Capitol Building
PO Box 47200
Olympia, Washington 98504-7200

April 15, 2019

Dear Superintendent Reykdal:

I am writing in response to a request from Washington State's Office of the Superintendent of Public Instruction (OSPI) on December 12, 2018, for a waiver of section 1111(b)(2)(B) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act, that requires a State's assessments be the same assessments used to measure the achievement of all public elementary school and secondary school students in the State and be administered to all public elementary and secondary school students. In the request, OSPI requested that eight Tribal Compact schools (see Attachment A) be allowed to participate in a pilot program of local assessments that aligned with State academic content standards, in lieu of participation in the State assessments.

After careful review, I am declining to approve this request. First, it is my understanding that only one of the eight schools in the State's request, Chief Kitsap Academy, receives funds under Title I, Part A and other ESEA programs from the State. For purposes of Title I, Part A, the U.S. Department of Education (the Department) maintains a memorandum of agreement (MOA) with the Bureau of Indian Education (BIE), which grants BIE the authority to act as the State educational agency with the direct oversight for BIE-funded schools, including seven of the schools contained in the State's request. In regards to waiving the statutory requirements in ESEA section 1111(b)(2)(B) for Chief Kitsap Academy, I believe OSPI's request is premature. Chief Kitsap Academy has not yet developed local assessments to use in place of the State's assessments, and so I cannot evaluate OSPI's request for compliance with the statutory requirements in ESEA section 8401(b). For example, I cannot determine that Chief Kitsap Academy's local assessments would advance student academic achievement, as required under section 8401(b)(1)(C). Similarly, I cannot determine that Chief Kitsap Academy would maintain or improve transparency in reporting to parents and the public on student achievement and school performance as required under section 8401(b)(1)(F) through its use of local assessments that are not yet developed. Further, permitting a school to not provide annual information on student performance, as proposed in the State's plan to receive biennially reporting from the school, would also result in not meeting the requirement to annually report to the public information on student achievement in ESEA section 1111(h) and further exacerbate the lack of transparency in reporting information to the public. Therefore, I am declining to approve OSPI's waiver request.

Pursuant to ESEA section 8401(b)(4)(B)(ii), OSPI may revise its request to meet the waiver requirements under ESEA sections 8401(b)(1)(C) and (F) and resubmit a revised waiver request to the Department within 60 days of the date of this letter. In the alternative, OSPI may submit a new request after Chief Kitsap Academy has developed its local assessment. I note that OSPI will need to submit the local assessment to the Department for peer review in accordance with the Department's peer review

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://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.

timeline. Among other requirements, OSPI will need to demonstrate that Chief Kitsap Academy's local assessment is aligned with the depth and breadth of the State's academic achievement standards, is valid and reliable for the purposes for which it is used, is of adequate technical quality, includes appropriate accommodations for students with disabilities and English learners, produces results that are comparable to the State's academic achievement standards and provides data that can be used in the State's accountability system.

If you have any questions, please contact Don Peasley or Robert Salley of my staff at OSS.Washington@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary
For Elementary and Secondary Education

cc: Gayle Pauley, Assistant Superintendent

Attachment A

| <u>School Name</u> | <u>Oversight Agency*</u> |
|--|--------------------------|
| Chief Kitsap Academy | State |
| Chief Leschi Schools | BIE |
| Lummi Nation Schools | BIE |
| Muckleshoot Tribal School | BIE |
| Pascal Sherman Indian School | BIE |
| Quileute Tribal School | BIE |
| Wa He Lut Indian School | BIE |
| Yakama Nation Tribal Jr/Sr High School | BIE |

*For purposes of Title I, Part A.