



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Tony Evers
State Superintendent of Public Instruction
Wisconsin Department of Public Instruction
125 S. Weber Street
P.O. Box 7841
Madison, WI 53707

February 23, 2018

Dear Superintendent Evers:

I am writing in response to the Wisconsin Department of Public Instruction's (WDPI) request on November 28, 2017, 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. WDPI requested this waiver because, based on State data for the 2016-2017 school year, WDPI 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 WDPI's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, the following waiver for school year (SY) 2017–2018, a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in reading/language arts, mathematics and science.

As part of this waiver, WDPI assures that:

- It 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.
- It will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- It 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.
- It will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR 200.6(d) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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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.

- It will implement, consistent with the plan submitted in WDPI's waiver request, the system improvements and monitor future administrations 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 students. If you have any questions, please contact Lisa Sadeghi or Porscheoy Brice of my staff at OSS.Wisconsin@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: Jennifer Kammerud, Policy Initiatives Advisor