



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAR - 7 2014

The Honorable Michael W. Kirst
President
California State Board of Education
1430 N Street, Suite 5111
Sacramento, California 95814

The Honorable Tom Torlakson
Superintendent of Public Instruction
California Department of Education
1430 N Street, Suite 5602
Sacramento, CA 95814-5901

Dear President Kirst and Superintendent Torlakson:

I am writing in response to the request from the California State Board of Education and the California Department of Education (collectively, California) on behalf of schools with one or more grades 3 through 8 to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Specifically, California has requested on behalf of these schools a one-year waiver to allow California to field test in 2013–2014 assessments in mathematics and reading/language arts aligned to college- and career-ready standards developed by the Smarter Balanced Assessment Consortium (SBAC) in lieu of the State's assessments in grades 3 through 8. California also requested flexibility in making accountability determinations for schools participating in a field test and their local educational agencies (LEAs).

I am pleased to grant, pursuant to my authority under section 9401 of the ESEA, a one-year waiver of the following statutory and regulatory requirements under Title I, Part A of the ESEA and their associated regulatory provisions:

- ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i), which require a State educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. California requested these waivers so that all students in grades 3 through 8, with the exception of students with the most significant cognitive disabilities who take an alternate assessment based on alternate academic achievement standards, will be permitted to participate in the field test of assessments developed by SBAC in 2013–2014. California will continue to administer the California High School Exit Examination (CAHSEE) to high school students in grade

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10 and the California Alternate Performance Assessment (CAPA) to students with the most significant cognitive disabilities.

- ESEA section 1111(b)(3)(C)(xii), which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given. California requested this waiver to permit California and its LEAs to refrain from producing or providing these reports for a student's performance on a field test.
- ESEA sections 1111(h)(1)(C)(ii) and 1111(h)(2)(B), which require an SEA and an LEA, respectively, to report on performance against annual measurable objectives (AMOs). California requested these waivers to permit California and its LEAs to refrain from reporting performance against AMOs for any school or LEA that participates in the field test of the new assessments aligned to college- and career-ready standards. California will continue to report performance against AMOs at the school level for any high school and at the district level for any high school LEA based on achievement results from the CAHSEE.
- ESEA sections 1116(a)(1)(A) and 1116(c)(1)(A), which require an LEA and an SEA, respectively, to use the State's academic assessments and other academic indicators to make adequate yearly progress (AYP) determinations for schools and LEAs. California requested this waiver to permit an LEA within California that has one or more schools participating in the field test to refrain from making AYP determinations for each of those schools and to permit California to refrain from making AYP determinations for LEAs with one or more schools participating in the field test. California will continue to make AYP determinations at the school level for any high school and at the district level for any high school LEA based on achievement results from the CAHSEE.

This waiver is granted to California on the condition that it will implement the following assurances:

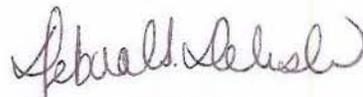
- California and its LEAs will ensure that, with the exception of students with the most significant cognitive disabilities, all students in grades 3 through 8 will participate in the field test in 2013–2014 consistent with California's field test plan. California and its LEAs will continue to administer the CAHSEE to high school students and the CAPA to students with the most significant cognitive disabilities in 2013–2014.
- California and its LEAs will make new AYP determinations at the school level only for high schools and at the district level only for high school LEAs based on achievement results from the CAHSEE administered in the 2013–2014 school year.
- California and its LEAs will report performance against AMOs at the school level only for high schools and at the district level only for high school LEAs based on achievement results from the CAHSEE.

- California and its LEAs will meet all reporting obligations with respect to high schools and high school LEAs based on achievement results from the CAHSEE administered in 2013–2014. In addition, with respect to students with the most significant cognitive disabilities who take the CAPA in 2013–2014, California and its LEAs will comply with ESEA section 1111(b)(3)(C)(xii), which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given.
- California has properly notified all schools and LEAs with grades 3 through 8 that they will participate in the field test.
- California will ensure that parents of students in each school participating in the field test will be notified of the school's participation, including by ensuring that the notification to parents includes a discussion of the implications of the school's participation in the field test. California will ensure that parents of students with the most significant cognitive disabilities will be notified that their child will continue to participate in the CAPA.
- In 2014–2015, California will administer new reading/language arts and mathematics assessments aligned to college- and career-ready standards, alternate assessments based on alternate academic achievement standards, and its State science assessments to all students in the grades required to be tested in accordance with the ESEA.
- California will resume making AYP determinations for all schools and LEAs based on assessments administered in the 2014–2015 school year.

Please be aware that this waiver of requirements of California's standards and assessment system under the ESEA is not a determination that the system complies with Federal civil rights requirements, including Title VI of the *Civil Rights Act of 1964*, Title IX of the *Education Amendments of 1972*, Section 504 of the *Rehabilitation Act of 1973*, Title II of the *Americans with Disabilities Act*, and requirements under the *Individuals with Disabilities Education Act*. This waiver also does not apply to statutory and regulatory requirements regarding science assessments under Title I, Part A of the ESEA.

I hope you find this flexibility helpful. I look forward to working with you and your staff as you implement this flexibility and as you continue working to improve education in California.

Sincerely,



Deborah S. Delisle
Assistant Secretary

cc: Deborah V. H. Sigman
Karen Stapf Walters