



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Molly Spearman
Superintendent of Education
South Carolina Department of Education
1429 Senate Street, Room 1006
Columbia, SC 29201

JAN 28 2016

Dear Superintendent Spearman:

I am writing in response to South Carolina's October 16, 2015 request to amend its Elementary and Secondary Education Act of 1965, as amended (ESEA), flexibility waiver (ESEA flexibility), which was approved on July 9, 2015. Specifically, the South Carolina Department of Education (SCDE) amended its request to use the Algebra 1 and English Language Arts (ELA) 1 end-of-course assessments for Federal accountability purposes in school year 2014–2015 and in future years.

I have determined that the amended request continues to be consistent with the principles of ESEA flexibility, and continues to affect activities required under the 2015 reauthorization of ESEA Every Student Succeeds Act (ESSA). For these reasons, I am approving South Carolina's amended request. Any further requests to amend South Carolina's ESEA flexibility request must be submitted to the U.S. Department of Education (ED) for review and approval based on ED's December 18, 2015 "Dear Colleague" letter. South Carolina's revised ESEA flexibility request, along with this letter, will be posted on ED's website.

Approval of this amendment is subject to South Carolina's commitment to report publicly the percentage of students in the longitudinal cohort of students who took the Algebra 1 and ELA 1 assessments.

By approving this amendment request, ED is not approving these assessments under Title I of the ESEA. South Carolina must submit its assessments for review as of ED's peer review of State assessment systems.

South Carolina continues to have an affirmative responsibility to ensure that it and its districts are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility and ESSA. These laws include 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, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

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<http://www.ed.gov/>

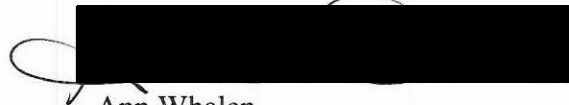
The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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I am confident that South Carolina will continue to implement the reforms it proposed under its approved ESEA flexibility request and advance its efforts to hold schools and school districts accountable for the achievement of all students.

If you have any questions regarding the implementation of your ESEA flexibility request, please do not hesitate to contact Daniel Behrend and Erin Shackel of my staff at: OSS.SouthCarolina@ed.gov.

Sincerely,

A black rectangular redaction box covers the signature area. A small handwritten mark, possibly a checkmark or the letter 'D', is visible to the left of the redaction.

Ann Whalen
Delegated the authority to perform the functions
and duties of Assistant Secretary for Elementary
and Secondary Education

cc: Karla Hawkins, Federal Liaison
Roy Stehle, Title I Director