



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

September 18, 2020

The Honorable Chris Reykdal
Superintendent
Washington State Office of Superintendent of Public Instruction
Old Capitol Building, P.O. Box 47200
Olympia, WA 98504-7200

Dear Superintendent Reykdal:

Thank you for your letter on August 21, 2020, in which the Washington State Office of Superintendent of Public Instruction (OSPI) requested that the U.S. Department of Education (Department) grant a waiver of the same requirements in the Elementary and Secondary Education Act of 1965 (ESEA) regarding statewide assessments, accountability, and related State and local reporting for the 2020-2021 school year that the Department granted for the 2019-2020 school year. Those requirements are the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h). OSPI is requesting this due to challenges that it expects in the 2020-2021 school year related to the Coronavirus Disease 2019 (COVID-19).

While the Department acknowledges the uncertainty facing all States, districts, and schools during the 2020-2021 school year due to COVID-19, it is our expectation that States will, in the interest of students, administer assessments consistent with the requirements of the law. Assessment, accountability, and reporting elements are central to the purpose of the ESEA in general and of Title I of the ESEA in particular. A continued lack of actionable information produced by the assessment, accountability, and reporting requirements of Title I of the ESEA would impede achieving its purpose.

The ESEA's assessment, accountability, and reporting requirements provide essential data for parents, teachers, school leaders, and the public about how public schools are performing. This information also allows States to provide the necessary supports and allocate resources to support those students and schools that are most in need.

Therefore, after reviewing OSPI's waiver request, I am declining to approve the request under my authority in ESEA section 8401(b)(4). Not enough information exists about the conditions of schooling in the 2020-2021 school year to warrant approving this request at this time, which would result in parents and the public not having data on how well students are doing at mastering a State's content for each tested grade and subject for a second consecutive year.

The request is inconsistent with the purpose of the ESEA and Title I and does not demonstrate how the waiver will advance student academic achievement, nor how the waiver would maintain or

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otherwise improve transparency in reporting to parents and the public on student achievement and school performance as required under section 8401(b)(1)(C) and (F) of the ESEA, respectively. While I recognize that schooling looks different now than in a regular school year, there remains tremendous value in the assessment and accountability data to illustrate where individual students, groups of students, and schools will need support in the following school year in order to help ensure that all children receive a fair, equitable, and high-quality education and that achievement gaps are closed.

OSPI may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements of section 8401(b)(1) and resubmit a revised request. If OSPI decides to resubmit, it must do so no later than 60 days from the date of this letter. (The Department notes, however, that in 60 days many conditions of schooling in spring 2021 will still be unknown.) As the 2020-2021 school year progresses, the Department will continue to partner with States to address the challenges posed by COVID-19 as they arise.

Thank you for the work you are doing on behalf of Washington's students, especially during this challenging time. If there are any questions about this decision, please contact my staff at: OESE.titlei-a@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Frank T. Brogan". The signature is fluid and cursive, with the first name "Frank" and last name "Brogan" clearly legible.

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

cc: Gayle Pauley, OSPI, Assistant Superintendent
Special Programs & Federal Accountability