

Dear Assistant Secretary Delisle:

In the 2013–2014 school year, [State educational agency (SEA)] will be field testing the new [Name of Assessment] reading/language arts and mathematics assessments aligned to college- and career-ready standards. Per the Secretary’s June 18, 2013, announcement, I am writing on behalf of [SEA] to request the double-testing flexibility by requesting a one-year waiver of the following requirements in Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, 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. [SEA] requests these waivers so that any individual student within [State] will be permitted to take only one assessment in each content area in 2013–2014 — either the current State assessment or the full form of the field test of the new assessment aligned to college- and career-ready standards.
- 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. [SEA] requests this waiver to permit [SEA] and its local educational agencies (LEAs) to refrain from producing or providing these reports for a student’s performance on the field test.

If the SEA is also requesting the determination flexibility (otherwise, skip to assurances): On behalf of [SEA], I am also requesting the determination flexibility by requesting a one-year waiver of the following ESEA requirements and their associated regulatory provisions:

- 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). [SEA] requests these waivers to permit [SEA] and its LEAs to refrain from reporting performance against AMOs for the subject(s) being field tested in any school or single-school LEA that participates in the field test of new assessments aligned to college- and career-ready standards. The [SEA] and its LEAs, however, will report performance against AMOs, as applicable, for a subject that is not part of the field test in a school or single-school LEA that is participating in the field test, for all schools or single-school LEAs that are not participating in the field test, and for all LEAs (except single-school LEAs participating in the field test). [*Note: Modify this paragraph as necessary if the SEA is requesting the determination flexibility for only some schools and some single-school LEAs and/or the SEA is not requesting the determination flexibility for single-school LEAs.*]
- ***If the SEA has not received a waiver of these provisions through ESEA flexibility:*** 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. [SEA] requests this waiver to permit an LEA within [State] 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 [SEA] to refrain from making AYP determinations for a single-school LEA participating in the field test. *[Note: Modify this paragraph as necessary if the SEA is requesting the determination flexibility for only some schools and some single-school LEAs and/or the SEA is not requesting the determination flexibility for single-school LEAs.]*

[SEA] hereby assures that if it is granted the requested waivers:

- [SEA] and its LEAs will ensure that all students in the tested grades who do not take the field test in a particular subject will take the current State assessment in that subject, as required by the ESEA.
- ***If the SEA has not received a waiver of the requirement to make AYP determinations through ESEA flexibility and is requesting the determination flexibility:*** [SEA] and its LEAs will make AYP determinations for all schools that do not participate in the field test and for all LEAs except single-school LEAs that participate in the field test based on current State assessments administered in the 2013–2014 school year. *[Note: Modify this assurance as necessary if the SEA is requesting the determination flexibility for only some schools and some single-school LEAs and/or the SEA is not requesting the determination flexibility for single-school LEAs.]*
- ***If the SEA is requesting determination flexibility:*** [SEA] and its LEAs will report performance against AMOs for a subject that is not being field tested in a school that participates in the field test, for all schools that do not participate in the field test, and for all LEAs (except single-school LEAs that participate in the field test of a tested subject). *[Note: Modify this assurance as necessary if the SEA is requesting the determination flexibility for only some schools and some single-school LEAs and/or the SEA is not requesting the determination flexibility for single-school LEAs.]*
- [SEA] and its LEAs will meet all reporting obligations with respect to reporting the achievement of students who take the current State assessments.
- [SEA] has properly notified all LEAs and schools that will participate in the field test of that participation.
- [SEA] has ensured that parents of students in each school participating in the field test have been 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 and whether the parents' child will participate in the field test.
- In 2014–2015, [SEA] will administer the new reading/language arts and mathematics assessments aligned to college- and career-ready standards, as well as State science assessments, to all students in the grades required to be tested in accordance with the ESEA.
- ***If the SEA has not received a waiver of the requirement to make AYP determinations through ESEA flexibility and is requesting the determination flexibility:*** [SEA] will resume making AYP determinations for all schools and single-school LEAs based on assessments administered in the 2014–2015 school

year. *[Note: Modify this assurance as necessary if the SEA is not requesting the determination flexibility for single-school LEAs.]*

Enclosed with this waiver request is a list of all schools, including single-school LEAs, within [State] that will participate in the field test of the new assessments aligned to college- and career-ready standards as well as an indication of which of those schools and single-school LEAs will not receive new accountability determinations in light of their participation in the field test.

Also enclosed with this waiver request is a request to amend [SEA's] approved ESEA flexibility request. As indicated in the enclosed amendment request, [SEA] seeks to amend its approved ESEA flexibility request to clarify [insert description of all relevant changes, e.g., that it will not identify new reward, priority, or focus schools following the 2013–2014 school year but will resume identifying new lists of those schools following the 2014–2015 school year; **OR** that it will identify new reward, priority, and focus schools following the 2013–2014 school year based on the results of students within each school in the State on the current State assessments].

Prior to submitting this waiver request, [SEA] provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. [SEA] provided such notice by [insert description of notice, e.g., sending a letter to each LEA on [date] or sending an email to each LEA on [date]] (see copy of notice attached). Copies of all comments that [SEA] received from LEAs in response to this notice are attached hereto. [SEA] has also provided notice and information regarding this waiver request to the public in the manner in which [SEA] customarily provides such notice and information to the public [insert description of public notice, e.g., by publishing a notice of the waiver request in the following newspapers; by posting information regarding the waiver request on its website (see attached copy of public notice)]

Please feel free to contact me by phone or email at [contact information] if you have any questions regarding this request. Thank you for your consideration.

TABLE OF SCHOOLS PARTICIPATING IN THE FIELD TEST

<u>LEA</u>¹	<u>School Name</u>	<u>School NCES ID #</u>	<u>Determination Flexibility (yes/no)</u>	<u>Current School Identification</u>
LEA 1	School 1	1234567	Yes	None
	School 2	2345678	No	Priority
LEA 2	School 3	3456789	No	Focus

¹ Indicate with an * any single-school LEA for which the SEA will be implementing the determination flexibility.

**ESEA FLEXIBILITY
Amendment Submission Template**

Dear Assistant Secretary:

I am writing on behalf of [(State educational agency) (SEA)] to request approval to amend the State's approved ESEA flexibility request. The relevant information, outlined in the *ESEA Flexibility Amendment Submission Process* document, is provided in the table below.

Flexibility Element(s) Affected by the Amendment	Brief Description of Element as Originally Approved	Brief Description of Requested Amendment	Rationale	Process for Consulting with Stakeholders, Summary of Comments, and Changes Made as a Result

Attached to this letter is a redlined version of the pages from our approved ESEA flexibility request that would be impacted with strikeouts and additions to demonstrate how the request would change with approval of the proposed amendment[s]. Please contact [State lead] at [email address] or by phone at [phone number] if you have any questions regarding this [these] proposed amendment[s].

[SEA] acknowledges that the U.S. Department of Education may request supplementary information to inform consideration of this request.

Chief State School Officer

Date

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0581.