



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

FEB 18 2014

The Honorable Thomas R. Luna
State Superintendent of Public Instruction
Idaho State Department of Education
650 West State Street, 3rd floor
Boise, ID 83720-0027

Dear Superintendent Luna:

I am writing in response to the Idaho State Board of Education's (SBOE) request 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, the Idaho SBOE has requested a one-year waiver for 2013–2014 to allow all schools to field test, with respect to all students in the tested grades except students with the most significant cognitive disabilities, 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 and 10. In addition, the Idaho SBOE has requested a one-year waiver to allow local educational agencies (LEAs) to choose to field test alternate assessments based on alternate academic achievement standards for students with the most significant cognitive disabilities developed by the National Center and State Collaborative (NCSC). The Idaho SBOE has also requested flexibility in making accountability determinations.

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. The Idaho SBOE requested these waivers so that all students (except students with the most significant cognitive disabilities) within Idaho in the tested grades will be permitted to take in 2013–2014 the full form of the field test of the new SBAC assessments in reading/language arts and mathematics aligned to college- and career-ready standards. Students with the most significant cognitive disabilities will be permitted to take the field test of the NCSC alternate assessments based on alternate academic achievement standards in those subjects if their LEA chooses to field test those assessments.
- 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. The Idaho SBOE requested this waiver to permit SBOE and its local educational agencies (LEAs) to refrain from producing or providing these reports for a student's

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performance on a field test. The Idaho SBOE will produce these reports for a student with the most significant cognitive disabilities who takes Idaho's current alternate assessment based on alternate academic achievement standards.

- 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). The Idaho SBOE requested these waivers to permit SBOE and its LEAs to refrain from reporting performance against AMOs for all schools and LEAs, because all schools are participating in the field test of the new assessments aligned to college- and career-ready standards.

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

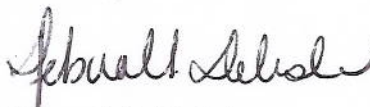
- The Idaho SBOE and its LEAs will ensure that students with the most significant cognitive disabilities in the tested grades who do not take the NCSC field test in a particular subject will take Idaho's current alternate assessment based on alternate academic achievement standards in that subject, as required by the ESEA.
- With respect to students with the most significant cognitive disabilities who take Idaho's alternate assessments based on alternate academic achievement standards in 2013–2014, the Idaho SBOE 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.
- The Idaho SBOE has properly notified all LEAs and schools that they will participate in the SBAC and, as appropriate, the NCSC field test.
- The Idaho SBOE has ensured that parents of students have been notified of the school's participation in the respective field test, 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 the 2014–2015 school year, the Idaho SBOE will administer the new reading/language arts and mathematics assessments aligned to college- and career-ready standards, as well as its State science assessments, to all students in the grades required to be tested in accordance with the ESEA.

Please be aware that this waiver of Idaho'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.

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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 Idaho.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah S. Delisle". The signature is fluid and cursive, with the first name being the most prominent.

Deborah S. Delisle
Assistant Secretary

cc: TJ Bliss, Director of Assessment and Accountability