



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

FEB 11 2014

The Honorable Diane DeBacker  
Commissioner of Education  
Kansas State Department of Education  
120 SE 10<sup>th</sup> Avenue  
Topeka, Kansas 66612-1182

Dear Commissioner DeBacker:

I am writing in response to the Kansas State Department of Education's (KSDE's) request on behalf of the Unified School District 202 Turner Public Schools (TPS) to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended. Specifically, TPS has requested to administer the ACT ASPIRE assessments in grades 3 through 8 in reading/language arts and mathematics, the ASPIRE Science in grades 4 and 7, and the ACT in reading, English, mathematics, and science in grade 11. Students with disabilities for whom these assessments are not appropriate will continue to take Kansas' alternate assessments.

I have carefully reviewed KSDE's request and my staff has had several discussions with your staff and with TPS staff regarding the request. Through these discussions, I understand that TPS is implementing a comprehensive reform plan throughout the district that focuses on preparing students for college and careers. I know that KSDE has adopted the Common Core State Standards (CCSS), which all local educational agencies in Kansas, including TPS, are currently implementing. Also, I understand that KSDE is diligently working to develop a new generation of assessments that will be aligned with the CCSS, and KSDE will field test these assessments during the 2013–2014 school year.

You note that the U.S. Department of Education (Department) previously granted a waiver for three Kansas districts to administer the ACT in high school in lieu of Kansas' State high school assessments. The Department approved this use on the grounds that the ACT is a standards-based assessment intended for students in grades 11 and 12, with a focus on the knowledge and skills typically attained as the cumulative effect of a student's K-12 school experience. Like other similar college-placement exams, the ACT is used by institutions of higher education throughout the country as a college entry and placement instrument. The Department also granted a waiver for the three districts to use the ACT EXPLORE in grade 8 because it was part of the same suite of assessments as the ACT, was created for the purpose of predicting student performance relative to the ACT, and was validated for that purpose.

Consistent with the rationale of these prior waivers, I am granting a one-year waiver that will allow KSDE to permit TPS to administer the ACT in reading, English, mathematics, and science in grade 11 in 2013–2014 in lieu of the State assessments. Because KSDE will be field testing its Kansas College and Career-Ready assessments in spring 2014 to begin the transition to the next generation of assessments in Kansas, I am not willing to extend this waiver beyond what was previously approved for the other three districts in Kansas. Thus, I am declining to waive State assessment requirements that would allow KSDE to permit TPS to administer the ACT ASPIRE assessments in grades 3 through 8 in reading/language arts and mathematics and the ASPIRE Science in grades 4 and 7. I believe it is prudent for TPS to continue to

administer Kansas' State assessments in grades 3 through 8, including the field tests, as appropriate, in order to ensure a smooth transition to Kansas' new assessments in 2014–2015.

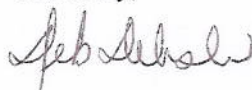
Accordingly, pursuant to my authority under section 9401 of the ESEA, I am granting a one-year waiver of the following statutory and regulatory requirements under Title I, Part A of the ESEA with respect to TPS:

- ESEA section 1111(b)(1)(B) and 34 C.F.R. § 200.1(a)(1), which require the State to apply the same academic content and academic achievement standards to all public schools and public school children in the State;
- ESEA section 1111(b)(3)(A), (C)(i), and 34 C.F.R. § 200.2(b)(1), which require the State to use the same academic assessments to measure the achievement of all students; and
- ESEA section 1111(b)(3)(C)(ii) and 34 C.F.R. § 200.2(b)(3)(i), which require that assessments be aligned with the State's academic content and achievement standards.

The waiver of these provisions authorizes KSDE to permit TPS to administer the ACT in reading, English, mathematics, and science in grade 11 in lieu of the State assessments for the 2013–2014 school year. TPS must administer these assessments to all students in grade 11 except for those students with disabilities who qualify to take Kansas' alternate assessments based on alternate academic achievement standards or those participating in the field testing of the Kansas Dynamic Learning Maps. TPS must also report assessment results using the new annual measureable objectives (AMOs) approved in Kansas' ESEA flexibility request on its district report cards and reports to parents and teachers, as required by section 1111 of the ESEA. In addition, in lieu of using KSDE's academic achievement standards in reporting AMOs for the 2013–2014 school year, TPS must use the achievement levels established by ACT predictive of earning a B or higher in corresponding credit-bearing college coursework.

I applaud the work you are doing toward the goal of holding all students in Kansas to more rigorous, college- and career-ready standards. If you have any questions, please contact Christie Imholt of my staff at 202-401-3584.

Sincerely,



Deborah S. Delisle

cc: Michelle Sedler, Turner Public Schools