

District Notice

Notice to public school districts of the Office of Superintendent of Public Instruction's (OSPI's) intent to apply to the U.S. Department of Education (USDE) for a waiver of the Tribal Education Compact Schools assessment requirement under ESSA.

The Office of Superintendent of Public Instruction is required to notify Washington public school districts of the state's intent to request this waiver. Districts are asked to provide comment on the waiver request to OSPI. Comments from districts will be included in OSPI's request to the USDE.

Please send comments to Carrie Hert at carrie.hert@k12.wa.us, by close of business on Friday, December 7, 2018.

Washington's Waiver Request

Washington through OSPI requests a waiver of the assessment requirement for Tribal Education Compact Schools under ESSA found in:

Section 1111(b)(2)(B) REQUIREMENTS.—The assessments under subparagraph (A) shall—(i) except as provided in subparagraph (D), be—(I) the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and (II) administered all public elementary school and secondary school students in the State.

Washington's Plan

Washington has for the last five years offered Tribal schools the opportunity to enter into State-Tribal Education Compacts. This was codified by the 2013 Regular Session of the State of Washington 63rd Legislature in Engrossed Second Substitute House Bill 1134. The law states that school funding should honor tribal sovereignty and reflect the government-to-government relationships between the Tribes and the state. To this end, the law further provides that Tribes and Tribal schools that are subject to State-Tribal Education Compacts are exempted from several state laws that otherwise apply to Washington's public schools. Despite this flexibility, Tribal Compact Schools must provide a curriculum and conduct an educational program that satisfy the requirements of the state's program of basic education, which consists of the same challenging state academic standards that apply to all public schools and public school students in the state.

During the 2017–18 Legislative session a new law (Substitute Senate Bill 6474) was passed which provides Washington's Tribal Compact Schools the opportunity to participate in a pilot that would provide additional flexibility to:

- Develop curricula that links student learning with engagement in cultural, fisheries, and agricultural programs, and aligns with the Washington state learning standards.
- Request authorization to consider student participation in cultural, fisheries, or agricultural programs as instructional days.
- Replace, to the maximum extent permitted by state and federal law, statewide student assessments with locally developed assessments that are culturally relevant, based on community standards, and **aligned with the Washington state learning standards.**
- Consider and implement, to the maximum extent permitted by state and federal law, other modifications to requirements as determined by each participating school.

If the waiver is granted, Tribal Compact Schools would still be required to administer locally determined assessments in English language arts, mathematics, and science in the same grade levels required for students who participate in the state assessment. In addition, the Schools would be required to report to OSPI and state lawmakers regarding the students' performance on the locally determined assessments.

Assurance

Under the law, schools participating in a State-Tribal Education Compact pilot must submit a report every two years to the appropriate committees of the house-of-representatives and senate and the Office of Superintendent of Public Instruction, with the first report submitted no later than August 1, 2021. Under the waiver, the requirement to test across the grade levels listed and in the content areas identified in federal law would remain.