



SUPERINTENDENT OF PUBLIC INSTRUCTION

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October 1, 2015

Ann Whalen
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Senior Advisor to the Secretary Whalen:

I am writing on behalf of local educational agencies (LEAs) in Washington that receive subgrants under Title III of the Elementary and Secondary Education Act (ESEA) of 1965 to request a waiver of Section 3122(a)(3)(A)(iii) for the 2015–16 school year.

Washington administered new assessments in reading and mathematics that are aligned to college- and career-ready standards in spring of 2015. Washington requests this waiver to permit affected LEAs receiving Title III subgrants to continue the same Title III interventions in 2015–16 that they implemented in 2014–15 for LEAs that do not meet the proficiency component of Adequate Yearly Progress (AYP) for Annual Measurable Achievement Objective 3 (AMAO 3) for the 2014–15 school year due to the transition to new assessments.

Specifically, Washington will apply this waiver for 2014–15 as follows:

- If an LEA meets AMAO 1, AMAO 2, participation rate, graduation rate, and the unexcused absences indicator for elementary and middle schools in 2014–15, but misses the AYP component of AMAO 3, it maintains its status and continues the sanctions from the 2014–15 school year in 2015–16. This would mean that if an LEA missed an AMAO in 2013–14 for the first time, maintains status based on AMAOs in 2014–15, and misses an AMAO again in 2015–16, it would have missed AMAOs for two consecutive years.

Washington will continue to apply the statutory requirements for all other LEAs. For example:

- If an LEA misses AMAO 1, AMAO 2, participation rate, graduation rate, or the unexcused absences indicator for elementary and middle schools in 2014–15, the LEA is considered to have not met AMAOs for that year;
- If an LEA meets AMAO 1, AMAO 2, participation rate, graduation rate, and the other academic indicator in elementary and middle schools, and meets the AYP component of AMAO 3 for 2014–15, the LEA is considered to have met AMAOs for 2014–15. If the LEA was previously in improvement status, it would no longer need to carry out an improvement plan.

Washington believes that the requested waiver will increase the quality of instruction for English learners (ELs) and improve their academic achievement by providing affected LEAs within Washington the opportunity to focus on setting high achievement standards for the knowledge and skills that ELs need to demonstrate they are ready for college and the workforce.

In calculating AMAO 3 in 2014–15, Washington will use AYP in reading and mathematics applicable for the 2014–15 school year in the state. The requested waiver will help the State Education Agency (SEA) and each affected LEA reach these AYP goals for the EL subgroup by not penalizing LEAs for EL subgroup performance on reading and mathematics assessments during the first year of our new assessments aligned to college- and career-ready standards.

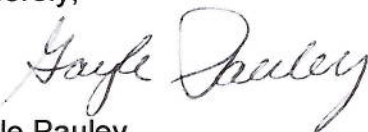
Washington assures that, if granted the requested waiver:

- It will calculate AMAO 3 based on assessments administered in the 2014–15 school year and report this information publicly, in addition to reporting the results of the assessments.
- It will resume annual accountability determinations, including AMAO 3, based on state assessments administered in the 2015–16 school year.
- It will continue to ensure that LEAs receiving Title III subgrants provide high-quality language instruction educational programs to the ELs and comply with all Title III requirements.

Prior to submitting this waiver request, OSPI provided all LEAs in the state with notice and a reasonable opportunity to comment on this request. OSPI provided such notice by posting on the OSPI website and by sending out notification via email to a variety of stakeholders. The state received four LEA comments regarding the intent of OSPI to request this waiver (Attachment A). Washington also provided notice and information regarding this waiver request to the public by posting on the OSPI website (Attachment B).

If you have any questions regarding this request, please contact me at 360-725-6170 or gayle.pauley@k12.wa.us.

Sincerely,



Gayle Pauley
Assistant Superintendent
Special Programs and Federal Accountability

Attachment A: Copy of District Notice and District Comments
Attachment B: Copy of Public Notice and Public Comments

Copy of District Notice and District Comments

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, for local educational agencies (LEAs) in Washington that receive subgrants under Title III of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver of Section 3122(a)(3)(A)(iii) for the 2015–16 school year.

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 Tuesday, September 29, 2015.

Washington's Waiver Request

Provisions to be Waived

OSPI is requesting on behalf of the Washington's LEAs that receive subgrants under Title III of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver of section 3122(a)(3)(A)(iii) for the 2015–16 school year. Washington administered new assessments in reading and mathematics that are aligned to college- and career-ready standards in spring 2015. Washington requests this waiver to permit affected LEAs receiving Title III subgrants to continue the same Title III interventions in 2015–16 that they implemented in 2014–15 for LEAs that do not meet the proficiency component of Adequate Yearly Progress (AYP) for Annual Measurable Achievement Objective 3 (AMAO 3) for the 2014–15 school year due to the transition to new assessments.

Improving Student Academic Achievement

Washington believes that the requested waiver will increase the quality of instruction for English learners (ELs) and improve their academic achievement by providing affected LEAs within Washington the opportunity to focus on setting high achievement standards for the knowledge and skills that ELs need to demonstrate they are ready for college and the workforce.

Washington's Assurance

Washington assures that, if granted the requested waiver:

- It will calculate AMAO 3 based on assessments administered in the 2014–15 school year and report this information publicly, in addition to reporting the results of the assessments.
- It will resume annual accountability determinations, including AMAO 3, based on State assessments administered in the 2015–16 school year.
- It will continue to ensure that LEAs receiving Title III subgrants provide high-quality language instruction educational programs to the ELs and comply with all Title III requirements.

District Comments

Using the data from the 14-15 SBA does not not help us to prepare a professional development plan for instructing our ELLS in core content. There data from prior years is irrelevant, since it is not aligned with the new CCSS. ELL students require more time and additional scaffolds in instruction to learn language and content concurrently; more refined preparation is needed to prepare them for the more rigorous standards of the common core. Therefore, we agree that the waiver makes since. It allows more time for us to prepare our GenEd teachers and ELL staff to support our students for meeting standards in math and ELA.

NOTE: It is our belief that AMAO should be eliminated as an indicator of ELL progress and success. Our focus should be on achieving language acquisition and the development of the whole child. At the very least, cut scores should be scaffolded to reflect how long ELLs have been in the country in relationship to their academic learning.

Judith Stell Lemmel
Director of English Language Learning
Federal Way Public Schools
253-945-2094 (ELL Office)
jlemmel@fwps.org

Thank you so much for advocating for our ELL students. We desperately need this waiver.

Linda Sullivan-Dudzic
Director of Elementary and Special Programs
Bremerton School District
(360) 473-1061
Linda.sullivan@bremertonschools.org

To Whom It May Concern:

As a district in the state of Washington which receives Title III subgrants, Evergreen Public Schools supports the state request for a waiver of section 3122 (a)(3)(A)(iii) for the 2015-2016 school year. Due to the newness of the state assessments that are aligned to college- and career-ready standards in spring 2015, and the initial use of technology as a major component of the testing, the English learners (ELs) in our district were not able to show the full capacity of their learning and understanding as measured by these assessments.

For not meeting the proficiency of Adequate Yearly Progress (AYP) for Annual Measurable Achievement Objective (AMAO) #3 for the 2014-2015 school year, Evergreen Public Schools is committed to continue the same Title III interventions in 2015-2016 which were implemented in 2014-2015.

Evergreen District is committed to continuing to find avenues which increase the quality of instruction for ELs and focuses on setting high achievement standards for the knowledge and skills ELs need to demonstrate that they are college- and career-ready.

Respectfully Submitted,

Linda Friberg
ELL Manager
Evergreen Public Schools
Vancouver, WA
(360) 604-4007 x 4454
Linda.friberg@evergreenps.org

As a district that would be in their 3rd year of failing AMAO 3 it would be greatly helpful to have a waiver and allow us to continue to serving students. Being considered as failing district based on AMAO 3 is disheartening especially as we look at our incredible growth in AMAO 1 and 2. We received a failing score on AMAO 3 last year due to our districts lack of scores as almost all schools piloted SBA and our scores were rolled over from MSP the previous year. As we enter a first year of testing and compare our results to our native English speakers we can see that a majority of students struggled using the new format.

Have a wonderful day,
Gretchen Fleming
ELL Program Manager
Edmonds School District
(425) 431-7342
flemingg@edmonds.wednet.edu

Copy of Public Notice and Public Comments

Public Notice

Public Notice for OSPI Title III Subgrant Waiver Request to U.S. Department of Education for the 2015–16 School Year.

Notice to the public of the Office of Superintendent of Public Instruction's intent to apply to the U.S. Department of Education (USDE) for a waiver for local educational agencies (LEAs) in Washington that receive subgrants under Title III of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver of section 3122(a)(3)(A)(iii) for the 2015–16 school year.

The Office of Superintendent of Public Instruction is required to notify Washington's citizens of the state's intent to request this waiver. Members of the public are asked to provide comment on the waiver request to OSPI. Comments from the public 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 Tuesday, September 29, 2015.

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Public Comments

No public comments were received.