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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

k12.wa.us

August 21, 2020

Betsy DeVos, Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear Secretary DeVos:

As our nation continues to grapple with the profound challenges of the global COVID-19 public health pandemic, we write to request a waiver of the federal requirement that Washington students take state summative assessments in the 2020–21 school year, as well as the waivers of related annual assessment, accountability, and report card requirements in federal law enumerated in our March 24, 2020 letter to you requesting the same waivers (which you granted for the 2019–20 school year).

As you are aware, states across the country, including Washington, closed their schools to in-person learning for all or large parts of the spring, and states are continuing to monitor the status of the pandemic and spread of the virus. The COVID-19 virus continues to adversely affect the ways in which Americans live, work, and go to school.

Educators are preparing for a return to school in various modalities depending on community transmission rates. As of August 1, according to the Washington State Department of Health, Washington has had 58,000 positive cases of COVID-19 and 1,600 COVID-19-related deaths. The Johns Hopkins Coronavirus Resource Center noted that the United States had confirmed 4.5 million cases with almost 148,000 deaths, approximately 25% of the 48 million cases and 690,000 deaths worldwide.

We have seen Washington state public education face this once-in-a-century pandemic in heroic ways. Washington's 140,000+ education professionals have gone above and beyond for students and will continue to do so. We have worked over the past six months to provide thousands of hours of high-quality instructional services, served millions of school meals, and provided thousands of hours of childcare for our essential workers. As we turn our attention to the upcoming school year, the passion, sacrifice, and compassion will continue with dedicated educators and staff showing up to represent the best of who we are as Washingtonians.

The Washington State Office of Superintendent of Public Instruction intends to focus our efforts on continuing to support our local school districts, and have committed to four distinct areas:

- Support Students Furthest from Educational Justice
- Prepare for Health and Safety in 2020–21
- Invest in Connectivity and Hardware
- Leverage Local Expertise and Provide Training

As we return to school, the focus should be on tending to children’s immediate needs: physical, social-emotional, and academic. In some cases, children will have experienced trauma related to the closure. In other cases, they will simply need to be reacclimated into their schools, including new health and safety protocols. In all cases, students will have missed instruction, and this lost instruction will be better assessed and intervened at the local level. The use of locally chosen benchmark assessments to gauge the extent of foregone learning during the school shutdown from March through June is critical.

As I have said in my previous letter, **this is not a request to suspend all accountability**. Instead, I am challenging the U.S. Department of Education and Congress to allow us to transform education accountability in the United States.

Now is the time to:

1. Suspend all Every Student Succeeds Act (ESSA) testing requirements for the next three years;
2. Task the states with ensuring we use formative assessments that are developed locally or by state education agencies, and revising outdated grading policies and practices to measure individual student progress; and
3. Take the intervening time to address federal statutes related to the existing testing regime and replace them with a more effective, reprioritized assessment system.

We need a national assessment that is reliable, accurate, and comparative across states and ultimately, allows states to redirect billions of dollars to better serve student needs. With critical changes, the National Assessment of Educational Progress (NAEP) can be this assessment.

This communication requests waivers, pursuant to Section 8401(b) of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA), of the following federal requirements:

1. Assessment requirements in section 1111(b)(2) – The requirements to administer all required assessments in school year 2020–21.

2. Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D) – The requirements that a state annually and meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2020–21 school year.
3. Report card requirements related to certain assessments and accountability in section 1111(h) based on data from the 2020–21 school year, namely:
 - Section 1111(h)(1)(C)(i) – accountability system description
 - Section 1111(h)(1)(C)(ii) – assessment results
 - Section 1111(h)(1)(C)(iii)(I) – other academic indicators
 - Section 1111(h)(1)(C)(iv) – English language proficiency assessment results
 - Section 1111(h)(1)(C)(v) – school quality or student success indicator results
 - Section 1111(h)(1)(C)(vi) – progress toward meeting long-term goals and measurements of interim progress
 - Section 1111(h)(1)(C)(vii) – percentage of students assessed and not assessed
 - Section 1111(h)(1)(C)(xi) – number and percentage of students with the most significant cognitive disabilities taking an alternate assessment
 - Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(2)(C)(i)-(ii) – information on how students in a local educational agency (LEA) and each school achieved on academic assessments compared to students in 1111(h)(1)(C) as well as in the state and LEA

By continuing to waive the requirement nationally to provide state assessments under ESSA, you will help educators and schools put students first and focus on providing the physical, social-emotional, and academic supports that students will need in the coming school year.

Thank you for your consideration of this waiver request and, more importantly, the needs of our children.

Sincerely,



Chris Reykdal
Superintendent of
Public Instruction

cc: Governor Jay Inslee
Washington State's Congressional Delegation
U.S. Senator Lamar Alexander
National Assessment of Educational Progress
Smarter Balanced Assessment Consortium

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