



SUPERINTENDENT OF PUBLIC INSTRUCTION

Chris Reykdal · Old Capitol Building · PO BOX 47200 · Olympia, WA 98504-7200 · <http://www.k12.wa.us>

December 12, 2018

Frank Brogan, Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC, 20202

Dear Mr. Brogan:

I am writing on behalf of Tribal Education Compact Schools in Washington that receive state and Every Student Succeeds Act (ESSA) federal funds from the Office of Superintendent of Public Instruction (OSPI) to request a waiver of the assessment requirement 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 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 Education 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 Education 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.

As Tribes establish control over their schools and education systems, OSPI acknowledges the importance of Tribes having the opportunity to select or develop an assessment that best measures their students’ progress towards achieving learning goals.

If the waiver is granted, Tribal Education 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. 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 the superintendent of public instruction, with the first report submitted no later than August 1, 2021.

Reports submitted must include:

- (i) Information about student performance on assessments required for state and federal accountability purposes and locally developed assessments, including differences in student performance between the statewide and locally developed assessments; and

Frank Brogan
Page 3
December 12, 2018

(ii) Recommendations for lessening or removing barriers that may affect either student performance on assessments, the effective administration of assessments, or both.

Under the waiver, the requirement to test across the grade levels listed and in the content areas identified in federal law would remain. The waiver we are requesting is to allow Tribal Education Compact Schools participating in the state pilot the flexibility to locally develop student assessments that are culturally relevant, based on community standards, and aligned with the Washington state learning standards.

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

Sincerely,



Gayle Pauley
Assistant Superintendent
Special Programs & Federal Accountability

Attachment A: District Notice
Attachment B: District Comments Received