The Honorable Rob S. Saxton  
Deputy Superintendent of Public Instruction  
Oregon Department of Education  
Public Service Building  
255 Capitol Street  
Salem, OR 97310

Dear Deputy Superintendent Saxton:

I am writing in response to the Oregon Department of Education’s (ODE) request on behalf of selected schools to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA). Specifically, ODE has requested on behalf of the selected schools a one-year waiver to allow the State to field test in 2013–2014 assessments in mathematics and reading/language arts aligned to college- and career-ready standards developed by the Smarter Balanced Assessment Consortium in lieu of the State’s assessments in grades 3 through 8 and high school. ODE also requested flexibility in making accountability determinations.

I am pleased to grant, pursuant to my authority under section 9401 of the ESEA, a one-year waiver of the following statutory and regulatory requirements under Title I, Part A of the ESEA and their associated regulatory provisions:

- **ESEA sections 1111(b)(1)(B) and 1111(b)(3)(C)(i),** which require a State educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. ODE requested these waivers so that any individual student within Oregon will be permitted to take only one assessment in each content area in 2013–2014 — either the current State assessment or the field test of the new assessments aligned to college- and career-ready standards.

- **ESEA section 1111(b)(3)(C)(xii),** which requires the provision of individual student interpretive, descriptive, and diagnostic reports that include information regarding achievement on State assessments to parents, teachers, and principals as soon as is practically possible after an assessment is given. ODE requested this waiver to permit ODE and its local educational agencies (LEAs) to refrain from producing or providing these reports for a student’s performance on a field test.

- **ESEA sections 1111(h)(1)(C)(ii) and 1111(h)(2)(B),** which require an SEA and LEA to report on performance against annual measurable objectives (AMOs). ODE requested these waivers to
permit ODE and its LEAs to refrain from reporting performance against AMOs for any school or single-school LEA that participates in the field test of the new assessments aligned to college- and career-ready standards, and is significantly impacted by field testing. A school or single-school LEA is significantly impacted by field testing if either students selected for the field test are not a representative sample of all students in the school or the number of students participating in the Oregon Assessment of Knowledge and Skills is low enough to compromise the validity and reliability of the school’s or LEA’s performance rating.

This waiver is granted to ODE on the condition that it will implement the following assurances:

- ODE and its LEAs will ensure that all students in the tested grades who do not take a field test in a particular subject will take the current State assessment in that subject, as required by the ESEA.

- ODE and its LEAs will report performance against AMOs for a subject that is not being field tested in a school that participates in the field test, for all schools that do not participate in the field test, and for all LEAs (except single-school LEAs that participate in the field test of a tested subject and is significantly impacted by field testing) based on current State assessments administered in 2013–2014 school year.

- ODE and its LEAs will meet all reporting obligations with respect to reporting the achievement of students who take the current State assessment.

- ODE will properly notify all LEAs and schools that will participate in the field test of that participation.

- ODE will ensure that parents of students in each school participating in the field test have been notified of the school’s participation, including by ensuring that the notification to parents includes a discussion of the implications of the school’s participation in the field test and a notification of whether the parents’ child will participate in the field test.

- In the 2014–2015 school year, ODE will administer the new reading/language arts and mathematics assessments aligned to college- and career-ready standards, as well as its State science assessments, to all students in the grades required to be tested in accordance with the ESEA.

Please be aware that this waiver of Oregon’s standards and assessment system under the ESEA is not a determination that the system complies with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. This waiver also does not apply to statutory and regulatory requirements regarding science assessments under Title I, Part A of the ESEA.
I hope you find this flexibility helpful. I look forward to working with you and your staff as you implement this flexibility and as you continue working to improve education in Oregon.

Sincerely,

[Signature]

Deborah S. Delisle
Assistant Secretary

cc: Doug Kosty