UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

FEB 12 2016

The Honorable Randall I. Dorn
Superintendent of Public Instruction
Washington Department of Public Instruction
Old Capitol Building
600 Washington Street SE
Olympia, WA 98504

Dear Secretary Dorn:

I am writing in regards to the plan the Washington Office of the Superintendent of Public Instruction (OSPI) submitted to the U.S. Department of Education (ED) on December 2, 2015, in response to the letter I sent to you regarding participation on your State assessments during the 2014–2015 school year. The Elementary and Secondary Education Act of 1965, as amended (ESEA) by both the No Child Left Behind Act of 2001 and the Every Student Succeeds Act, requires States to assess all students in mathematics and reading/language arts annually in grades 3 through 8 and at least once in high school.

Based on the information Washington released, ED was concerned that Washington did not assess all students, and therefore did not the meet requirements of the ESEA. ED requested Washington provide our office with information to demonstrate that it has taken or will take appropriate actions to enforce the requirements of the ESEA. Specifically, Washington was to describe how such actions will address the problem that occurred in the 2014–2015 school year and ensure that all students participate in Statewide assessments during the 2015–2016 school year and each year thereafter.

Washington submitted sufficient information to address ED's request. Washington reported that it is transitioning from its previous high school test, which is a graduation requirement in the State to Smarter Balanced, which is a graduation requirement for the class of 2019. As a result, many eleventh graders took the test they needed to pass to graduate. In addition, many tenth graders took Smarter balanced, which, if passed, can be used for the graduation requirement. Washington anticipates that when it fully transitions to using the Smarter Balanced assessment as a graduation requirement (for the Class of 2019), rather than Washington's legacy assessments, this issue should be alleviated. The low participation rate in high school likely is to be resolved by spring 2018, when the Class of 2019 is in 11th grade, if not before.

In addition, Washington noted that its higher education partners have embraced the new State assessments in establishing a Memorandum of Understanding regarding the use of high school students' Smarter Balanced test scores. Colleges throughout Washington are using Smarter Balanced test scores as evidence that students are ready for college-level work. All thirty-four of Washington's public community and technical colleges, all six public baccalaureate institutions, and nine private independent colleges have agreed to consider Smarter Balanced test scores when deciding whether or not students

need to take pre-college (remedial) courses. High school graduates who meet certain requirements can skip college placement tests and pre-college (remedial) courses, and enroll directly into entry-level college courses. This commitment by Washington's higher education partners will contribute to students' view of the Statewide tests as important to their planning for college enrollment and should have a positive effect on assessment participation rates in Washington's high schools.

Washington also reported that it has taken a strong stand on cases of parental refusal/opt-out of Statewide assessments by calling these instances "test refusal" and has increased public relations efforts to help parents understand the value and uses of these assessments. OSPI will continue to provide information to low assessment participation rate schools and districts to share with their communities regarding the state assessments, which include information on the ESEA and State assessment requirements, and how the results are used to determine impact on student success outcomes.

OSPI will require local educational agencies (LEAs) and schools that fall below the 95 percent assessment participation rate target in one or more of the State-administered reading/language arts or mathematics assessments to address the low participation rates as part of their LEA or School Improvement Plan. The plan must address the causes of the low participation rate and the actions the LEA or school will take in response to the low participation rate. Furthermore, LEAs and schools with participation rates less than 95 percent are not eligible for any of the State or ESEA Title Program awards or recognitions, including the WA Achievement Awards, English Language Acquisition Awards, and Title I, Part A Distinguished Schools Awards. OSPI's Office of Student and School Success will require any LEA with a Priority or Focus school with a participation rate less than 95 percent to address the issue in the school's Indistar Plan and will review these plans through the Consolidated Program Review process. If the Indistar plan does not significantly address the issue, the LEA will receive a compliance finding and will be required to work with OSPI staff to institute compliance. In addition, OSPI will continue to provide monthly information to each LEA's assessment coordinator and these coordinators will continue to focus on the participation rate requirement.

Please let me emphasize again the importance of a high-quality, annual Statewide assessment system that includes all students so that local leaders and educators have the information they need to help every student succeed and ensure equity by holding all students to the same high expectations. Such an assessment system provides information on *all* students so that educators, with the support of parents, can keep students on track for success in school and life, provide extra support to the students who are behind, and close achievement gaps among subgroups of historically underserved students.

ED will continue to monitor whether Washington is taking appropriate actions to enforce the requirements of the ESEA. As noted in the December 22, 2015, letter to chief State school officers from Ann Whalen, delegated the authority to perform the functions and duties of the Assistant Secretary for Elementary and Secondary Education, if a State with participation rates below 95 percent in the 2014–2015 school year fails to assess at least 95 percent of its students on the Statewide assessment in the 2015–2016 school year, ED will take one or more of the following actions: (1) withhold Title I, Part A State administrative funds; (2) place the State's Title I, Part A grant on high-risk status and direct the State to use a portion of its Title I State administrative funds to address low participation rates; or (3) withhold or redirect Title VI State assessment funds. To determine what action is most appropriate, ED will consider SEA and LEA participation rate data for the 2015–2016 school year, as well as actions that the SEA has taken with respect to any LEA noncompliance with the assessment requirements of the ESEA.

I look forward to working with you to ensure that all students participate in Statewide assessments during 2015–2016 school year and each year thereafter. If you need additional information or clarification, please do not hesitate to contact Diane Bragdon or Ashlee Schmidt of my staff at: OSS.Washington@ed.gov.

Thank you for your continued commitment to enhancing education for all of Washington's students.

Sincerely,

Patrick Rooney
Acting Director
Office of State Support

cc: Gayle Pauley, Assistant Superintendent, Special Programs and Federal Accountability
Michael Merrin, Assistant Superintendent, Student and School Success
Robin Munson, Assistant Superintendent, Assessment and Student Information