



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Karen Trujillo, Ph.D.  
Secretary of Education  
New Mexico Public Education Department  
300 Don Gaspar Avenue  
Santa Fe, NM 87501

April 16, 2019

Dear Secretary Trujillo:

I am writing in response to the New Mexico Department of Education's (NMPED) request on March 5, 2019, for a waiver to permit NMPED to field test the New Mexico Assessment of Science Readiness (NM-ASR) for school year (SY) 2019-2020.

NMPED requested a one-year waiver of certain Elementary and Secondary Education Act of 1965 (ESEA), as amended requirements to support its development of NM-ASR to replace the prior Standards-Based Assessment (SBA) in science. New Mexico proposed to administer a census field test of the NM-ASR in spring 2020 for all eligible students enrolled in grades 5 and 8 and once in high school. NMPED will not administer the SBA general science assessment and will not report assessment results to parents, educators or the public. However, NMPED will hold districts and schools accountable for participation in the field test.

After reviewing NMPED's request, I find that the waiver will benefit school children in New Mexico, so I am approving NMPED's request for the 2019-2020 school year and waiving the following statutory requirements of the ESEA, as amended by the Every Student Succeeds Act:

- Sections 1111(b)(1)(A) and (C) and 1111(b)(2)(B)(ii) and (v)(II), which require the State to establish student academic achievement standards in science and implement high-quality, yearly student academic assessments in science that are aligned with those standards to measure student achievement and to inform instruction.
- Sections 1111(b)(2)(B)(x) and (xii) and 1111(h)(1)(C)(ii) and (2)(C), which require the State and local educational agencies to provide individual student reports to parents, teachers and principals and to include the results of science assessments on State and local report cards.

Please note that this waiver is only applicable for the 2019-2020 school year during the administration of the statewide field test of NM-ASR. Please note that a failure to administer general science assessments in the 2020-2021 school year that meet all requirements would result in NMPED being out of compliance with Title I of the ESEA and the Individuals with Disabilities Education Act, which could result in a number of enforcement actions, including withholding of funds.

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<http://www.ed.gov/>

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We appreciate our continued relationship with NMPED and remain committed to working with you. If you have any questions, please contact my staff at: [OSS.NewMexico@ed.gov](mailto:OSS.NewMexico@ed.gov).

Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary for  
Elementary and Secondary Education

cc: Lynn Vasquez, Director of Assessment