



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

March 20, 2020

Dear Chief State School Officer:

I know you are facing unprecedented challenges right now, and I first want to commend you for the truly remarkable efforts you and your teams are making to help ensure learning continues for all of America's students. I appreciate the difficulty you face in ensuring a positive learning environment while providing for the health and safety of your students and staff. I also understand that the novel Coronavirus disease 2019 (COVID-19) has caused widespread school closures with much uncertainty about how to continue learning during the national emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The U.S. Department of Education is committed to supporting you with every tool at our disposal and extending all flexibilities within our control.

Due to the extraordinary circumstances created by the COVID-19 pandemic and resulting school closures, I am providing flexibility to all States regarding the assessment and accountability requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Given the widespread, extended school closures, I know many States will be unable to administer their statewide assessments to all students in the spring of 2020. As statewide accountability systems rely on fair, reliable and valid assessment results, I also recognize that States that do not administer their assessments will also not be able to annually meaningfully differentiate among public schools or identify schools for support and improvement, as required under section 1111(c)(4) and 1111(d)(2)(C)-(D) of the ESEA.

Therefore, pursuant to my authority under section 8401(b) of the ESEA, I am inviting your State to request a waiver, for the 2019-2020 school year, of the assessment requirements in section 1111(b)(2) of the ESEA, the accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D), and certain reporting requirements related to assessments and accountability in section 1111(h).

Through these waivers, your State would not need to administer its statewide assessments to all students, to make annual accountability determinations, to identify schools for support and improvement, or to provide data on its State and local report cards for assessment and accountability information.

If your State is interested in receiving these waivers, please submit your request to OESE.TitleI-a@ed.gov. I am enclosing a streamlined template for your convenience that includes a checklist to designate the waivers your State desires. My staff is committed to providing a response within one business day to any State that submits a waiver request using this optional waiver template. In addition, your State need not complete public notification in advance of submitting its request, but rather may notify the public of the request and the opportunity to comment at the same time as your submission or closely following it. I recognize that you have many questions and will need additional supports, including the possibility of additional waivers, as you deal with the COVID-19 national emergency.

If you have additional questions or concerns, contact us at OESE.TitleI-a@ed.gov. I encourage you to continue to monitor information regarding COVID-19 from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/ and at our website, www.ed.gov/coronavirus. Thank you for your continued commitment to our nation's students during these extraordinary circumstances.

Sincerely,

A handwritten signature in black ink that reads "Betsy DeVos". The signature is written in a cursive style with a large initial "B".

Betsy DeVos

Enclosure

cc: Council of Chief State School Officers
State Title I Directors
State Assessment Directors

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.