



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 26, 2021

The Honorable Richard Woods
Superintendent of Education
Georgia Department of Education
205 Jessie Hill Jr. Drive, S.E.
Atlanta, GA 30334

Dear Superintendent Woods:

I am writing in response to the Georgia Department of Education's (GaDOE's) request on February 18, 2021, for a waiver of section 1111(b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (ESEA) that the State administer the same academic assessments to all public elementary and secondary school students in the State. GaDOE requested this waiver so that it would not administer its statewide reading/language arts, mathematics, and science assessments, as well as the English language proficiency (ELP) assessment in the 2020-2021 school year, though GaDOE has been administering its ELP assessment. Rather than administering the statewide assessments in all subjects and all grade levels, GaDOE noted that it has made available to its districts a formative assessment tool, BEACON, to assess student performance in reading/language arts and mathematics in grades 3-8. It also requested that the U.S. Department of Education (Department) waive the associated reporting requirements in sections 1111(h)(1)(C) and 1111(h)(2) of the ESEA so that GaDOE would not include assessment results on the State and local report cards. I appreciate the information that GaDOE submitted in its request and shared in conversation between our staff.

The Department remains committed to supporting all States in assessing the learning of all students. Obtaining data on student learning includes high-quality statewide assessments, which can help identify where opportunity gaps are persistent and have been exacerbated – particularly during the pandemic – and, along with other data, can help States direct resources and support to close those gaps. At the same time, we must also recognize that we are in the midst of a pandemic that requires real flexibility.

GaDOE has not demonstrated, however, specific circumstances that would warrant granting a waiver of the annual statewide assessment requirements and, specifically, not administering statewide assessments at all. As a result, and after carefully considering GaDOE's request, I am declining to approve the State's request because it does not meet the statutory requirements for a waiver outlined in section 8401(b)(1) of the ESEA. Namely, GaDOE does not sufficiently demonstrate how the request will advance student academic achievement (section 8401(b)(1)(C)). It also does not describe how schools will continue to provide assistance to the same populations served by the Title I, Part A program, particularly low-achieving students, or describe how the State will maintain or improve transparency in reporting to parents and the public on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(h)(1)(C)(ii) of the ESEA (section 8401(b)(1)(F)).

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

The Department believes that, consistent with the ESEA, States should do the best they can to maximize the number of students who are assessed with comparable, reliable, and valid statewide summative assessments. Still, we recognize that some schools and school districts will face circumstances where they are not able to successfully administer statewide summative assessments to all students. Certainly, we do not believe that if there are places where students are unable to attend school safely in person because of the pandemic that they should be brought into school buildings for the sole purpose of taking a test. The Department has provided flexibility for States to administer assessments in ways that support students and educators during this unprecedented period as part of our commitment to effectively address existing and increased gaps in opportunity exacerbated by the pandemic.

In cases where students are unable to take the statewide summative assessment, we hope that States and school districts use other assessments to measure student learning and progress and to provide information to parents and educators. These interim, diagnostic, or formative assessments do not replace statewide summative assessments, but they can serve to provide valuable information to meet our goal of maximizing the number of students for whom we have quality data this year.

GaDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements of section 8401(b)(1) and resubmit the revised waiver request. If GaDOE decides to resubmit, it must do so no later than 60 days from the date of this letter.

If you have any questions, please contact my staff at: ESEA.Assessment@ed.gov. We are eager to continue to work with GaDOE on a plan that addresses your State's specific circumstances and maximizes the amount of comparable, reliable, and valid student learning data.

Sincerely,

/s/

Ian Rosenblum
Deputy Assistant Secretary for Policy and
Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Allison Timberlake, GaDOE