



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 26, 2021

The Honorable Molly Spearman  
State Superintendent of Education  
South Carolina Department of Education  
1429 Senate Street  
Columbia, SC 29201

Dear Superintendent Spearman:

I am writing in response to the South Carolina Department of Education's (SCDE's) request on November 20, 2020, 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. SCDE originally 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 SCDE has since moved forward with administering its science and ELP assessments. The State proposed that, in place of the statewide assessments in reading/language arts and mathematics, the State would permit its local educational agencies (LEAs) to administer a formative or diagnostic assessment. The State would include all data on State and local report cards that are available or calculable based upon the data, including the results of the local assessments. I appreciate the information that SCDE 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.

SCDE has not demonstrated, however, specific circumstances that would warrant granting a waiver of the annual statewide assessment requirements in mathematics and reading/language arts and, specifically, not administering statewide assessments at all. As a result, and after carefully considering SCDE'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, SCDE 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)).

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[www.ed.gov](http://www.ed.gov)

*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.

SCDE 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 SCDE 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 me or my staff at: [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov). We are eager to continue to work with SCDE 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: John Payne, SCDE