



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

April 6, 2021

The Honorable Colt Gill  
Director of the Oregon Department of Education and  
Deputy Superintendent of Public Instruction  
Oregon Department of Education  
255 Capitol Street N.E.  
Salem, OR 97310

Dear Director Gill:

I am writing in response to the Oregon Department of Education's (ODE's) request on April 1, 2021, to the U.S. Department of Education (Department) to waive the requirements in section 1111(b)(2)(B)(v) of the Elementary and Secondary Education Act of 1965 (ESEA) to administer the same statewide assessments to all public elementary and secondary school students in the State in reading/language arts, mathematics, and science in the grades required to be assessed for the 2020-2021 school year. Rather than administer its mathematics, reading/language arts, and science assessments to all students in grades 3-8 and high school, ODE proposes to administer its general and alternate mathematics assessments to all students in grades 4, 7, 8, and 11, its general and alternate reading/language arts assessments to all students in grades 3, 6, 7, and 11, and its general and alternate science assessments to all students in grades 5 and 8. In the other grades, ODE will offer the assessments but not require them, and will provide information about the assessments to parents.

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.

In your request, you describe how the impact of the pandemic prevents ODE from being able to safely administer your statewide summative assessments this spring using standard practices. In-person instruction recently became available to students in grades K-5 on March 29, 2021, and in-person will become available within the next two weeks, or by April 19, 2021, for grades 6-12. Your request notes that educators have worked diligently to ensure that Oregon's school buildings meet rigorous health and safety requirements, but these requirements reduce the number of students who can participate in statewide assessments at the same time. Your request also notes that the vast majority of the State's students will remain in a hybrid learning model with limited in-person instruction.

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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.*

After carefully considering ODE’s request, I approve, pursuant to my authority under section 8401(b) of the ESEA, a waiver of the requirement in sections 1111(b)(2)(B)(v)(I)(aa) and (II)(cc) of the ESEA for the 2020-2021 school year as described above. ODE has demonstrated that this request will advance student academic achievement because, based on the specific circumstances in Oregon resulting from the pandemic, it maximizes the ability to obtain high-quality data regarding student learning that Oregon’s statewide assessments provide. It also maintains the importance of the annual statewide assessments to provide data on all students (either reading/language arts, mathematics, and/or science in grades 3 through 8 and both reading/language arts and mathematics in grade 11) to provide information to parents and educators.

In granting this waiver, ODE assures that it will publicly report all assessment data collected in accordance with section 1111(h) of the ESEA and that this request will be limited to this school year. This waiver is conditioned on the State completing its public comment period and submitting those comments to the Department, including whether ODE would like to make any changes to its plan based on the comments received.

As always, you can contact me or my staff at [ESEA.Assessment@ed.gov](mailto:ESEA.Assessment@ed.gov).

Sincerely,



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: Jennifer Patterson, Assistant Superintendent,  
Teaching & Learning & Systems Management/Coordination, ODE  
Dan Farley, Director of Assessment, ODE