



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 29, 2021

The Honorable James F. Lane
Superintendent of Public Instruction
Virginia Department of Education
P.O. Box 2120
Richmond, VA 23218

Dear Superintendent Lane:

I am writing in response to the Virginia Department of Education's (VDOE's) request on May 5, 2021, for an extension of its current waiver of the requirements in sections 1111(b)(1)(B) and (b)(2)(B)(i) of the Elementary and Secondary Education Act of 1965 (ESEA), which requires a State to hold all students to the same academic standards and administer the same aligned assessments to all students. VDOE requested this waiver extension to allow it to continue its practice of letting students below eighth grade who are enrolled in advanced mathematics courses to take the mathematics assessments that are aligned with their advanced mathematics courses of study instead of the statewide mathematics assessments for the grades in which they are enrolled. Such students would take a more advanced mathematics assessment in high school instead of VDOE's statewide mathematics assessment under the ESEA. The request is made for the 2021-2022 school year though the 2024-2025 school year.

After carefully reviewing VDOE's waiver request, I am pleased to approve, pursuant to my authority under ESEA section 8401(a)(3), a waiver of sections 1111(b)(1)(B) and 1111(b)(2)(B)(i)(I) of the ESEA, as well as the corresponding regulation 34 CFR 200.2(b)(1)(i). This waiver will permit students below eighth grade to take more advanced mathematics assessments instead of the typical grade-level assessments. In high school, the students will take either the Geometry or Algebra II statewide assessments or the ACT, SAT, AP Calculus or IB mathematics assessments. This waiver is in effect from the 2021-2022 school year through the 2024-2025 school year. By granting this waiver, the U.S. Department of Education and VDOE have mutually agreed that:

- VDOE will apply the rules established in section 1111(b)(2)(C)(i) through (iii) of the ESEA and 34 CFR 200.5(b)(1) through (3) to any student who does not take the mathematics assessment typically administered in the grade in which the student is enrolled.
- If a student does not take the mathematics assessment typically administered in the grade in which the student is enrolled, then:
 - The student will take the advanced mathematics assessment that is aligned with the student's advanced mathematics course of study;
 - The student's performance and participation on the advanced mathematics assessment will be used in the year in which the student takes the assessment for the purposes of measuring academic achievement and participation as it relates to the school-based accountability system required under the ESEA, as amended by ESSA; and
 - In high school, the student will take a more advanced, state-administered mathematics assessment or nationally recognized high school mathematics assessment (that meets the requirements in 34 CFR 200.3(d)) and the student's performance on and participation in that

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assessment will be used for the purposes of measuring academic achievement and participation as it relates to the school-based accountability system required under the ESEA.

- VDOE will ensure that all of the more advanced, State-administered high school assessments (the Geometry or Algebra II statewide assessments or the ACT, SAT, AP Calculus or IB mathematics assessments) used to fulfil the requirements for this waiver have been (or will be) submitted to the Department’s assessment peer review no later than June 30, 2022.

I appreciate the work that you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at: ESEA.Assessment@ed.gov.

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: Julie Molique, Director Office of Accountability