



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

February 25, 2022

The Honorable Colt Gill
Deputy Superintendent of Public Instruction
Oregon Department of Education
255 Capitol St NE
Salem, OR 97310

Dear Deputy Superintendent Gill:

I am writing in response to the Oregon Department of Education's (ODE's) request on December 6, 2021, to waive the requirement in 34 CFR 200.6(h)(1)(ii) that each local educational agency annually assess the English language proficiency (ELP) of all English learners (EL) in grades 9-12 in the domains of reading, writing, listening, and speaking. ODE requested this waiver so that a student in grade 9-12 who scores proficient in a domain will have that score carried forward for future administrations of the State's ELP assessment. The student would not be assessed in future grades on this same domain.

After reviewing ODE's waiver request, I am granting, pursuant to my authority under section 8401(b) of the Elementary and Secondary Education Act (ESEA), a waiver of 34 CFR 200.6(h)(1)(ii). An EL in Oregon in grades 10-12 will only be assessed on the State's ELP assessment in a domain on which the student previously (in grades 9-12) did not score proficient. The student's ELP score will be based on the students' current performance and all past performance (in grades 9-12) where proficiency was previously attained. This waiver applies to ELs in grades 9-12 and for the ELP assessment administered for the 2021-2022 through 2024-2025 school years.

As part of this waiver, ODE assured that it will monitor the implementation of this proposed policy. Each year in December (one month prior to the opening of the State's summative assessment window), ODE will inventory all ELs eligible for participation in the proposed policy. Local educational agencies (LEAs) will be required to record ELP assessment domain exemptions prior to this inventory date. Any exemption entered after the inventory date will automatically trigger a monitoring check.

I appreciate the work 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/

James Lane
Senior Advisor, Office of the Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary

cc: Dan Farley, ODE Director of Assessment

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<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.