



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

August 30, 2023

The Honorable Willie Jett
Commissioner
Minnesota Department of Education
400 NE Stinson Blvd.
Minneapolis, MN 55413

Dear Commissioner Jett:

I am writing in response to the Minnesota Department of Education's (MDE's) July 10, 2023, request on behalf of the Rochester Public School District (RPSD), to waive certain statewide academic standards and assessments requirements under the Elementary and Secondary Education Act of 1965 (ESEA). MDE requested these waivers on behalf of RPSD due to the extraordinary circumstances in RPSD after a significant April 6, 2023, cyber-attack. The cyber-attack made it impossible for RPSD to administer online statewide assessments during the 2022-2023 school year.

After reviewing MDE's request and detailed timeline of impacts, I am granting, pursuant to my authority under section 8401(a)(3) of the ESEA, a one-year (*i.e.*, school year 2022-2023) waiver for RPSD of the following statutory requirements and corresponding regulations:

- ESEA section 1111(b)(1)(B), requiring that academic achievement standards be the same for all public schools and all public school students.
- ESEA section 1111(b)(2)(B)(i), requiring the State to assess all public school students using the same assessments. MDE continued to administer assessments, as required, to all other public schools in the State.
- ESEA section 1111(b)(2)(B)(v), requiring the State to administer annual assessments in each required grade level in RPSD.
- ESEA section 1111(b)(2)(B)(x) and (xii), requiring the State to provide, for RPSD students, individual student interpretive, descriptive and diagnostic reports and itemized score analyses regarding achievement on State assessments for parents, teachers, principals and other school leaders to understand and address specific academic needs.
- ESEA section 1111(h)(2)(C), requiring RPSD to report assessment results for the 2022-2023 school year on its local educational agency (LEA) report card.
- ESEA section 1111(h)(1)(C)(ii), requiring MDE to report assessment results for RPSD for the 2022-2023 school year on its State educational agency (SEA) report card.
- ESEA section 1111(c)(4)(A)(i)(I)(aa), requiring the State to measure progress against long-term goals for academic achievement for the 2022-2023 school year.
- ESEA section 1111(c)(4)(B)(i), requiring the State to measure school and subgroup performance on the academic achievement indicator in the statewide accountability

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system, which is based on proficiency on the statewide assessments, for the 2022-2023 school year.

- ESEA section 1111(c)(4)(B)(ii), requiring the State to measure school and subgroup performance on the indicator for elementary and secondary schools that are not high schools (the other academic indicator) in the statewide accountability system, which measures student growth on the statewide assessments, for the 2022-2023 school year.
- ESEA section 1111(c)(4)(C)(iii), requiring the State to identify schools with consistently underperforming subgroups for targeted support and improvement based on data from the 2022-2023 school year.
- ESEA section 1111(h)(1)(C)(v) and 1111(h)(2)(C), requiring the State and each LEA to report school and subgroup performance on the other academic indicator for the 2022-2023 school year.
- ESEA section 1111(h)(1)(C)(vi) and 1111(h)(2)(C), requiring the State to report progress of students and subgroups toward long-term goals and measurements of interim progress for academic achievement for the 2022-2023 school year.

This waiver is applicable only for the assessments RPSD was unable to administer during the 2022-2023 school year for the general and alternate academic content assessments in reading/language arts, mathematics, and science, based on evidence of widespread technical challenges in the administration of the spring 2023 assessments.

Thank you for the work you are doing to provide a high-quality education for Minnesota's students. If you have any questions, please contact my staff at: ESEA.Assessment@ed.gov.

Sincerely,

/s/

Adam Schott
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: Stephanie Graff, MDE Deputy Commissioner
Jennifer Dugan, MDE Director of Assessment