



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

NOV 17 2016

The Honorable Michael Johnson
Commissioner
Alaska Department of Education and Early Development
801 West 10th Street, Suite 200
PO Box 110500
Juneau, AK 99811

Dear Commissioner Johnson:

I am writing in response to the Alaska Department of Education and Early Development's (EED) request on August 3, 2016, for a waiver of the requirement that a State assess all students annually in reading/language arts and mathematics in grades three through eight and once in high school and science in the appropriate grade spans under section 1111(b)(3) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act (NCLB), and to publically report data under section 1111(h).

Alaska is requesting the waiver due to technical challenges the State experienced administering its assessments in spring 2016. The technical challenges resulted in the inability of many students to access the assessments online or, in some cases, complete the tests once accessed. As a result, not all students successfully took the assessments and the State has indicated that there are concerns with the validity of its 2016 test scores for all students, including the students with the most significant cognitive disabilities who took the alternate assessment based on alternate academic achievement standards.

Staff from the U.S. Department of Education (Department) have reviewed Alaska's request. Based on the review and Alaska's responses to the Department's inquiries, I am approving Alaska's request to waive, for the 2015–2016 school year, the requirements of sections 1111(b)(3)(A), 1111(b)(3)(C)(vii) and 1111(b)(3)(C)(ix)(I) of the ESEA, which together require the State to administer on an annual basis a set of high-quality student academic assessments in reading/language arts and mathematics to all students in grades three through eight and once in high school and in science in the appropriate grade spans. Further, because Alaska does not have State assessment data, I am granting Alaska, for the 2015–2016 school year, a waiver from the State reporting requirements in ESEA section 1111(h)(1)(C)(i), (iii) and (iv) and the corresponding local educational agency reporting requirements in section 1111(h)(2)(B). Alaska provided a plan outlining how it will ensure annual statewide assessments are secured for the school year 2016–2017. The Department carefully reviewed this documentation and, while I am approving this waiver, we are concerned about Alaska's ability to complete its timeline to have a high-quality assessment in place for the spring 2017 administration. We are asking for periodic updates from your staff on the milestones in your plan.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Please note that these waivers are one-time, applicable only for the assessments administered in the 2015–2016 school year based on Alaska’s statement and evidence of widespread technical challenges in the administration of the spring 2016 assessments. Pursuant to the authority in 34 C.F.R § 200.207, the Department is placing a condition on Alaska’s federal fiscal year 2016 Title I, Part A grant award until such time as the State can demonstrate that it is in compliance with the requirements to administer annual statewide assessments in reading/language arts, mathematics, and science.

I know that you agree that it is critically important to measure student achievement and to hold all students to the same high expectations. The assessment requirements in the ESEA, as amended by NCLB, are focused on ensuring that parents and educators have the information they need to help every student be successful and protecting equity for all students, including students with disabilities. These requirements are also maintained in the Every Student Succeeds Act, which reauthorizes the ESEA.

As a reminder, it is critical that all students with disabilities are appropriately included in a State’s assessment system, and data resulting from that participation are essential to your State’s efforts in ensuring that students with disabilities are receiving the instruction and services they need to graduate from high school college and career ready. Alaska continues to have an affirmative responsibility to ensure that all students, including students with disabilities, in grades three through eight and once in high school are assessed annually in reading/language arts, mathematics, and science as required in the ESEA and the Individuals with Disabilities Education Act (IDEA).

I appreciate our continued relationship with Alaska and remain committed to working with you. I hope that our ongoing collaboration will lead to removal of the condition on your State’s Title I, Part A grant award as soon as possible. If you have any questions please contact Robert Salley or Mario Nunez of my staff at: OSS.Alaska@ed.gov. If you have any questions regarding IDEA requirements please contact Hillary Tabor at: Hillary.Tabor@ed.gov. Thank you for your continued commitment to ensuring that all students have access to a high-quality education.

Sincerely,



Ary Amerikaner
Deputy Assistant Secretary
Delegated the Duties of Assistant Secretary
for Elementary and Secondary Education

cc: Margaret MacKinnon, Director of Assessment and Accountability
Don Enoch, Education Administrator, Special Education