



July 2, 2025

Linda McMahon  
Secretary of Education  
U.S. Department of Education  
400 Maryland Ave., SW  
Washington, D.C. 20202

Dear Secretary McMahon:

This letter is to request a waiver for the Ohio Department of Education and Workforce (DEW) from certain statutory requirements under the *Every Student Succeeds Act of 2015* (ESSA) to best serve all students' needs. This waiver request, if granted, would allow elementary and middle school students who are subject accelerated to take the test aligned with their course of study instead of the grade-level test for the grade in which they are enrolled. Subject acceleration is an effective, low-cost strategy that benefits students of all ages by boosting academic achievement, motivation, and self-concept while preventing boredom and underachievement, ultimately helping districts empower students to reach their full potential and positively impacting society and the workforce.

This waiver would replace the previously approved waiver for Ohio middle school students that expires at the conclusion of the 2024-2025 school year and would. The required components of the waiver request are addressed below.

1. *Identify the federal programs affected by this waiver request.*

This waiver request will affect Title I, Part A, Improving Basic Programs Operated by Local Educational Agencies, Subpart 1, Basic Program Requirements.

2. *Describe which federal statutory or regulatory requirements are to be waived.*

DEW is requesting a waiver, in part, from the following requirements:

- The requirements to be waived are sections 1111(b)(1)(B) and (b)(2)(B)(i) of ESSA, which require states to hold all students to “the same academic assessments used to measure the achievement of all public elementary school and secondary school students in the State; and administered to all public elementary school and secondary school students in the State” and the corresponding regulation below.
- 34 C.F.R 200.2(b)(1)(i), which requires that “the assessment required under this section, must except as provided in sections 200.3, 200.5(b), and 200.6(c), and 1204 of the ESEA as amended by ESSA, be the same assessment used to measure the achievement of students.”

DEW requests a waiver from these requirements to test all students using the same grade-specific assessment for any grade or subject for which they are being accelerated. In lieu of taking the assessment typically administered to students in their grade levels, students enrolled in subject-accelerated courses will take the assessment aligned to the course(s) in which they are enrolled. DEW will apply the rules established in section 1111(b)(2)(C)(i) through (iii) of ESEA as amended by ESSA and 34 C.F.R. 200.5(b)(1) through (3) to any student who does not take the assessment typically administered in the grade in which the student is enrolled:

- The student will take the related subject and/or grade-level assessment the state administers to the students to comply with assessments requirements established at section 1111(b)(2)(B)(v)(I)(bb) of ESEA as amended by ESSA.
  - The student's performance and participation on the 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 pertains to the school-based accountability system required under ESEA as amended by ESSA. This includes being part of the Progress Component, even in the first year of acceleration, as Ohio's value-added model accounts for students with non-traditional patterns (such as those who are retained, are subject accelerated, or skipped a grade).
  - In high school, the student will take a more advanced, state-administered end-of-course exam and the student's performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under ESEA as amended by ESSA.
  - If the student already has exhausted all end-of-course exams aligned with the subject in which the student is accelerated, the student will take the ACT or SAT. The student's performance on and participation in that assessment will be used for the purposes of measuring academic achievement and participation as it pertains to the school-based accountability system required under ESEA as amended by ESSA.
3. *Describe how the waiving of the requirements will advance student academic achievement.*

Ohio is operating under the current waiver that permits any Ohio middle school student to take a high school end-of-course assessment in reading/language arts, mathematics, and science when the student is enrolled in the corresponding course for high school credit. This waiver has allowed DEW and Ohio's schools and districts to ensure that students are assessed on the curriculum fully aligned to their instruction. Given the ample research demonstrating the positive impact of subject acceleration on students' academic achievement, DEW is requesting to extend the practice of subject acceleration to all grade levels to align with national standards of best educational practices. According to the report A Nation

Empowered<sup>1</sup>, subject acceleration is effective, low-cost, and beneficial for students of all ages, not just middle school and high school aged students. The report cites research evidence that shows subject acceleration can enhance students’ academic achievement, motivation, and self-concept, as well as prevent boredom and underachievement. This practice empowers districts to enable students to reach their full potential, thus making positive contributions to society and the workforce.

### **Opportunity for All Students**

Ohio has established the necessary policy framework and tools to support best practices in acceleration. School districts in Ohio are required by state law (Ohio Revised Code 3324.10) to implement either the state's model acceleration policy or an alternative research-based policy approved by the Department of Education and Workforce. The acceleration path allows middle school students who are subject accelerated in mathematics, English, or Science to receive high school credit as long as certain conditions are met. The course curriculum for accelerated middle school students taking high school courses must be the same as that used in the grade the student is accelerated into and must be taught by a teacher certified to teach that curriculum (e.g., a high school teacher teaching the level of content to a middle school student). This same requirement of teachers will be applied to elementary school students who are accelerated. This allows districts to make choices regarding resource allocation priorities while supporting greater access to course content by elementary and middle school students. It is important that when an elementary school student takes a subject course higher than their enrolled grade or a middle school student takes a high school course, the assessment taken by the student aligns to the course. At elementary and middle school grades, students are assessed in grades 3-8 for the following tests:

<b>Grade</b>	<b>Assessments</b>
3	English Language Arts, Mathematics
4	English Language Arts, Mathematics
5	English Language Arts, Mathematics, Science
6	English Language Arts, Mathematics
7	English Language Arts, Mathematics
8	English Language Arts, Mathematics, Science

Ohio administers high school end-of-course tests in four content areas: English language arts (ELA II), mathematics (algebra I, geometry, integrated mathematics I, integrated mathematics II), science (biology), and social studies (American government, American history).

<sup>1</sup> Assouline, S.G., Colangelo, N., VanTassell-Baska, J., & Sharp, M. (2015). A Nation Empowered. Belin-Blank Center, College of Education, University of Iowa, Volume 1.

[http://www.accelerationinstitute.org/Nation\\_Empowered/Order/NationEmpowered\\_Vol1.pdf](http://www.accelerationinstitute.org/Nation_Empowered/Order/NationEmpowered_Vol1.pdf)

It is Ohio’s policy intent that all students have access to a rigorous and relevant curriculum with fully aligned assessments, and that students taking advanced classwork will be required to participate in the aligned assessments. This waiver provides districts the flexibility to offer advanced coursework while also relieving students and districts from the burden of preparing for multiple assessments.

### Frequency of Subject Acceleration for Middle School Students

The largest percentage of subject acceleration has historically occurred in eighth grade mathematics, with more than 28,000 middle school students taking the Algebra I end-of-course exam in the 2022-2023 school year. This far exceeds the rates of subject-acceleration in other grades and subjects and likely can be attributed to schools working to ensure that students have ample opportunity to earn the required graduation score on the Algebra I end-of-course exam. Data from other subjects and grades indicate that, on average, less than 2% of students are being subject accelerated. With academic recovery on the rise, Ohio expects the number of subject accelerated students may increase.

**Table 1: Middle School Assessments Taken Early by Subject and Grade**  
**Testing participation rate: 98.4% for 2022-2023 School Year**

Student Grade Level	Test Taken	Subject	2021-2022		2022-2023	
			# Tests Taken Early	% Tests Taken Early	# Tests Taken Early	% Tests Taken Early
6	7	Math	3,255	2.70%	3,338	2.86%
7	8	Math	5,938	5.65%	6,797	6.42%
8	HS Algebra	Math	28,544	19.38%	28,123	19.84%
6	7	ELA	431	0.34%	386	0.31%
7	8	ELA	573	0.45%	569	0.45%
8	HS ELA II	ELA	58	0.04%	27	0.02%
7	8	Science	1,316	1.03%	1,822	1.43%
8	HS Biology	Science	368	0.28%	359	0.26%

DEW wishes to extend subject acceleration to the elementary school grades to ensure schools have the ability to serve students in a way that aligns with current evidence-based best practices. By granting this waiver, classroom time would be prioritized for elementary school students rather than requiring these exceptional students to take two separate grade-level assessments.

### Reporting of Data

Ohio will comply with all other ESSA reporting and accountability requirements using the appropriate assessment based on the course taken by each student. This data will be reported

for relevant federal accountability purposes and will be integrated into the Ohio State Report Card. Ohio will continue to calculate participation rates for these students.

### **High School Accountability in Cases When Students Take High School Assessments in Middle School**

The state recognizes that a very small number of students may take all end-of-course tests in a particular content area prior to entering high school. Historical data indicates that less than 0.5% of Ohio students complete all end-of-course math exams prior to entering high school, less than 0.1% of end-of-course ELA exams prior to entering high school, and less than 0.15% of Ohio students complete all end-of-course science exams prior to entering high school. When a student completes all end-of-course exams prior to entering high school, Ohio will address the federal testing requirements by administering the ACT or SAT exam as the required high school assessment. The student's score on the respective subject section of the ACT or SAT will correspond to one of five performance levels (Advanced, Accomplished, Proficient, Basic and Limited). This performance level will be used in the various report card components that require performance levels (i.e., the Achievement Component and the Gap Closing Component).

4. *Describe the methods that will be used to monitor and regularly evaluate the effectiveness of the implementation of the plan.*

Ohio will ensure that the performance of all students on annual statewide assessments is included in the student achievement calculations required under ESSA. The percentage of subject accelerated students in elementary and middle school being tested to align with their course of study in lieu of the grade-level tests will be monitored annually by accountability and data quality staff.

In addition to data tracking of students who are subject accelerated, DEW also requires districts to provide all students recommended for acceleration with a Written Acceleration Plan (WAP). The WAP describes the transition plan and supports needed for the successful implementation of an acceleration. After the successful completion of the transition period established in the WAP, the acceleration becomes a permanent placement. If this waiver is approved, this requirement will be the same for any elementary school students who are subject accelerated.

5. *Describe how schools will continue to provide assistance to the same populations served by programs for which waivers are requested and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describe how the state will maintain or improve transparency in reporting to parents and the public on student achievement and school*

*performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi).*

This waiver request is consistent with the priorities set forth in Title I, Part A, of ESSA, which would allow enrichment opportunities for elementary school students via subject acceleration as well as the opportunity for middle school students to complete advanced course sequences that may lead to the attainment of post-secondary credits while they are enrolled in high school. To this end, DEW's commitment to ensure academic growth for all students, close achievement gaps and that all students, particularly those at risk for failure or dropping out, have equitable access to well-prepared, dedicated, and excellent educators as described in the Ohio ESSA state plan.

DEW will continue to report the assessment results of all students as required under section 1111(h)(1)(C) of ESSA.

1. *Describe how the public was informed of this waiver request and provided opportunity to provide public comment on the request.*

DEW presented to the Committee of Practitioners on March 4, 2024 regarding this waiver. The Committee of Practitioners is authorized under the Elementary and Secondary Education Act (ESEA), Section 1603 (20 U.S.C. 6573). The Committee provides consultation and advice to the Ohio Department of Education in the administration and implementation of Title I of ESEA. Additionally, DEW announced the opportunity to provide public comment on this waiver request on December 3, 2024, via the DEW website. Consistent with the manner in which similar notices and public comment opportunities are provided, school division personnel and multiple stakeholder groups were also informed of the opportunity via email. Public comment was accepted in writing through January 2, 2025.

2. *Attach the public comments received regarding this waiver request.*

Attached are the 76 public comments received regarding this waiver request. Respondents included parents, curriculum directors, superintendents, gifted coordinators, policy makers, and a variety of educators.

Sincerely,



Stephen D. Dackin  
Director