February 20, 2024

The Honorable Paul Craft
State Superintendent of Public Instruction
Ohio Department of Education
25 South Front Street
Columbus, OH 43215-4183

Dear Superintendent Craft:

I am writing in response to the Ohio Department of Education’s (ODE’s) request on November 22, 2023, for a waiver extension of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). ODE requested this waiver extension because, based on State data for school year (SY) 2022-2023, ODE has concluded that it may exceed the 1.0 percent cap on AA-AAAS in reading/language arts (R/LA), mathematics, and science in SY 2023-2024.

After reviewing ODE’s waiver extension request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for SY 2023-2024, a waiver extension of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in R/LA, mathematics, and science.

As part of this waiver, ODE assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in SY 2022-2023 at least 95 percent of all students and all students with disabilities who are enrolled in grades for which the R/LA, mathematics, and science assessments are required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) – and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
• Will implement, consistent with the plan submitted in ODE’s waiver extension request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to publish your State’s plan, timeline, and progress to date in reducing the percentage of students taking the AA-AAAS.

I am very pleased to note the significant progress Ohio has shown since the passage of the Every Student Succeeds Act of 2015 (ESSA). Ohio’s work has resulted, for example, in a decrease in the AA-AAAS rate from 1.95 percent in R/LA in 2017-2018 to 0.90 percent in 2022-2023.

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,

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: Jo Hannah Ward, Director, ODE Office for Exceptional Children