



CALIFORNIA DEPARTMENT OF EDUCATION

TOM TORLAKSON, State Superintendent of Public Instruction
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CALIFORNIA STATE BOARD OF EDUCATION

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DRAFT May 16, 2016

Ann Whalen
Senior Advisor to the Secretary
Delegated the Duties of Assistant Secretary
for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Ms. Whalen:

The purpose of this letter is to request a waiver, pursuant to Section 8401(b) of the Every Student Succeeds Act (ESSA), of Section 1111(b)(3)(C)(ii) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), that California's assessment system measure the full range of its academic content standards. As part of its English language arts and literacy academic content standards, California measures the assessable elements of its listening standards. California, however, is not yet ready to measure some elements of the standards included in the speaking and listening strand. California therefore requests this waiver only *with respect to measuring the content in the State's speaking and listening strand that are not otherwise currently assessed by the State*. California requests this waiver because it is not practicable at this time for it to administer a large-scale summative assessment that includes measures of the full range of the standards included in the speaking and listening strand. This waiver will advance student achievement by permitting California to have a valid and reliable assessment system that measures the full range of the rest of the State's academic content standards while providing time to complete the work necessary to have a valid and reliable measure of the full range of the standards included in the speaking and listening strand.

California requests this waiver to allow for continued State and local receipt of Title I, Part A funding in good standing while it completes additional work to develop accurate, valid, reliable, and instructionally useful assessments related to additional content within

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the speaking and listening strand. This waiver is requested for the 2015–16 through 2016–17 school years. California assures that, if it is granted the requested waiver—

- It will continue to meet all other requirements of Section 1111(b)(3) of the ESEA, as amended by NCLB, and implementing regulations with respect to all State-determined academic content standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- It will continue to work toward assessing additional content within the speaking and listening strand consistent with the State's academic content standards.

Prior to submitting this waiver request, California provided the public with notice and a reasonable opportunity to comment on this request. California provided such notice by posting a public item on the May 2016 Agenda for the California State Board of Education (SBE) ten days before the item was presented to the SBE. Refer to Item XX on the SBE Agenda for May 2016 Web page at <http://www.cde.ca.gov/be/ag/ag/main201605.asp>. California received XX public comments regarding this issue. A summary of the public comments made at the SBE May 2016 meeting regarding the waiver request appear in Attachment 1 of this letter.

Please contact Keric Ashley, Deputy Superintendent, District, School, and Innovation Branch, by phone at 916-319-0637 or by e-mail at KAshley@cde.ca.gov, if you have any questions regarding this request. Thank you for your consideration.

Sincerely,

Tom Torlakson
State Superintendent of Public Instruction
California Department of Education

Michael W. Kirst
President
California State Board of Education

TT/MK:ss
Attachment