



**Item 03: Request to Ratify a Waiver of
Assessment, Accountability, and School
Identification and Federal Funding Flexibility
Requirements Pursuant to the Elementary and
Secondary Education Act**

CALIFORNIA DEPARTMENT OF EDUCATION

Tony Thurmond, State Superintendent of Public Instruction



Recommendation (1)

- The CDE recommends that the SBE ratify the Assessment and Accountability Waiver for the 2019–20 school year of the following sections under ESEA Section 8401(b):
 - Assessment requirements in section 1111(b)(2);
 - Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
 - Reporting requirements related to assessments and accountability in section 1111(h).



Recommendation (2)

- The CDE recommends that the SBE ratify the Federal Funding Flexibility Waiver of the following provisions for the 2019–20 school year under ESEA Section 8401(b):
 - Section 1127(b) of Title I, Part A of the ESEA so that the CDE may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2019 Title I, Part A funds.
 - Section 421(b) of the GEPA to extend the period of availability of FY 2018 funds for programs in which the CDE participates under its approved consolidated State plan until September 30, 2021.



Recommendation (3)

- Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019–2020 school year.
- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019–20 school year.



Background for U.S. Department of Education (ED) Flexibilities

- Due to the Coronavirus outbreak in the United States, President Trump declared a national emergency on March 13, 2020.
- Governor Newsom's Executive Order N-33-20, which issued a Statewide "shelter in place" on March 19, 2020.
- The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) was signed by President Trump on March 27, 2020.



Assessment and Accountability Waiver



Assessment and Accountability Waiver Timeline (1)

- March 18, 2020 - Governor Newsom issued Executive Order N-30-20 announcing California's intent to pursue a federal waiver of testing requirements.
- March 20, 2020 - U.S. Department of Education (ED) Secretary Betsy DeVos invited states to request the streamlined Assessment and Accountability Waiver.
 - States would not need to administer statewide assessments, make annual accountability determinations, identify schools for support and improvement, or provide data on its State and local report cards for assessment and accountability information.



Assessment and Accountability Waiver Timeline (2)

- March 26, 2020 - Assessment and Accountability Waiver was submitted jointly by State Superintendent of Public Instruction (SSPI) Tony Thurmond and California State Board of Education (SBE) President Linda Darling-Hammond.
 - Public comment period was open through April 15, 2020.
- On March 27, 2020 - the ED provided formal approval for the Waiver. All 50 states have applied for and received approval for this Waiver.



Assessment and Accountability Waiver Authority

- Waives the following sections for the 2019–20 school year under ESEA Section 8401(b):
 - Assessment requirements in section 1111(b)(2);
 - Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
 - Reporting requirements related to assessments and accountability in section 1111(h).



Assessment and Accountability Waiver Public Comment

- Comments were submitted from schools, school districts, county offices of education, organizations, and parents.
 - Only one opposing comment.
 - Support from Local Control Funding Formula (LCFF) Equity Coalition.



Recommendation

- The CDE recommends that the SBE ratify the Assessment and Accountability Waiver for the 2019–20 school year of the following sections under ESEA Section 8401(b):
 - Assessment requirements in section 1111(b)(2);
 - Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
 - Reporting requirements related to assessments and accountability in section 1111(h).



Federal Funding Flexibility Waiver



Federal Funding Flexibility Waiver Timeline (1)

- April 3, 2020 - ED invited states to request a waiver which would allow for additional flexibilities of federal funds for the 2019–20 school year pursuant to the CARES Act.
 - State Education Agencies (SEAs) would be able to approve Local Education Agencies (LEAs) to carry over more than 15 percent of its Title I, Part A funds
 - Extends the period of availability of 2018 funds.
 - Gives LEAs flexibility for Title IV, Part A funds.
 - Waives the definition of professional development.



Federal Funding Flexibility Waiver Timeline (2)

- April 10, 2020 – Waiver was submitted jointly by State Superintendent of Public Instruction (SSPI) Tony Thurmond and California State Board of Education (SBE) President Linda Darling-Hammond.
 - Public comment period open through May 1, 2020.
- April 22, 2020 - the ED provided formal approval for the Waiver.



Federal Funding Waiver Authority (1)

- Section 1127(b) of Title I, Part A of the ESEA to allow the State educational agency (SEA) to waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2019 Title I, Part A funds.
- Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of FY 2018 funds for programs in which your SEA participates under its approved consolidated State plan until September 30, 2021.
- Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019–20 school year.



Federal Funding Waiver Authority (2)

- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019–20 school year.



Federal Funding Flexibility Public Comment

There were no public comments received.



Recommendation (1)

- The CDE recommends that the SBE ratify the Federal Funding Flexibility Waiver of the following provisions for the 2019–20 school year under ESEA Section 8401(b):
 - Section 1127(b) of Title I, Part A of the ESEA so that the CDE may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2019 Title I, Part A funds.
 - Section 421(b) of the GEPA to extend the period of availability of FY 2018 funds for programs in which the CDE participates under its approved consolidated State plan until September 30, 2021.
 - Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019–2020 school year.



Recommendation (2)

- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019–20 school year.



Questions?



Recommendation (1)

- The CDE recommends that the SBE ratify the Assessment and Accountability Waiver for the 2019–20 school year of the following sections under ESEA Section 8401(b):
 - Assessment requirements in section 1111(b)(2);
 - Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D); and
 - Reporting requirements related to assessments and accountability in section 1111(h).



Recommendation (2)

- The CDE recommends that the SBE ratify the Federal Funding Flexibility Waiver of the following provisions for the 2019–20 school year under ESEA Section 8401(b):
 - Section 1127(b) of Title I, Part A of the ESEA so that the CDE may waive, more than once every three years, if necessary, the 15 percent carryover limitation in ESEA section 1127(a) for FY 2019 Title I, Part A funds.
 - Section 421(b) of the GEPA to extend the period of availability of FY 2018 funds for programs in which the CDE participates under its approved consolidated State plan until September 30, 2021.
 - Section 4106(d) of Title IV, Part A of the ESEA related to local educational agency (LEA) needs assessments for the 2019–2020 school year.



Recommendation (3)

- Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA with respect to content-area spending requirements for FYs 2018 and 2019 Title IV, Part A funds.
- Section 4109(b) of Title IV, Part A of the ESEA with respect to the spending limitation for technology infrastructure for FYs 2018 and 2019 Title IV, Part A funds.
- Section 8101(42) of the ESEA, which defines “professional development,” for activities funded for the 2019–20 school year.