California Department of Education

Executive Office

SBE-002 (REV. 11/2017)

memo-pptb-amard-apr18item01

# **MEMORANDUM**

**DATE:** April 30, 2018

**TO:** MEMBERS, State Board of Education

**FROM:** TOM TORLAKSON, State Superintendent of Public Instruction

**SUBJECT:** Request to the U.S. Department of Education to Waive the Every Student Succeeds Act Statute for the English Learner Proficiency Indicator

## Summary of Key Issues

At the April 12, 2018 State Board of Education (SBE) meeting, the revised Every Student Succeeds Act (ESSA) State Plan was approved and subsequently submitted to the U.S. Department of Education (ED) for review and approval. The SBE also approved the staff recommendation to delegate authority to the California Department of Education (CDE), subject to approval of the SBE Executive Director, to pursue, as expeditiously as possible so it can be resolved prior to release of the 2018 California School Dashboard, a waiver of the ESSA statute for the English learner (EL) proficiency indicator (ESSA, Section 1111(c)(4)(C)(iv)) to allow California to maintain the current calculation that includes reclassified students and long-term ELs.

Attached is a draft of the waiver which would allow California to include recently reclassified fluent English proficient students in measuring the progress of ELs to achieve English language proficiency and provide additional weight for long-term ELs.

The draft waiver was presented at the April 24, 2018 California Practitioners Advisory Group meeting for feedback and public comment. The public is invited to submit written comments on this waiver for a 10-day period beginning May 1, 2018 through May 10, 2018. Written comments may be submitted by e-mail at [essa@cde.ca.gov](mailto:essa@cde.ca.gov). The CDE will incorporate this information in the waiver and submit the document following the ED’s approval of California’s State Plan.

## Attachment(s)

* Attachment 1: Waiver Request to the U.S. Department of Education for the English Learner Proficiency Indicator under the Every Student Succeeds Act  
  (5 Pages)