



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 1, 2023

The Honorable Colt Gill
Director
Oregon Department of Education
255 Capitol Street, NE
Salem, OR 97310

Dear Director Gill:

I am writing in response to the Oregon Department of Education's (ODE's) request to the U.S. Department of Education (Department) on January 19, 2023, for a waiver of sections 1111(b)(2)(B)(x) and (xii) of the Elementary and Secondary Education Act of 1965 (ESEA). Section 1111(b)(2)(B)(x) requires that the State educational agency (SEA) "produce individual student interpretive, descriptive, and diagnostic reports...regarding achievement on such assessments that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders." Section 1111(b)(2)(B)(xii) requires that the SEA "enable itemized score analyses to be produced and reported to local educational agencies and schools, so that parents, teachers, principals, other school leaders, and administrators can interpret and address the specific academic needs of students as indicated by the students' achievement on assessment items." ODE requested this waiver because it is planning to redesign its assessments by shortening them. With the shortened assessments ODE is contemplating, ODE believes that the assessments will no longer provide valid and reliable sub-scores.

After reviewing ODE's request, I am taking no action under section 8401(b) of the ESEA. An SEA has broad discretion in how it designs and administers its assessments, including how it chooses to report the results and meet these requirements. As such, ODE has discretion to determine how to meet the requirement to provide information to parents and educators to meet these requirements. While producing sub-scores is one such way, it is not the only way to meet ESEA sections 1111(b)(2)(B)(x) and (xii). Therefore, I do not believe a waiver of ESEA sections 1111(b)(2)(B)(x) and (xii) is necessary. Instead, I encourage you to work with Department staff, the Department's regional comprehensive center, and your technical advisory committee to identify approaches to meeting these fundamental requirements.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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,

/s/
James F. Lane, Ed.D.
Principal Deputy Assistant Secretary
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Dan Farley, ODE Assistant Superintendent
Office of Research, Assessment, Data, Accountability, and Reporting