# Superintendent’s Memo #005-19


**COMMONWEALTH of VIRGINIA
Department of Education**

DATE: January 11, 2019

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Update on Virginia’s Request for a Waiver for Certain Statutory Requirements of ESSA – High School Assessments

The purpose of this email is to provide school divisions with an update on Virginia’s request for a waiver from certain statutory requirements under the *Every Student Succeeds Act of* *2015* (ESSA). [Superintendent’s Memorandum #230-18](http://www.doe.virginia.gov/administrators/superintendents_memos/2018/230-18.docx) described the Department’s request to provide flexibility to meet federal high school assessment requirements in the areas of reading, mathematics, and science. Specifically, the waiver requested the following:

* To allow either the End-of-Course (EOC) Reading or certain substitute English/reading tests (AP, IB, SAT, or ACT) to count towards the high school’s pass and participation rates for reading;
* To allow any EOC mathematics test or certain substitute mathematics tests (AP, IB, SAT, or ACT) to count towards the high school’s pass and participation rates for mathematics; and
* To allow any EOC science test or certain substitute science tests (AP, IB, SAT, or ACT) to count towards the high school’s pass and participation rates for science.

In late December 2018, the U.S. Department of Education (USED) notified the Department that this waiver request was denied. As a result, EOC Reading, EOC Algebra I, and EOC Biology will continue to be included in the pass and participation rate calculations for federal accountability; Virginia Alternate Assessment Program (VAAP) tests will also continue to be included. All other EOC tests and substitute tests will be excluded from federal accountability calculations except for mathematics tests that are permitted under [Virginia’s previously approved mathematics waiver](https://www2.ed.gov/admins/lead/account/stateplan17/waivers/vawaiverltr.pdf). As a reminder, the approved mathematics waiver allows students who pass the Algebra I test prior to ninth grade to take the Geometry or Algebra II test in high school to meet the federal participation requirement. Students who pass all EOC mathematics tests prior to their ninth grade year may take a substitute mathematics test (AP, IB, SAT, or ACT) to meet the federal participation requirement.

Questions about the waiver request should be directed to Dr. Lynn Sodat, Director, Office of ESEA Programs, at 804-225-2870 or [lynn.sodat@doe.virginia.gov](file:///%5C%5Cwcs02021%5Cgroupdir%5CPAA%20Director%5C1%20ESEA%20ACCOUNTABILITY%5C1%20ESSA%5CEIM%5Clynn.sodat%40doe.virginia.gov).

JFL/ls

### Links

* [Superintendent’s Memorandum #230-18: Opportunity to Comment on Virginia’s Request for a Waiver from Certain Requirements of the *Every Student Succeeds Act of 2015* (ESSA) – High School Assessments](http://www.doe.virginia.gov/administrators/superintendents_memos/2018/230-18.docx)
* [Mathematics Waiver Request – Letter of Approval from U.S. Department of Education](https://www2.ed.gov/admins/lead/account/stateplan17/waivers/vawaiverltr.pdf)