

ARIZONA DEPARTMENT OF EDUCATION
PUBLIC NOTICE AND COMMENT PERIOD
WAIVER REQUEST PURSUANT TO
34 C.F.R. §200.6(c)(4)
April 2, 2020

As part of waiver requirements, we are posting an opportunity for public comment regarding the Arizona Department of Education (ADE) seeking a one-year waiver pursuant to §8401(b) from requirements within the Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA) of 2015 from the U.S. Department of Education (USDOE). The USDOE requires state educational agencies, when seeking waivers from statutory or regulatory requirements, solicit and respond to public comment on the request and provide evidence of the available comment period. This 15-day public comment period from April 2 – April 24, 2020, waives requirements related to chronic absenteeism, accountability identifications and accountability components within Arizona’s State ESSA Plan. ADE is working diligently to continue supporting Arizona schools during this pandemic of COVID-19.

NOTICE OF PUBLIC COMMENT PERIOD: Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments shall be accepted through April 24, 2020.

Requirements from which Arizona is seeking a waiver include:

- Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2019-2020.
- Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2019-2020 school year.
- Report card provisions (ESSA Dashboard) related to certain assessments and accountability in section 1111(h) based on data from the 2019-2020 school year, namely:
 - Section 1111(h)(1)(C)(i) (accountability system description).
 - Section 1111(h)(1)(C)(ii) (assessment results).
 - Section 1111(h)(1)(C)(iii)(I) (other academic indicator results).
 - Section 1111(h)(1)(C)(iv) (English language proficiency assessment results).
 - Section 1111(h)(1)(C)(v) (school quality or student success indicator results).
 - Section 1111(h)(1)(C)(vi) (progress toward meeting long-terms goals and measurements of interim progress).
 - Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed).
 - Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).
 - Section 1111(h)(2)(C) with respect to all waived requirements in section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii)(information showing how students in a local educational

agency (LEA) and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).

Federal Accountability affected by the requested waiver

Arizona's ability to meaningfully differentiate schools and identify schools for Comprehensive Support and Improvement (CSI) and Targeted Support and Improvement (TSI) will be impacted due to the following reasons:

- ***Exclusion of the chronic absenteeism indicator***

On March 11, 2020, Governor Doug Ducey declared a Public Health Emergency for COVID-19. On March 15, in a joint announcement, the Governor and Superintendent of Public Instruction Kathy Hoffman announced a statewide closure of all Arizona schools March 16 through March 27, 2020. On March 20, a two-week extension of school closures, through April 10, 2020, was announced.

On March 27, 2020, Governor Ducey signed legislation to support schools during closures, ensure school letter grades are held harmless, suspend statewide testing requirements, ensure school days are not extended into the summer, require learning opportunities for students to continue, and ensure teachers and staff see no disruption in pay as a result of COVID-19.

On March 30, 2020, the Governor and Superintendent of Public Instruction extended the statewide school closure through the remainder of the school year.

- ***Exclusion of the requirement to administer all statewide Academic assessments in school year 2019-2020 and exclusion of the 95% participation rate within the academic achievement indicator***

Students are unable to participate in Grades 3 through 8 and Grade 10 High School ELA and Mathematics Assessments, and Grades 4, 8, and 10 Science Assessments due to school closures.

- ***Exclusion of additional school identifications and subsequent supports to schools***

As a result of excluding the chronic absenteeism indicator, excluding the requirement to administer all statewide Academic assessments, and not utilizing the 95% participation rate for academic achievement, Arizona's Federal Accountability system will not have a complete data set and will be unable to identify additional schools eligible to receive supports.

We invite you to share your feedback on Arizona's waiver through April 24, 2020. You may submit your comments electronically, using the following link:

<https://www.azed.gov/assessment/2020-waiver> or directly to Audra Ahumada, Deputy Associate Superintendent of Assessments, Arizona Department of Education, 1535 West Jefferson St. Bin #6, Phoenix, AZ 85007.