

STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

April 2, 2020

TO: The Honorable Catherine Payne
Chairperson, Board of Education

FROM: Dr. Christina M. Kishimoto
Superintendent

A handwritten signature in blue ink, appearing to read "Christina M. Kishimoto".

SUBJECT: Board Action on Department of Education Waiver Request to Cancel Federally Required Statewide Standardized Assessments (“SBA”) for the 2019-2020 School Year, Including Smarter Balanced Assessments for English Language Arts/ Literacy and Mathematics, Hawaii State Science Assessments and Biology 1 End of Course Exams; Hawaii State Alternate Assessments; and the Kaiapuni Assessment Educational Outcomes (KĀ‘EO)

1. EXECUTIVE SUMMARY

- Every Student Succeeds Act (“ESSA”) is a federal law governing K-12 public education policy. The law continues a commitment towards equity and quality by establishing rigorous standards for accountability under No Child Left Behind, and allows each state some flexibility in meeting the requirements of the laws.
- The U.S. Department of Education (“ED”) generally does not grant statewide waivers of assessments. However, given the national crisis arising from COVID-19, ED announced the expedited waiver application process on March 20, 2020. The Hawaii Department of Education (“HIDOE”) submitted the waiver of the following requirements:
 - Assessment (ESSA standardized testing)
 - Accountability/school identification
 - Report card provisions

As a result of the expedited process, ED has already acknowledged the waiver request and has granted the HIDOE permission to proceed with implementation of the waiver.

- An opportunity for public comment regarding the expedited waiver is available on the hawaiipublicschools.org website, in the COVID-19 update section or at <https://bit.ly/WaiverPublicComment> until April 10, 2020.

2. RECOMMENDATION

The HIDOE recommends the Board of Education approve the expedited waiver submitted to ED. Due to the disruption to the current school year, it is unclear as to whether any testing schedule will be possible.

3. RECOMMENDED EFFECTIVE DATE

The HIDOE recommends the effective date of “upon Board of Education approval.”

4. RECOMMENDED COMPLIANCE DATE

The recommended compliance is the same as the recommended effective date.

5. DISCUSSION

- a. Conditions leading to the recommendation:
The HIDOE has been monitoring and seeking guidance over the past several weeks including the Centers for Disease Control and Prevention (“CDC”); participating in available webinars with the Council of Chief State School Officers and ED webinars for updated information. The following timeline presents a few of the important milestones leading to the current situation:

February 7, 2020 - Superintendent Dr. Christina M. Kishimoto informs parents and guardians that the HIDOE is working closely with the Department of Health and offers information and tips regarding the coronavirus.

March 15, 2020 - HIDOE extends spring break for an additional week through March 27 for all public and charter school students.

March 17, 2020 - The COVID-19 crisis situation drastically elevated with Governor David Ige's announcement that all state workers (excluding HIDOE) will begin teleworking and restriction that closes or limits certain businesses.

March 18, 2020 - Superintendent Dr. Christina M. Kishimoto makes the announcement of extending the break for students until April 7, 2020, to align with the Governor's announcement and CDC recommendation, implements telework immediately for non-essential HIDOE employees.

On March 20, 2020, the ED informed HIDOE that states may submit a waiver, pursuant to Section 8401(b) of the Elementary and Secondary Education Act of 1965 ("ESEA"), for ESSA standardized testing requirements. This announcement was in response to the disruptions caused by the extraordinary public health crisis, commonly referred to as COVID-19. In some states, statewide school closures have been declared in response to the national emergency declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Due to the school closures, many states are unable to pursue the schedule for large-scale assessments required under ESEA section 1111(b)(2) to comply with the associated accountability, school identification, and reporting requirements as originally planned.

On March 20, 2020, in consideration of the health and safety of the students, faculty and staff, the HIDOE submitted its request to waive standardized testing, and associated accountability, school identification, and reporting requirements for school year 2019-2020.

On March 20, 2020, ED responded stating, "Thank you for submitting a request on behalf of the Hawaii Department of Education (HIDOE) to waive certain requirements in Section 1111 of the Elementary and Secondary Education Act of 1965, as amended (ESEA) related to assessment and accountability requirements. Based on our review of HIDOE's request, it appears to meet all statutory requirements and, accordingly, we intend to issue a formal approval of the HIDOE waiver request in the coming weeks. You may begin to implement the waivers while we process the formal approval."

- b. Previous action of the Board and Committee(s) on the same or similar matter:
No previous board actions on the same or similar matters have been taken.

- c. Other policies affected:
- Policy 102: Academic Mastery and Assessment
 - Policy 102-1: Effective Schools Reporting
 - Policy 102-3: Statewide Content and Performance Standards
 - Policy 102-5: Comprehensive Assessment and Accountability System
 - Policy 102-6: Statewide Assessment Program
 - Policy 102-12: Reporting Student Progress and Achievement
- d. Arguments in support of the recommendation:
Due to the uncertainty of the spread of the COVID-19 virus in the community, the waiver allows HIDOE the flexibility necessary to address the situation in a timely manner.

The directive from State and County officials to have all non-essential workers telework until at least April 30, 2020, will make the administration of the ESSA standardized testing challenging for schools.

There has been loss of instructional time with the extended student break, and it is unknown if schools will remain closed beyond April 30, 2020.

- e. Arguments against the recommendation:
The value of ESSA assessment and accountability data is in its ability to show patterns and trends over time. No data for the 2019-2020 school year disrupts trend data used by schools and complex areas to identify areas of student learning needs.
- f. Other agencies or departments of the State of Hawaii involved in the action:
Hawaii State Public Charter Schools are also required to meet the federal ESSA requirements for assessment and accountability.
- g. Possible reaction of the public, professional organizations, unions, DOE staff and/or others to the recommendations:
As of March 23, 2020, there were 28 comments received from the public. Of the comments received, 27 were in favor of waiving ESSA standardized testing for the 2019-2020 school year. One respondent felt it was too early to make this decision.
- h. Educational implications:
Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the

2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive support and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.

The standardized assessment data will be exempt from reporting proficiency for all students and subgroups.

The standardized assessment data will be exempt from reporting growth results.

New identifications for Comprehensive Support and Improvement, Additional Targeted Support, and Targeted Support and Improvement - Consistency Underperforming will be determined in Fall 2021.

i. Personnel implications:

Teachers will be able to concentrate on instruction for students.

Teachers will be able to focus on the completion of the school year for student promotion.

j. Facilities implications:

There are no facilities implications involved in this action.

k. Financial implications:

Contracts may need to be revised due to the lack of standardized testing assessment data

6. OTHER SUPPLEMENTARY RECOMMENDATIONS

No supplementary recommendations.

CMK:rl

Attachments: Attachment A – March 20, 2020 Expedited Waiver to the ED
Attachment B – Presentation

c: Office of Strategy, Innovation and Performance



STATE OF HAWAII
DEPARTMENT OF EDUCATION

P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

March 20, 2020

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

Thank you for the assistance from the United States Department of Education during this unprecedented national crisis caused by the Coronavirus disease 2019.

Attached you will find Hawaii's request for waivers of assessments, accountability and school identification, and reporting requirements, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended.

Thank you very much for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Christina M. Kishimoto".

Dr. Christina M. Kishimoto
Superintendent

CMK:tu
Attachment

This template is an example that may be used for the submission of a request for waivers of assessments, accountability and school identification, and reporting requirements under the Elementary and Secondary Education Act of 1965, as amended. Note that the Department will accept, process, and approve any appropriate waiver request; for assistance please contact OESE.TitleI-a@ed.gov. However, the Department plans to respond in one business day to a State educational agency that follows the example and provides all necessary information in an accessible way.

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request a waiver, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, of the following requirements.

State: Hawaii

Please check all that apply:

- 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 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-term 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).*

I am requesting these waivers because it is not possible to administer assessments required under ESEA section 1111(b)(2) or comply with the concomitant accountability, school identification, and reporting requirements as originally planned due to extensive school closures in the State. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and this action will protect the health and safety of students, staff, and our communities.

In seeking this waiver, I assure that:

- Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.
- The State educational agency will provide the public and all LEAs in the State with notice of and the opportunity to comment on this request (*e.g.*, by posting information regarding the waiver request and the process for commenting, on the State website).

Thank you for your consideration.

Sincerely,

Chief State School Officer (or Authorized Representative)

Digital Signature

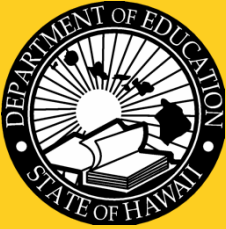


OR

Typed Name and Date

Dr. Christina M. Kishimoto, 03/20/20

By typing my name here, I am affirming submission of this waiver on behalf of the State.



OFFICE OF

Strategy, Innovation and Performance

Board Action on Department of Education Waiver Request to Cancel Federally Required Statewide Standardized Assessments for the 2019-2020 School Year, Including Smarter Balanced Assessments for English Language Arts/Literacy and Mathematics, Hawaii State Science Assessments and Biology 1 End of Course Exams; Hawaii State Alternate Assessments; and the Kaiapuni Assessment Educational Outcomes

April 2, 2020

Rodney Luke

Assistant Superintendent





Background

March 20, 2020

- U.S. Department of Education (“ED”) offered states a waiver of the requirements for ESSA standardized testing due to COVID-19.
- For the health and safety of the students, faculty and staff, the Hawaii Department of Education (“HIDOE”) submitted its request to waive standardized testing, and associated accountability, school identification, and reporting requirements.
- ED acknowledged the waiver request and granted the HIDOE permission to proceed with implementation of the waiver.



What does the expedited waiver entail?

- Assessment Requirements
- Accountability and School Identification Requirements
- State ESSA Report Card Provisions



What are the implications of the expedited waiver?

- The standardized assessment data will be exempt from reporting proficiency for all students and subgroups.
- The standardized assessment data will be exempt from reporting growth results.
- New identifications for CSI, A-TSI and TSI-CU will be determined in Fall 2021.



What are next steps?

HIDOE will continue collecting public comments regarding the state waiver for ESSA standardized testing until April 10, 2020 (<https://bit.ly/WaiverPublicComment>).

HIDOE will consult/collaborate with other state partners, organizations, and the ED to operationalize next steps regarding assessments and accountability requirements moving forward.