



State of Arizona  
Department of Education  
Office of Diane M. Douglas  
Arizona Superintendent of Public Instruction



December 20, 2018

Frank T. Brogan  
Assistant Secretary  
Office of Elementary and Secondary Education  
United States Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Assistant Secretary Brogan:

Section 1111(b)(2)(H) in Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), relates to a State's ability to authorize LEAs to administer a locally selected, nationally recognized high school academic assessment in lieu of the statewide high school assessment. 34 CFR 200.3(b)(2)(ii) further requires that before a State may approve a nationally recognized high school academic assessment for use by an LEA, the State must submit evidence to the U.S. Department of Education (the Department) that demonstrates that each locally selected, nationally recognized assessment meets the requirements for peer review under ESEA Section 1111(a)(4).

Arizona law now includes provisions that relate to a menu of assessments for high schools. Specifically, Arizona Revised Statutes (A.R.S.) § 15-741.02 states:

- A. The state board of education shall adopt a menu of achievement assessments to measure pupil achievement of the state academic standards. Beginning in the 2018-2019 school year, each local education agency that offers instruction in grades nine through twelve may select from that menu an achievement assessment to administer to the pupils in one or more schools in that local education agency instead of the test to measure pupil achievement adopted by the state board of education pursuant to section 15-741....

I am writing now on behalf of the Arizona Department of Education (ADE) to formally request a waiver, pursuant to ESEA Section 8401(b), from the requirement that our State submit evidence demonstrating that the chosen nationally recognized assessments meet the requirement of the Department's peer review guidance prior to the first administration of the nationally recognized assessment. ADE submits this waiver request to allow for the administration in spring of 2019 of the SAT and ACT, which are both nationally recognized high school academic assessments, by LEAs that have formally requested the ability to replace the AzMERIT statewide assessment in English Language Arts (ELA) and Mathematics (Math) with the SAT or ACT and/or the AIMS Science assessment with ACT. Not only are both SAT and ACT widely used as state assessments across the country, but none of the states employing them as such have fully satisfied the peer review requirements.

Additionally, an approved waiver will allow Arizona to access the flexibility made available by ESSA while giving our LEAs the ability to choose a testing program that best reflects their mission. It will reduce overtesting by allowing students in LEAs that have selected SAT or ACT in lieu of AzMERIT and/or AIMS Science to take one test as opposed to two, while also giving teachers time back to deliver additional instruction and help improve student achievement. Student motivation on a national assessment used for college entrance determinations is likely to be higher than on a state assessment like AzMERIT, which is not required for graduation from high school and does not have any influence on college entrance decisions or the awarding of college credits. For the Spring 2019 testing cycle, 24 Arizona LEAs accounting for a total of 55 schools have chosen SAT or ACT as their statewide assessment and ADE estimates that this flexibility will positively impact approximately 35,000 students.

ADE is also committed to ensuring that both the ACT and SAT meet the same rigorous technical requirements that are otherwise required of a statewide assessment. The statute governing our menu of assessments, A.R.S. § 15-741.02, further states the following:

E. The state board of education shall require that the provider of an achievement assessment that is proposed for the menu of achievement assessments do all of the following:

1. Provide evidence that the assessment is a high quality assessment.
2. Demonstrate that the assessment meets or exceeds the level of rigor of the state board's adopted academic standards.
3. Demonstrate that the assessment scores can be scaled for state accountability programs including establishing comparable student performance levels for achievement profiles and letter grade classifications issued pursuant to section 15-241.
4. Submit an evaluation from a third party approved by the state board that shows the assessment meets the requirements prescribed in paragraphs 1, 2 and 3 of this subsection.

Should this waiver be granted by the Department, ADE will continue the rigorous monitoring of the effectiveness of its statewide assessments and assures the following:

- ADE plans to seek public comment on its request for a waiver of the peer review requirements for nationally recognized high school assessments to be administered in lieu of the statewide assessment, beginning on December 10, 2018.
  - A public comment notice will be issued to all LEAs statewide along with other key advisory and stakeholder groups and a public comment page will be created and posted on the ADE Assessment Website. The notice will be posted for two weeks.
  - ADE will summarize and share feedback received with the Department upon closure of the public comment period.
- ADE will continue to work with both the Arizona State Board of Education (SBE) and representatives of SAT and ACT to ensure the success of the transition to using nationally recognized high school assessments in lieu of the statewide assessment by providing technical assistance and support to LEAs throughout the process and clearly defining to assessment vendors and the SBE what is required with respect to ADE's assessment data needs so that it can ensure equity across its accountability programs.

Lastly, ADE would ask that this request be reviewed and a decision returned as soon as practicable so that Arizona can proceed with our administration of SAT or ACT for those districts wishing to select one of those assessments in lieu of AzMERIT for the Spring 2019 testing cycle.

Respectfully,



Diane M. Douglas  
Arizona Superintendent of Public Instruction  
Arizona Department of Education