



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

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The Honorable Kathryn S. Matayoshi
Superintendent
Hawaii State Department of Education
1390 Miller Street
Honolulu, HI 96813

Dear Superintendent Matayoshi:

I am writing in response to Hawaii's December 18, 2015 request to administer to certain students the Hawaiian State Language Assessments in lieu of the State's reading language arts and mathematics assessments in the 2015–2016 school year. I understand that the Hawaiian Language State Assessments in reading language arts and mathematics will be administered to approximately 500 students in grades 3 and 4 enrolled in the Hawaiian Language Immersion Program (HLIP). Further, the State is requesting to pilot the Hawaiian Language State Assessment in science with certain students in lieu of the State's science assessment in the 2015–2016 school year. I understand that the Hawaiian Language State Assessment in science will be piloted with approximately 250 students in fourth grade enrolled in the HLIP. Specifically, Hawaii has requested to waive certain statutory and regulatory requirements of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB).

After reviewing Hawaii's request, I am pleased to grant, pursuant to my authority under section 8401 of the ESEA, as amended by the Every Student Succeeds Act (ESSA), a one-year waiver for the 2015–2016 school year of the following statutory requirements under Title I, Part A of NCLB and their associated regulatory provisions:

- NCLB sections 1111(b)(1)(B) and 1111 (b)(3)(C)(i), which require the State educational agency (SEA) to apply the same academic achievement standards, and to use the same academic assessments, for all public school children in the State. Hawaii requests these waivers so that the students in grades 3 and 4 enrolled in the HLIP are permitted to take only one assessment in reading language arts and mathematics in the 2015–2016 school year—either the Statewide assessment or the Hawaiian Language State Assessments.

The waiver is granted to Hawaii based on my determination that Hawaii has met the requirements of section 8401(b) of the ESSA with respect to its request to administer the Hawaiian Language State Assessments in reading language arts and mathematics and is contingent on its commitment to implement the following assurances:

- Hawaii will ensure that all students in the tested grades who do not participate in the Hawaiian Language State Assessments in reading language arts or mathematics will take the Statewide assessment in that subject as required by NCLB.

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

- Hawaii will ensure that the Hawaiian Language State Assessments are aligned to the State’s content standards and comparable to the State’s achievement standards in reading language arts and mathematics.
- Hawaii will meet all reporting obligations with respect to reporting the achievement of students who take the Statewide assessments and the achievement of students who take the Hawaiian Language State Assessments in English language arts and mathematics.
- Hawaii will submit, as part of its full assessment system, the Hawaiian Language State Assessments in reading language arts and mathematics for Title I peer review in the fall of 2016.

However, I am denying Hawaii’s request for a waiver to pilot the Hawaiian Language State Assessment in lieu of the State’s science assessment.

Under ESSA sections 8401(b)(1)(C) and (F), Hawaii must demonstrate that the requested waiver will advance student achievement and/or that the State will maintain or improve transparency in reporting to parents and the public on student achievement and school performance of those students who take the pilot. These requirements are focused on (1) ensuring that parents and educators have the information they need to help every student be successful by providing results against the State’s challenging academic standards, and (2) protecting equity for all students by maintaining a consistent measure of student performance and school and district accountability regardless of the school they attend. By piloting its Hawaiian State Language Assessment in science without also testing students on Hawaii’s State science assessment, Hawaii would not have data available to inform parents or educators about the achievement of the students participating in the pilot, including performance relative to their peers who are not participating in the pilot. Since students are assessed in science only once in a grade span, there would be no data available on participating students for multiple years. In addition, Hawaii has been unable to commit that the State’s Hawaiian State Language Assessment in science will be ready for operational administration in 2016-2017.

Pursuant to ESSA section 8401(b)(4)(B)(iii), Hawaii may revise its waiver request to meet the requirements under ESSA sections 8401(b)(1)(C) and (F) and resubmit the revised waiver request. If Hawaii decides to resubmit, it must do so no later than May 15, 2016. Thank you for your commitment and continued focus on enhancing education for all of Hawaii’s students. If you need any additional assistance, please do not hesitate to contact Robert Salley or Tawanda Avery of my staff at: OSS.Hawaii@ed.gov.

Sincerely,



Ann Whalen
Senior Advisor to the Secretary
Delegated the authority to perform the functions and
duties of Assistant Secretary for Elementary
and Secondary Education

cc: Tammi Chun, Assistant Superintendent
Tom Saka, Director of Assessment and Accountability