



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

December 27, 2023

The Honorable Ellen E. Weaver
State Superintendent of Education
South Carolina Department of Education
1429 Senate Street
Columbia, SC 29201

Dear Superintendent Weaver:

I am writing in response to the South Carolina Department of Education's (SCDE's) August 9, 2023, request to the U.S. Department of Education (Department) (with additional information provided on September 12 and November 8, 2023) for a waiver of certain requirements of the Elementary and Secondary Education Act of 1965 (ESEA) related to its science assessment and reporting for school year (SY) 2023-24.

SCDE requested this waiver to support the development of its new general and alternate science assessments in grades 4 and 6 through a census field test of new test items in spring 2024. SCDE's new science assessment will align with the State's new college- and career-ready science standards. If approved for this waiver, SCDE would not: 1) administer its current statewide science assessments in grades 4 and 6 in spring 2024; 2) set achievement standards on the field test administered in spring 2024; and 3) publicly report results on the assessment including individual science achievement information to parents and educators. SCDE will continue to administer and report on its current statewide high school general and alternate science assessments in SY 2023-24.

After reviewing SCDE's request, I am approving SCDE's request to administer a field test of the new science general and alternate assessments in grades 4 and 6 for SY 2023-24. As a result, the Department is waiving the following statutory requirements of the ESEA:

- Section 1111(b)(2)(B)(ii): Requirement that the assessment provide coherent and timely information about student attainment of such standards (described in ESEA section 1111(b)(1)(A)-(D)) and whether the student is performing at the student's grade level.
- Section 1111(b)(2)(B)(x): Requirement that the assessment produces individual student interpretive, descriptive, and diagnostic reports that allow parents, teachers, principals, and other school leaders to understand and address the specific academic needs of students, and that are provided to parents, teachers, and school leaders, as soon as is practicable after the assessment is given, in an understandable and uniform format, and in a language that parents can understand.
- Section 1111(b)(2)(B)(xii): Requirement that assessments enable itemized score analyses to be produced and reported to districts and schools.

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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.

- Section 1111(h)(1)(C)(ii): Requirement that the State reports information on student achievement for science on State report cards.
- Section 1111(h)(2)(C)(i): Requirement that the State ensures that each district collects appropriate data and includes in the district's annual report card information that shows student achievement for science compared to students in the State as a whole.

Given the critical need to provide educators, parents, and students with information to further academic recovery, the Department encourages SCDE to identify alternative means of describing the performance of field test participants. This could include providing individual raw score reports along with accompanying information to support interpretation of the data; communicating with parents about how they can gather additional information on their child's performance in science; and publishing information on a school's and LEA's performance on the field test.

This waiver is only applicable for SY 2023-24 during the administration of the statewide census field test in science for all students enrolled in grades 4 and 6. Failure to administer and report the achievement on the general and alternate science assessments in SY 2024-25 that meet all ESEA requirements will result in SCDE being out of compliance with Title I of the ESEA and the Individuals with Disabilities Education Act (IDEA) and could result in the Department taking enforcement actions against SCDE, including withholding of funds.

In addition, SCDE includes performance on the science assessment as an indicator in its statewide accountability system. As a result, the State must submit a request to amend its ESEA consolidated State Plan to account for the lack of reportable science assessment data for grades 4 and 6 in SY 2023-24. The Department requests that SCDE submit its amendment not later than February 1, 2024, consistent with our earlier guidance to States (see: <https://oese.ed.gov/files/2023/10/Memo-to-State-Directors-State-Plans-and-Accountability-Fall-2023.pdf>).

We appreciate our continued work with SCDE. If you have any questions, please contact my staff at: ESEA.Assessment@ed.gov. Thank you for your commitment to ensuring that all students have access to a high-quality education.

Sincerely,



Adam Schott
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Matthew Ferguson, Deputy Superintendent
Llewellyn Shealy, Interim Director, Office of Assessments and Standards