



STATE OF SOUTH CAROLINA
DEPARTMENT OF EDUCATION

MOLLY M. SPEARMAN
STATE SUPERINTENDENT OF EDUCATION

November 20, 2020

The Honorable Betsy DeVos
Secretary of Education
United States Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos,

Pursuant to the Elementary and Secondary Education Act (ESEA), Section 8401, the South Carolina Department of Education (SCDE) is submitting this waiver request with respect to its accountability system for the 2020–21 school year. Included in this correspondence is the required information in Section 8401(b)(1), (b)(2), and (b)(3). As part of Section 8401(b)(3), attached are the public comments provided to the SCDE, along with the SCDE’s response, publicly posted on the [SCDE’s website](https://ed.sc.gov/newsroom/every-student-succeeds-act-essa/) at <https://ed.sc.gov/newsroom/every-student-succeeds-act-essa/>. Also included is a copy of correspondence provided by members of South Carolina’s Congressional Delegation supporting the waiver and a copy of [Act 142](#), passed by the South Carolina General Assembly and signed by the Governor into law.

The SCDE believes in the importance of accountability and assessments, as they provide vital information to educators, parents, state leaders, and the public on how well students are progressing toward meeting South Carolina’s rigorous college- and career-ready standards. Accountability assessments, however, are not strong diagnostic measures of students’ learning needs, and because they are administered at the end of the school year, do not yield timely results that can inform teachers on needed instruction and intervention.

The South Carolina General Assembly and the Governor, by Act 142, have instructed the SCDE to seek a waiver from all federal accountability-related testing requirements and concomitant accountability, school identification, and reporting requirements for the 2020–21 school year, to “help recoup extensive instruction time lost when our public schools closed in spring 2020 due to the COVID-19 pandemic.”

Although South Carolina is seeking the following ESSA waivers, students will still participate in important benchmark assessments in English language arts (ELA) and mathematics, spanning kindergarten through grade nine for all students, as outlined in the SCDE's [memorandum](#) dated July 2, 2020.

Act 142 (passed in summer 2020) required that all students in kindergarten through grade nine be assessed during the first two weeks of the 2020–21 school year in reading and mathematics to identify students needing additional support and the support to be provided. These same students are required to be assessed prior to the end of the 2020 calendar year to measure the impact of the interventions provided. The district results of these pre- and post-assessments must also be submitted to the SCDE, which must provide the information to the Education Oversight Committee (EOC) for evaluation of the pandemic's impact on student learning and the impact of the interventions on student learning.

Following the enactment of this legislation, the SCDE vetted a variety of solutions, researching which formative assessments were currently being utilized by districts in South Carolina, and for purposes of this legislation, approved the following reading and mathematics assessments:

- MAP from NWEA;
- STAR from Renaissance Learning;
- iReady from Curriculum Associates;
- Reading Inventory and Math Inventory from HMH; or
- Case Benchmarks from TE21.

These familiar solutions provided districts with both a historical data perspective as well as a continuum of data to reference and compare the status of student learning pre-pandemic to what is currently taking place in every classroom to date. These assessments were also chosen because each one had the capability to offer a virtual platform for administration, yielded valid and reliable data, and accurately tracked progress and identified challenges for all students. Moreover, districts and schools were able to maximize the time needed to comply with the law in an efficient manner because of their familiarity with these assessments and of the results yielded, and no additional training was needed for the teachers.

The results from these pre- and post-assessments have helped to paint a portrait of what students know and understand, as well as showcase topics that the students are having difficulty grasping. These data points serve as a checkup in the learning process, and the information gleaned helps shape instructional practices and determine future content needed to correct and minimize the obstacles in students' paths. Teachers get a major assist from formative assessment data in three key areas: illuminating learning gaps, personalizing instruction to meet students where they are, and fostering a culture of continuous improvement. Teachers analyze the results from these assessments and then align their results to the newly created priority standards by the SCDE in English language arts (ELA) and mathematics to identify these learning gaps and provide targeted, personalized instruction.

Formative assessments are instrumental in maximizing student achievement and help teachers deliver well-informed, differentiated instruction for students. Quality and timely formative assessment practices will always yield more helpful student data, thus supporting teachers and giving students the best possible chance of mastering content. Our teachers have high-stakes decisions to make, and these assessments help teacher answer questions such as:

- Are my students learning?
- Which students have gaps and are behind?
- Which students are ready for enrichment or more advanced material?
- How can I customize my instruction to best meet students' individual needs?

Lastly, districts will administer these assessments again in the spring of 2021 to provide another benchmark data point that will assess how students are learning and measure the growth and progress to date. Leveraging data to drive change and boost student achievement is the guiding purpose of every South Carolina school, and, more importantly, every South Carolina teacher. The results from the administration of these pre- and post-assessments will help schools intervene with students who need it and help teachers improve the instruction they provide to all students, which will ultimately move the needle on educational outcomes.

In addition, students will participate in additional assessments, as applicable, including:

- MTSS screeners as identified by each district;
- English Learner Identification Screeners (K W-APT and WIDA screener);
- PALST[™], myIGDIs[™], Teaching Strategies Gold[®] (4K students);
- Kindergarten Readiness Assessment (KRA) (5K students);
- Cognitive Abilities Test[®] (CogAT) and Iowa Assessments[™] (IA) (2nd graders);
- Performance Task Assessments (PTA) (grades 2–5);
- PSAT[™]10, Pre-ACT[®], or Aspire[®] (10th graders);
- ACT[®] and SAT[®] (11th graders);
- Career Readiness Assessments (Ready to Work and the Soft Skills Essential Test) (11th graders); and
- The Civics Test.

As South Carolina educators focus on these diagnostic measures, and in order to make the best use of all instructional time during the 2020–21 school year, the SCDE is requesting a waiver for the following requirements under ESSA.

Federal Requirements:	Waiver Request: 8401(b)(1)(B) describes which Federal statutory or regulatory requirements are to be waived.	Assurances: South Carolina's intent to meet spirit of the ESSA, while recognizing the impact of the COVID-19 pandemic on public education in South Carolina.
Assessment	Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2020–21.	<p>South Carolina is committed to administering assessments to its students. As part of Act 142, school districts are required to administer pre- and post-benchmark assessments to students to better understand learning loss due to the COVID-19 pandemic. The SCDE proposes using the pre- and post-benchmark assessments in ELA and mathematics in lieu of the summative ELA and mathematics assessments for the 2020–21 school year.</p> <p>The SCDE is requesting a waiver of the science assessments for the 2020–21 school year.</p>
Accountability	Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State 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 2020–21 school year.	On March 27, 2020, South Carolina was approved for a waiver and committed to keeping any school identified for comprehensive or targeted support or additional targeted support and improvement from the 2019–2020 school year in place for the 2020–21 school year. Similarly, South Carolina will commit that those same schools will retain those designation statuses for the 2021–22 school year. Equally, they will continue to receive supports and interventions consistent with their improvement plans.

	<p>Report card provisions related to assessments and accountability in section 1111(h) based on data from the 2020–21 school year, namely:</p> <ul style="list-style-type: none">• 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 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); and• 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 an LEA and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).	<p>South Carolina is committed to publicly reporting all report card data elements (including data as required under state law) that are available or calculable based upon the data.</p> <p>In addition, should South Carolina’s waiver be granted for the 2020–21 school year, the SCDE will publicly report the results of the pre- and post-benchmark assessments.</p> <p>With respect to the “other academic indicator,” the SCDE requests waiving the student growth metric for the 2020–21 school year, as there was no accountability assessments administered in spring 2020.</p> <p>With respect to the English language proficiency exam, the SCDE requests a waiver for the administration of that exam (see below).</p> <p>For the remaining requirements, the SCDE requests waivers for the 2020–21 school year.</p>
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Benchmark Pre- and Post-Assessments

The SCDE has coordinated alignment studies on four interim assessment programs: Case Benchmark Assessments (published by Certica), iREADY (published by Curriculum Associates), MAP Growth (published by NWEA), and STAR Assessments (published by Renaissance Learning). The studies were completed by committees of content specialists from South Carolina's districts and schools. Following a training session to ensure familiarity with the current academic standards (the 2015 South Carolina College- and Career-Ready Standards for English Language Arts (ELA) and Mathematics) and the alignment process, committee members independently evaluated the alignment of each item for the applicable assessment, subject, and grade levels.

Items on the Case Benchmarks tests are closely aligned to the South Carolina College- and Career-Ready Standards. For all grades and subjects, 99-100 percent of the items are aligned with one exception for grade nine mathematics, in which 93 percent of the items are aligned. The alignment rates of items on the iREADY assessments range from 92-100 percent. The proportions of items on MAP that are aligned to the standards range from 63-97 percent. Items on the STAR assessments were aligned at a rate of 7-73 percent.

English language proficiency assessment

To comply with the requirement that an English language proficiency assessment be administered to English learners in grades K-12, South Carolina uses the ACCESS for ELLs® through the WIDA Consortium. Should a waiver be granted for report card provisions related to assessments and accountability in section 1111(h) based on data from the 2020–21 school year and ACCESS for ELLs® is, therefore, not administered, the opportunity for English learners to exit the program will be deferred until the following school year; however, all English learners who have been previously identified for supports and interventions will continue to receive them. South Carolina will continue to emphasize the academic achievement and growth of English learners alongside their peers, while also prioritizing English language acquisition and proficiency for English learners.

The waivers described herein will enable the state to more nimbly address significant impact caused by COVID-19 for students, their families, and educators. To that end, the SCDE is committed to ensuring that the state will continue to advance student academic achievement and will be monitoring and evaluating to greater degree the impact the pandemic has had on South Carolina's educational system.

Federal Requirements:	Waiver Request: 8401(b)(1)(A) identifies the Federal programs affected by the requested waiver;	Programs Affected: Programs under the ESSA.
Federal Requirements:	Waiver Request: 8401(b)(1)(C) describes how the waiving of such requirements will advance student academic achievement;	<p>Student Achievement: South Carolina is committed to advancing student achievement especially in the 2020–21 school year amidst the unprecedented pandemic. To that end, the state and school districts will be administering, reviewing, and providing instruction and interventions to students to address the slide caused by COVID-19. In addition, the state is working to implement screeners for students’ social emotional wellness, as it is a critical component to address during this time. Low performing and underperforming schools will continue to receive the robust support from the SCDE to improve outcomes for students. Using state reserve funds provided by the Elementary and Secondary Schools Emergency Relief funds, the state is implementing broad initiatives to support student learning, such as deploying learning management systems and a learning object repository, providing teachers with extensive opportunities for professional development and strengthening state data collection systems.</p> <p>Addressing Equity: A significant component of advancing student achievement includes addressing disparities in equity. To that end, the SCDE is broadening its VirtualSC program, which provides high quality, free</p>

		<p>courses for participating students, from solely high school courses to middle school courses. As part of this effort, the VirtualSC program has seen a significant increase in the number of students taking one or more courses through the SCDE program.</p> <p>Additionally, low performing schools will continue to receive robust support to address school improvement and school turnaround. The SCDE is continuing its efforts to meet students' basic needs. In spring 2020, using the state-owned bus fleet, students were provided nutritious delivered meals.</p> <p>Finally, school districts will be using the RALLY tool (see below).</p>
Federal Requirements:	<p>Waiver Request: 8401(b)(1)(D) describes the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan</p>	<p>Monitoring: During the 2020–21 school year, the SCDE assures that it will monitor and evaluate the implementation of its plan through a host of ways, including:</p> <ul style="list-style-type: none"> • Continuing to perform program monitoring as required under ESSA titled programs; • Monitoring and evaluating plans for all schools with an ESSA low performing designation; • Monitoring of benchmark assessment and other assessment results to provide support to school districts; • Monitoring school operations plans as schools

		<p>continue to safely transition to face-to-face instruction;</p> <ul style="list-style-type: none"> • Monitoring and evaluating the use of ESSER funds to address issues caused by the COVID-19 pandemic; and • Evaluating professional development provided to school districts with ESSER funds.
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As to the benchmark assessments, S.C. Act 142 of 2020 requires that districts administer these assessments within the first 10 days of school and again prior to the end of calendar year 2020. To assist educators with accessing the most recent assessment data, as well as students' historical assessment data, the SCDE contracted with Education Analytics to create an educator-facing tool, the RALLY Analytics Platform (RALLY). RALLY uses historical interim, benchmark, and summative assessments to project an achievement trajectory for each student as of the state's school closure March 16, 2020 (including estimates of spring 2020 state assessment scores, had the assessment been administered). The benchmark assessments administered in the first 10 days of school are used to plot projected performance next to actual performance and enables educators to see the "COVID-19 slide" for each student in their class or school. Additionally, the percent of students in each performance category at the standard and strand level are reported in aggregate for classes and grades. In addition, RALLY incorporates important socio-emotional learning components, allowing educators to assess psychological and behavioral impacts of the pandemic upon our students and their learning environments and to provide appropriate supports.

When educators observe results from the initial benchmark assessments, combined with student responses to the socio-emotional survey, they can design interventions and set targets to get students back on track. The benchmark assessments administered in winter 2020 and spring 2021 will indicate whether the implemented interventions are closing the gap between the pre-COVID projected growth and any slide the students experienced.

RALLY contains many tools that facilitate teacher identification and support of individual students. A grouping feature enables teachers to create groups of students and then organize class activities and accelerate skills. A student-specific notebook enables teachers to both take notes and set and monitor goals. Additionally, the SCDE has curated a list of curricular resources that teachers can search by grade and subject to support next steps for instruction. The resources include searchable college- and career-ready standards, sample assessment items and student tasks, and multiple instructional units for each grade level. The tools embedded in RALLY support teachers' ability to focus in on what students need most in this unprecedented school year.

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The SCDE believes that these diagnostic measures, along with interpretive and intervention tools for educators, provide the right blend of analytics for a school year in which the pandemic continues to impact delivery of instruction.

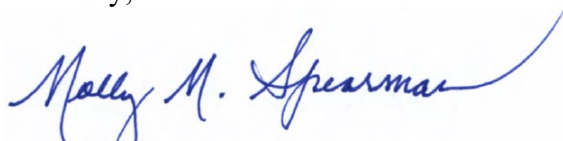
The SCDE appreciates and recognizes the importance of stakeholder input. To that end, the SCDE requested public input and received over 33,000 comments. The SCDE reviewed, analyzed, and responded to those comments, which are publicly posted online at <https://ed.sc.gov/newsroom/every-student-succeeds-act-essa/>.

Federal Requirements:	Waiver Request: 8401(b)(3)(A)(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency	Public Comment: Attached please find the SCDE's report from the public comments, including its analyses and responses.
Federal Requirements:	Waiver Request: 8401(b)(3)(A)(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input	Public Comment: Attached please find the SCDE's report from the public comments, including its analyses and responses.
Federal Requirements:	Waiver Request: 8401(b)(3)(A)(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.	Public Comment: Attached please find the SCDE's report from the public comments, including its analyses and responses.

South Carolinians agree that the best way forward for our state is to waive these assessment requirements and allow the state's educators to focus their energy, time, and efforts on diagnostic measures to identify individual student's learning needs and social-emotional needs.

We appreciate your consideration of this waiver and look forward to your response.

Sincerely,



Molly M. Spearman
State Superintendent of Education