

[Date]

Mr. Ian Rosenblum  
Acting Assistant Secretary  
United States Department of Education  
Office of Elementary and Secondary Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Acting Assistant Secretary Rosenblum:

From the earliest days of the global pandemic, Pennsylvania has demonstrated a commitment to documenting the educational and other harms experienced by our students, educators, and families. Thanks to support from the U.S. Department of Education (ED), the Pennsylvania Department of Education (PDE) partnered with our Regional Education Lab to gather [rigorous research on the possible effects of large-scale, long-term virtual learning](#); developed a comprehensive agenda for understanding Pennsylvania’s educational inequities in the time of COVID-19; and implemented a statewide survey to gather data on local assessment systems that can provide vital information following the cancellation of statewide assessments during the 2019-20 school year.

PDE believes that annual achievement tests are a critical component of fulfilling the foundational civil rights goals of the Elementary and Secondary Education Act (ESEA). Accordingly, Pennsylvania fully complies with federal requirements for administering annual assessments, for publishing assessment results, and for using such results for prioritizing schools for support and intervention. Since ED published its [October 2020 guidance](#) concerning 2020-21 school year assessments, PDE has worked aggressively to prepare for assessment administration in a way that prioritizes student and public health while safeguarding comparability, reliability, and validity of any assessment results.

As [ED’s National Center for Education Statistics determined in postponing this year’s National Assessment of Educational Progress](#), PDE believes it is impossible to responsibly balance these considerations over the next six weeks, when the vast majority of Pennsylvania’s nearly 750 local education agencies (LEAs) would administer federally-required assessments. Under current public health guidelines, Pennsylvania recommends that middle and high schools in 51 of 67 (76%) Pennsylvania counties operate remote-only instruction that is incompatible with in-person test administration.<sup>1</sup> While these public health guidelines, which are informed by both [IES-supported agent-based modeling on disease transmission](#) as well as [ED’s COVID-19 Handbook](#), would permit in-person testing for third, fourth, and fifth grade students in these counties, doing so is likely infeasible given increasing levels of staff quarantine. Indeed, local planning for

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<sup>1</sup> PDE Instructional Model Guidance (February 12, 2021).

assessment administration increasingly envisions suspending in-person instruction for younger students and redeploying staff to tested grades to meet test security requirements.

Further, the approximately 320 LEAs that are currently operating remote-only models serve economically disadvantaged students, students with special needs, English learners, and students of color at substantially higher rates than the state as a whole—meaning that the very student groups that have faced the greatest historical disadvantages will be systematically underrepresented in any near-term statewide assessment administration; see table below. **To be clear, Pennsylvania feels a moral imperative to assess students as one means of understanding and documenting learning loss; however, the assessment administration itself should not serve to aggravate or confound the issue.**

Student Demographics in LEAs Operating Fully Remote vs Statewide Public School Enrollment

| <b>Student Group</b>       | <b>Fully Remote Instruction<br/>(n = 323 LEAs)</b> | <b>Statewide<br/>(n = 746 LEAs)</b> |
|----------------------------|--|-------------------------------------|
| Economically Disadvantaged | <b>53.6%</b>                                       | 45.6%                               |
| Special Education          | <b>18.3%</b>                                       | 17.9%                               |
| English Learner            | <b>6.1%</b>  | 4.2%                                |
| Black                      | <b>24.6%</b>                                       | 14.5%                               |
| Hispanic                   | <b>17.5%</b>                                       | 13.1%                               |

Source: PDE School Year 2020-21 October 1, 2020 Report

By way of this communication, PDE wishes to underscore that it is not, at this time, seeking a waiver from school year 2020-21 assessment requirements, nor are we revising our assessment, its coverage of eligible content, or reporting parameters. **Rather, we write to inform you that PDE will allow LEAs to hold assessment materials until later in the calendar year** (*i.e.*, September 2021) to ensure that a larger, more representative sample of students participates in the assessments; reflect the differential effects of the pandemic, including the fact that many LEAs plan to continue the 2020-21 school year well into the summer; and provide Pennsylvania with the opportunity to continue collaborating with its Technical Advisory Committee (TAC) and assessment vendor to ensure that assessment results have the greatest possible utility as our education community engages in the hard work of long-term education recovery.

Given these assurances, PDE does not believe that waiver requirements under Section 8401 are triggered. Moreover, while this schedule shift may introduce the need for revisions to Pennsylvania’s ESSA State Plan, those revisions must follow on ED’s determination on [Pennsylvania’s December 9, 2020 Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency](#). Nevertheless, in the interest of transparency, PDE posted this communication for public comment prior to submittal to ED and secured feedback from the state’s TAC around the interpretation and use of summative assessment results based on what is currently known about the scope of testing in the commonwealth.

In just over one month, the Biden-Harris Administration has articulated an aggressive, science-based plan for reopening America's public schools. The efficient administration of the Coronavirus Response and Relief Supplemental Appropriations Act, timely guidance from both ED and the Centers for Disease Control, and the responsiveness of ED leadership to our state's technical assistance requests are accelerating the work of education recovery across Pennsylvania. We appreciate the opportunity to update you on our plans to administer statewide assessments in a way that complements these efforts and ensures the greatest number of students can participate.

Sincerely,

Noe Ortega  
Acting Secretary of Education