



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF EDUCATION

March 23, 2021

The Honorable Ian Rosenblum  
Deputy Assistant Secretary for Policy and Programs, Delegated the authority to perform the  
functions and duties of the Assistant Secretary for Elementary and Secondary Education  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Deputy Assistant Secretary Rosenblum:

The Pennsylvania Department of Education (PDE) requests a waiver, pursuant to section 8401 of the Elementary and Secondary Education Act of 1965 (ESEA), of the following requirements given ongoing challenges related to the novel Coronavirus Disease 2019 (COVID-19):

- Accountability and school identification requirements in ESEA sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward long-term goals and measurements of interim progress; meaningfully differentiate, on an annual basis, all public schools, including by adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for comprehensive, targeted, and additional targeted support and improvement based on data from the 2020-2021 school year.
- Report card provisions related to accountability in ESEA section 1111(h) based on data from the 2020-2021 school year. These include:
  - Section 1111(h)(1)(C)(i)(I)-(IV) and (VI) (*Accountability system description, other than the list of comprehensive, targeted, and additional targeted support and improvement schools*).
  - Section 1111(h)(1)(C)(iii)(I) (*Other Academic indicator results for schools that are not high schools*).
  - Section 1111(h)(1)(C)(v) (*School Quality or Student Success indicator results*).
  - Section 1111(h)(1)(C)(vi) (*Progress toward meeting long-terms goals and measurements of interim progress*).
  - Section 1111(h)(2)(C) with respect, at the local educational agency (LEA) and school levels, to all waived requirements in section 1111(h)(1)(C).

Consistent with the requirements of ESEA section 8401(b)(1)(C), describe how the waiving of such requirements will advance student academic achievement.

*As indicated in Pennsylvania's December 9, 2020 Addendum to the ESEA Consolidated State Plan due to the COVID-19 National Emergency, Pennsylvania's current Every Student Succeeds Act (ESSA) State Plan prescribes school designation procedures that rely on multi-year averaging that are infeasible given the waiver of statewide assessment, accountability, and reporting requirements for the 2019-2020 school year. The waiver provisions indicated above will provide PDE and its stakeholders important space to revise key components of the state's accountability system with attention to comparability, feasibility, and validity.*

Consistent with the requirements of ESEA section 8401(b)(1)(F), to maintain or improve transparency in reporting to parents and the public on student achievement and school performance in school year 2020-2021, including the achievement of subgroups of students, I assure that:

- The State will make publicly available chronic absenteeism data, either as defined in the State's School Quality or Student Success indicator, if applicable, or ED*Facts*, disaggregated to the extent such data are available by the subgroups in ESEA section 1111(c)(2), on State and local report cards (or in another publicly available location).
- The State will make publicly available data on student and/or teacher access to technology devices and high-speed internet, disaggregated by the subgroups in ESEA section 1111(c)(2), to the extent such data are collected at the state or LEA level.

*Pennsylvania is positioned to report opportunity to learn data based on a statewide collection that will be conducted in conjunction with school year 2020-21 assessment administration as well as a survey of local education agencies as described in Understanding Pennsylvania's Educational Inequities in the time of COVID-19, a Using Longitudinal Data to Support State Education Policymaking Grant awarded by the Institute of Education Sciences.*

Consistent with the requirements of ESEA section 8401(b)(1)(F), to ensure schools will continue assistance to the same populations served by Title I, Part A (e.g., subgroups in section 1111(c)(2)), I assure that:

- Any school identified for comprehensive, targeted, or additional targeted support and improvement in the 2019-2020 school year (i.e., any school that was in that status as of the 2019-2020 school year), except for comprehensive support and improvement schools identified based on low graduation rates that meet the State's exit criteria, will maintain that identification status in the 2021-2022 school year, implement its support and improvement plan, and receive appropriate supports and interventions.

*Other than Comprehensive Support and Improvement (CSI) schools designated based on low high school graduation rates and that satisfy state exit criteria, Pennsylvania will—*

- 1. Maintain CSI, Additional Targeted Support and Improvement (ATSI), and Targeted Support and Improvement designations through the fall of 2022; and*
- 2. Continue to serve such schools through the PDE's System for District and School Improvement. These plans also mean that CSI schools will receive an additional year of school improvement funding in school year 2021-22 and that both CSI and ATSI schools will have additional time to work towards state exit criteria.*

- The State will identify comprehensive, targeted, and additional targeted support and improvement schools using data from the 2021-2022 school year in the fall of 2022 to ensure school identification resumes as quickly as possible.

Prior to submitting this waiver, and consistent with the requirements of ESEA section 8401(b)(3)(A), Pennsylvania provided interested LEAs and the public with notice and a reasonable opportunity to comment on this waiver request; further, PDE considered such feedback and input in finalizing this request. The comments and input received, as well as Pennsylvania's consideration of such feedback in preparing this waiver, are enclosed.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Noe Ortega". The signature is written in a cursive style with a large initial "N" and "O".

Noe Ortega  
Acting Secretary of Education

CC: Adam Schott, Special Assistant to the Secretary