

July 13, 2020

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

Secretary Betsy DeVos:

We deeply appreciate the United States Department of Education (USED)'s responsiveness from the onset of the COVID-19 crisis. From affording and processing waiver requests quickly so states would have the flexibility to meet their challenges on-the-ground, to providing CARES Act funding to support K-12 education, we have been strongly encouraged by the agility and support of the agency you lead.

On behalf of the 98,252 Georgians – students, parents, educators, business leaders, and policymakers from across the state – who shared their input during our public comment period, we are requesting a federal waiver, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, for the 2020-2021 school year. This federal waiver request, earning 96% approval from thousands of Georgians who weighed in during our public comment period, is simply an extension of the assessment and accountability waiver first afforded by USED to Georgia on March 20, 2020, through the 2020-2021 school year:

<b>Federal Requirements:</b>	<b>Waiver Request:</b> 8401(b) describes which Federal statutory or regulatory requirements are to be waived.	<b>Assurances:</b> Georgia's intent is to meet the spirit of federal law while acknowledging the unprecedented impact of COVID-19 on the state's educational system.
<i>Assessment</i>	<b>Assessment requirements in section 1111(b)(2):</b> the requirements to administer all required assessments in school year 2020-2021.	Georgia commits to providing a formative, dynamic assessment tool (BEACON) that is mapped to state standards, at no cost to all school districts in grades 3-8 for English Language Arts and Mathematics. This tool will allow districts to assess student performance and identify gaps from COVID-19 school closures in a non-high-stakes environment.



<i>Accountability</i>	<p><b>Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D):</b> the requirements that a State annually 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 2020-2021 school year.</p>	<p>Georgia commits that any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2021-2022 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2021-2022 school year.</p>
	<p><b>Report card provisions related to certain assessments and accountability in section 1111(h)</b> based on data from the 2020-2021 school year, namely:</p> <ul style="list-style-type: none"> <li>• Section 1111(h)(1)(C)(i) (accountability system description).</li> <li>• Section 1111(h)(1)(C)(ii) (assessment results).</li> <li>• Section 1111(h)(1)(C)(iii)(I) (other academic indicator results).</li> <li>• Section 1111(h)(1)(C)(iv) (English language proficiency assessment results).</li> <li>• Section 1111(h)(1)(C)(v) (school quality or student success indicator results).</li> <li>• Section 1111(h)(1)(C)(vi) (progress toward meeting long-term goals and measurements of interim progress).</li> <li>• Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed).</li> <li>• Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).</li> <li>• 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 a local educational agency (LEA) and each school, respectively, achieved on the academic assessments compared to students in the State and LEA).</li> </ul>	<p>Georgia commits to publicly reporting all report card data elements that are not based on high-stakes test scores.</p>

Since the onset of the COVID-19 crisis, we have prioritized the health, safety, and well-being of students, families, and school staff, and urged common sense and compassion in Georgia’s public schools.

In this dark moment, public education in our state is truly shining bright. Millions of meals have been prepared and delivered, millions of lessons have been taught virtually, millions of phone calls, texts, and Facetimes have occurred, millions of extra hours have been put in, and millions of small gestures of dedication, passion, sacrifice, compassion, and love continue to add up to show the best of who we are as Georgians.

Though Georgia’s students, teachers, and school leaders have risen to the challenges and trauma related to COVID-19 with resiliency, the situation with COVID-19 remains fluid with a new school year bringing a new slate of challenges.

While we continue to make every effort to shore up connectivity and ensure districts are prepared for any scenario in fall 2020, some impacts of the pandemic are unavoidable. When students enter the classroom this fall, they will be dealing with the ongoing effects of a global crisis and the trauma of necessary, but unprecedented, isolation. In the midst of this, school districts will be implementing intensive protocols to ensure the safety of their students and staff, monitoring the potential continued spread of COVID-19, and coping with state budget cuts at a level not seen since the Great Recession, made necessary by the economic shutdown. Given these factors, we do not believe we can ethically administer high-stakes assessments in the 2020-21 school year.

Given these unprecedented times for our state, we are confident that these two federal waiver requests will enhance our state’s ability to increase the quality of instruction for and academic achievement of all Georgia students, in line with requirements of 8401(b) of the Every Student Succeeds Act:

SEC. 8401(b)(1)(B). WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS. describes which Federal statutory or regulatory requirements are to be waived and how the waiving of those requirements will:	
<p><b>i. increase the quality of instruction for students; and</b></p>	<ul style="list-style-type: none"> <li>• <b>Maximizing Instructional Time.</b> Despite the heroic efforts of our teachers and school leaders, we know our students suffered from learning loss during the COVID-19 crisis. Eliminating high-stakes testing for the 2020-2021 school year and, in turn, the time spent administering and preparing for those tests will allow teachers to maximize instructional days for the betterment of their students.</li> <li>• <b>Maximizing Resources to Support the Classroom and Schools’ COVID-19 Response.</b> Given the economic challenges brought on by the COVID-19 crisis and with a constitutional requirement to balance our state’s budget, our state’s leaders have continued to prioritize funding for public education. Despite this strong support, the economic reality for our state is a 10% state cut, or \$950 million, to education funding for the 2020-2021 school year. Every dollar spent on high-stakes testing would be a dollar taken away from the classroom. Though we are grateful for federal K-12 CARES funding our schools have received, a majority of this funding will be used to offset additional equipment needed to address COVID-19, resourcing new instructional models, and filling the</li> </ul>

	reimbursement gaps for preparing and delivering school meals.
<p><b>ii. improve the academic achievement of students;</b></p>	<ul style="list-style-type: none"> <li>• <b>Putting Students First.</b> Though assessment and accountability have a place in our educational system, their high-stakes roles and uses are often far removed from student-centered efforts. In times of crisis, what is truly important must be prioritized. We appreciate USED's acknowledgement and action in March 2020 to ensure that the safety and wellbeing of students and staff came first, as well as giving teachers and school leaders space to innovate and work through new instructional approaches without the burden of high-stakes testing or hyper-accountability. This focus on the essentials of students should continue through the 2020-2021 school year if we are to properly address the instructional gaps created by school closures.</li> <li>• <b>Ensuring Equity.</b> Teachers and school leaders are being tasked with learning, planning, and preparing for drastically different and challenging instructional models for the 2020-2021 school year. From overcoming the obstacles of lack of connectivity and access of devices for distance learning to tackling busing, scheduling, and resource deployment for hybrid models, these instructional models need time to be designed, implemented, and scaled successfully (many for the first time) without the fear and punishment associated with high-stakes testing and hyper-accountability. All Georgia students deserve a high-quality education and our focus must be removing barriers so that teachers can focus on meeting the academic and non-academic needs of their students.</li> </ul>

To be clear, we must continue to be vigilant in support of our students. But our focus during this time should not be on test scores, accountability or percentiles. Our marker for success should be that our children got through this time healthy, safe, and nurtured while still being able to deliver and measure learning in a responsible and respectful way. It is a time to extend grace to each other.

We have seen public education rise up and make the best of a bad situation. Georgia's teachers have gone far above and beyond the call of duty to serve their students – displaying the creativity, resilience, and commitment to students that define the teaching profession.

More than ever, Georgians are realizing that their public schools are more than a place and teachers do so much more than teach– their value and worth cannot be measured by high-stakes tests, accountability, school grades, academic standards, or traditional teacher and leader evaluation tools; they are critical cornerstones of our society.

With the uncertainty of the impact of COVID-19 on both students and educators, we believe it would be problematic to expose students to the unnecessary additional anxiety commonly associated with high-stakes testing.

We request that USED continues to be a partner in removing these barriers so educators can focus on what is truly important – their students. We are confident history will show the wisdom in this way forward.

Respectfully,



Governor Brian P. Kemp



State Superintendent Richard Woods

Cc: Georgia's Congressional Delegation  
Georgia's Lieutenant Governor  
Georgia's Speaker of the House  
Education Committee Chair, Georgia's House of Representatives  
Education and Youth Committee Chair, Georgia's State Senate  
Chair, Georgia's State Board of Education