

Oregon's Statewide Assessment and Accountability 2020-21 Strategic Waiver Request

January 22, 2021

Submitted by the Oregon Department of Education
Colt Gill, Director



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January 22, 2021

The Honorable Ruth Ryder
Deputy Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Deputy Assistant Secretary Ryder,

I am writing to request a strategic waiver for the State of Oregon, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, of the requirements provided below.

Overview

The foundational conditions for summative assessment cannot be met in 2020-21 and this undermines the value and trustworthiness of summative assessment results. In addition, full statewide implementation of the general and alternate summative assessments in the spring of 2020-21 would hinder our ability to provide assessments that have individual consequences for students.

As a result, for 2020-21 we plan to:

- prioritize local education agency test administration resources and in-person testing capacity for English language proficiency assessment and IDEA individual diagnostic evaluation and re-evaluation requirements;
- develop and implement a pilot student survey that collects information regarding access to educational resources, opportunity to learn, and self-efficacy/beliefs to help inform instructional and support practices and contextualize assessment data;
- suspend administration of the statewide annual summative assessment in English Language Arts, Mathematics, and Science; and
- prioritize supporting districts to implement English Language Arts, Mathematics, and Science interim assessments to support fulfilling the state requirement of annual reporting to parents about student achievement.

Background

Commitment to Equity

Oregon Department of Education's commitment to equity, student learning, and student well-being remains unchanged. As such, a statewide balanced assessment system is an essential part of a comprehensive approach to teaching and learning and to direct supports where they are most needed. Oregon communities, families, and educators are faced with learning environments that have gone through tremendous upheavals over the past ten months. The demands upon our educators, students, and families have been unrelenting. In this extraordinary landscape, we must adjust how we operationalize our commitment to equity by focusing on differences in student access to the resources that are needed to provide an adequate opportunity to learn, and to strengthen self-efficacy/beliefs and belonging indicators. In this strategic waiver request, the Oregon Department of Education (ODE) outlines a redoubled commitment to equity and supporting student academic achievement, specifically detailing how we plan to do so more appropriately and effectively in an atypical environment.

Unprecedented Challenges in 2020-2021

Our students and staff are experiencing a pandemic and the impacts of an extreme fire season. Oregon COVID-19 health [metric trends](#) indicate that the pandemic is worsening, and may be compounded by the winter flu season. The impact of the pandemic is [differentially impacting](#) Oregon's Tribal Nations and Native Hawaiian/Pacific Islander, as well as our Black and Latinx, communities. Furthermore, many families and communities suffered catastrophic losses related to the wildfires that swept through Oregon in summer and early fall. These factors have combined to limit the provision of on-site education. Currently, only 3.6 % of our students are receiving any instruction on-site (as of January 2, 2021). Our schools and districts are struggling to meet the basic needs of their students. Every segment of our student demographic has experienced the impact of these challenges, but they weigh especially heavily on the student groups our system has historically marginalized. The expected second surge of COVID-19 and the impact of the new variant of the virus, which is substantially more contagious, leads to additional concern.

Summative Assessment Conditions and Uses

Statewide annual summative assessment is highly effective for education systems' accountability as long as foundational conditions are met. Summative assessments provide systems-level academic information that helps inform equitable distribution of educational resources. Trustworthy summative assessment data can also be used to help increase student learning over time. However, the valid interpretation and use of summative assessments depends upon a number of conditions. Conditions that ensure fairness in student test-taking experience include:

- quiet, supportive, distraction-free assessment administration environments
- appropriate implementation of accessibility supports
- consistent student opportunity to learn the tested content

Conditions that Ensure Appropriate Data Use and Reporting

- standardized test administration practices
- sufficient student group participation rates
- there is little to no missing data; where gaps exist they do not reflect systemic factors (e.g. access to resources)
- secure assessment conditions (to protect secure item pools)

Without uniform testing conditions and adequate participation, summative assessment results would misrepresent achievement within Oregon and would undermine confidence in the statewide assessment and accountability system. In 2020-21, the foundational conditions for summative assessment cannot be met, which means summative test results would not be reliable, comparable, generalizable, or valid for their intended purposes.

Oregon's statewide summative assessments can be powerful tools in helping to identify schools and student groups who need additional resources and supports, as well as *helping* to improve educational achievement, consistent with the uses established at ESSA Sec. 1111(b)(10)¹. Improving educational achievement requires a comprehensive assessment approach. Research demonstrates that formative assessment practices provide one of the strongest (Hattie, 2009) and most cost-effective (Yeh, 2010) levers for improving learning outcomes. The evidence of learning generated through formative assessment is informed periodically by results from interim assessment systems and annually by statewide summative assessment results. In an effective comprehensive assessment system, evidence from each successive level confirms and validates the evidence obtained at the preceding level. Consequently, discrepant results signal a possible need to reexamine standards alignment and quality.

¹ USE OF ACADEMIC ASSESSMENT RESULTS TO IMPROVE STUDENT ACADEMIC ACHIEVEMENT- Each State plan shall describe how the State educational agency will ensure that the results of the State assessments described in paragraph (3)—(A) will be promptly provided to local educational agencies, schools, and teachers in a manner that is clear and easy to understand, but not later than before the beginning of the next school year; and (B) be used by those local educational agencies, schools, and teachers to improve the educational achievement of individual students.

Planning for Assessment in 2020-21

Threats to Valid Interpretations and Uses of Summative Assessment Data

ODE's concerns about summative assessment were informed by consultation with our national Technical Advisory Committee (TAC). In the Oregon TAC meeting on October 29, 2020, the TAC was clear in urging ODE to suspend status-quo summative assessment. TAC members presented the following concerns to support their recommendation:

- increased anxiety for parents, students, and staff
- socioeconomic and regional differences in access to robust, reliable internet service
- availability of technology to support and extend distance learning
- differences in resources available to support learning and assessment at home
- economic impacts of the pandemic on caregivers
- trauma related to the pandemic, systemic racism, the 2020 fire season, and related mental health concerns
- potential language barriers to test administration and support
- non-random missing data
- potential to confound with mode effects (remote administration versus on-site)
- potential for inappropriate uses of the data generated (e.g., student retention, teacher evaluation)
- reduced ability of the system to promote equity, due to a lack of reliable summary reports
- threats to validity related to remote administration

Given these and other threats to validity, summative assessment cannot meet its intended aims this spring. We cannot make trustworthy academic achievement comparisons between schools and districts sufficient for identification of comprehensive and targeted supports. Nor can we provide reliable and generalizable student group reporting. We also cannot look to summative assessment for instructionally actionable information. Consistent with the recommendation of our TAC, we have determined that Oregon's interim assessment system is better suited to that purpose and is available to all districts statewide.

Pursuant to ESSA Sec. 1111(c)(8), which states, "*the State educational agency will inform the Secretary and the public of how Federal laws, if at all, hinder the ability of States to hold local educational agencies and schools accountable for student academic achievement,*" ODE would be hindered in our ability to hold districts and schools accountable for student academic achievement if summative assessments are administered outside of the foundational conditions elaborated above. The results from such an administration would not be trustworthy and this would undermine our ability to use assessment results for accountability purposes because public confidence in the assessment system would be undermined. Stated plainly, summative assessments are designed for a singular purpose - public education systems accountability. Thus, if school and district accountability is not defensible in 2020-21, summative assessments would also not be defensible.

Requiring summative assessments in 2020-21 risks stressing our educational systems and may undermine public trust in our statewide assessment system. ODE has worked diligently to increase public trust in our statewide assessment system, by explaining how proper use of data helps ODE send resources where they are needed most. ODE is also still addressing the concerns of the parent opt-out movement. A decision to administer summative assessments that yield no definite academic benefit and place additional stress on our system could damage public trust and engender further anti-testing sentiment in Oregon. In addition, incomplete, unreliable, and/or inaccurate information could lead to damaging and inappropriate instructional decisions in 2021 and beyond, especially for our children and communities of color, including Indigenous communities.

Remote Administration Concerns

Implementing remote administration of a secure statewide summative assessment poses significant technical and adaptive changes, such as internet connectivity and technology glitches, item security threats, student accessibility--particularly for students with significant cognitive disabilities--and system capacity limitations.

While test vendors have made secure remote administration tools available for summative assessments, the current technology limitations, family impacts, training protocols, and requirements for remote administration do not allow for its successful use this spring. Roughly 20-39% of Oregon's students, depending upon the district, do not have sufficient internet access to support remote administration ([ODE Survey](#), April 2020).

The Oregon Technical Advisory Committee (TAC) expressed serious reservations about remote summative testing. Concerns included uneven opportunity to learn, uncertainty about access and support, privacy concerns, and lack of test security. The TAC emphasized that any results from a remote administration are not comparable to previous administrations of the state summative assessment and cannot be interpreted and used as in prior years. The TAC identified high-stakes accountability as indefensible for the 2020-21 school year.

Assessment Resource Prioritization

The global health crisis and recent wildfires have limited Oregon's resources for administering in-person, on-site, secure test administration in spring 2021. Oregon's schools that are implementing Comprehensive Distance Learning instructional models (remote instruction in asynchronous/synchronous formats) have substantial restrictions that apply to on-site services, including assessment (see Limited In-Person Instruction [guidance](#)).

Both our yearly English language proficiency assessment (ELPA) and the individual evaluations and reevaluations required within the Individuals with Disabilities Education Act (IDEA) have significant student-level consequences. The administration of the yearly ELPA constitutes a student's sole opportunity to exit English learner status in 2020-21, which impacts course taking and service provision. Likewise, evaluations required within IDEA provide educators with essential information to help make appropriate related service and instructional support decisions for students experiencing disabilities. Our waiver request prioritizes limited on-site

resources, to help our districts meet the assessment needs of our students who are experiencing disabilities or who are emergent bilinguals.

Protecting Parent Access to Achievement and Growth Data

Regardless of summative test administration, Oregon policy ([OAR 581-022-2270](#)) requires that parents be notified annually about student performance and progress in the same content areas and grade levels assessed on our state summative assessments. Compliance is monitored, and district superintendents provide assurances that the expectation is met annually. This rule ensures that parents remain informed as to their child's academic performance and progress.

All Oregon school districts have access to a robust interim assessment system, which is aligned to our content standards. The interim assessment system can be successfully employed during distance learning and can be used as a resource to support adherence to this requirement, in coordination with local measures. For instance, evidence from the interim assessment system could be combined with evidence of learning collected by teachers within the course. Periodic in-the-moment evidence collected while learning is underway is, in fact, better situated to meet the diagnostic needs of students required in [ESSA Sec. 1111\(b\)\(2\)\(B\)\(xii\)](#).

Assessment System Redesign to Support Academic Achievement

Interim and Instructional Resources

ODE has provided districts with instructional and professional learning resources to implement balanced approaches to assessment. ODE is focused on supporting effective [formative assessment practices](#) and appropriate use of our new [statewide interim assessment system and Tools for Teachers](#), developed by the Smarter Balanced Assessment Consortium. As part of our waiver request, ODE will review implementation and use of its interim system in 2020-21 and beyond. The system was first made available for purchase by districts in 2018-19 and use has continued to grow. Table 1 provides data about local education agency (LEA) use of the interim assessment system from 2018-19 to the present. For reference, Oregon has 198 districts. The table does not convey use of the Tools for Teachers instructional resources, which are instructional supports and materials. As of January 8, 2021, system data show that 2,411 Oregon teachers have used our Tools for Teachers resources, with 9,311 individual page visits.

Table 1: Oregon's Interim Assessment Use

Year	Number of LEAs Using the System	ELA IAB Count	Math IAB Count	ELA ICA** Count	Math ICA** Count	ELA Focused IAB Count	Math Focused IAB Count
2018-19	8	4867	5955	743	1110	2991	3676
2019-20	22	6622	5123	3228	3576	4651	8693
2020-21*	6	993	830	0	0	0	270

Key: IAB = Interim Assessment Block; ICA = Interim Comprehensive Assessment

* As of 11-20-2020. ODE advised districts to use our interim assessment system to address only content that has recently been taught; we expect these numbers to rise substantially through 2020-21

**ICAs were not available in our system until January 5, 2021

ODE can best support students by focusing our fiscal and human resources on developing high-quality assessment systems, pursuant to [December 7, 2016 Testing Action Plan Guidance](#), by supporting educator assessment literacy and classroom assessment practices (formative and interim). Substantial research undergirds the utility and effectiveness of such practices in increasing student academic achievement. ODE will also evaluate the use of our interim assessment system to collect information regarding remote versus on-site administration and the respective impacts on student performance. This will allow us to study the impact of remote administration in a low-stakes environment. ODE will also develop new data collection tools to inform our understanding of the inputs and investments present in our system (discussed in the following section).

Oregon Survey Information

Our assessment system has not historically collected information about critical education system investments and resources (inputs) or educational processes (e.g., instructional quality). Such a collection has been repeatedly requested by Oregon education and community partners, including by the workgroups convened in 2016 to inform the development of Oregon's State Plan under ESSA, and identified as a critical need by national experts (e.g., [This is Not a Test, This is an Emergency](#), The Aspen Institute/The Center for Assessment, as well as in *The Standards* [AERA/NCME/APA, 2014, p. 56-57]).

To support classroom assessments for learning, as well as future summative assessment result interpretation, we will develop and administer Oregon's Student Educational Equity Development Survey (SEED Survey), a pilot student survey measuring *Access to Learning Resources, Opportunity to Learn, Student Self-Efficacy/Beliefs, and Sense of Belonging*.

The SEED Survey design is founded in current research and literature, as well as input from education and community partners. The 2021 pilot will be made available in Spanish and English, with plans to expand the items to additional language groups based on student population percentages thereafter. The pilot SEED Survey will be administered to Oregon students in Grades 3-8 and 11. The SEED Survey is composed of non-secure items that will be made publicly available annually. Statewide summary results, disaggregated by student groups (race/ethnicity, English learner, special education status, and socio-economic status) from the pilot 2021 administration will be published by grade level in a comprehensive report that ODE will develop in the summer of 2021, based upon analysis of data from the 2021 administration.

As mentioned above, the constructs and items have been informed by education and community partner engagements that occurred with the following groups on the dates listed below. A complete bias and sensitivity review is currently underway (January 21-29, 2021).

- December 4, 2020 - The Confederated Tribes of Grand Ronde Education Team
- December 11, 2020 - Oregon Education Association members
- December 16, 2020 - All Hands Raised
- December 16, 2020 - Oregon Parent Teacher Association
- December 17, 2020 - Oregon Student Voice

Our goal is to produce a report of selected findings from the pilot informed by feedback from our technical advisors. An operational SEED survey system will accompany our summative assessments in 2021-22 and beyond. Analysis of SEED responses would allow for more comprehensive understanding of student performance and the factors that affect outcomes in future years, improving the range and quality of the information regarding student achievement and learning resources available to students for our education and community partners.

Student Educational Equity Development Survey (SEED Survey)

The SEED Survey will be hosted in our existing test delivery system, so students will have access to all accommodations and supports available on Oregon's statewide tests (e.g., text-to-speech). Student responses will be sortable by ESSA demographic reporting categories (i.e., race, ethnicity, gender, disability status, migrant status, English proficiency, and status as economically disadvantaged). The student survey will address the following constructs:

Grades 3-8

- Access to Learning Resources (e.g., internet connectivity, technology, books)
- Opportunity to Learn (reading, mathematics, and science)
- Self-Efficacy/Beliefs (reading, mathematics, and science)
- Sense of Belonging

Grades 9-12: all of the above, plus two additional constructs

- Extra-Curricular Engagement
- Post-Graduation Planning

The SEED Survey constructs were reviewed by our Technical Advisory Committee (TAC) on October 29, 2020, and ODE made adjustments to our plan accordingly. Oregon’s TAC also provided ODE suggestions concerning questionnaires and items Oregon could use to measure the constructs targeted for evaluation including Social-Emotional Learning (SEL) questionnaires (e.g., California Core Districts and ED School Climate Survey), National Assessment of Educational Progress (NAEP), Program for International Student Assessment (PISA), Progress in International Reading Literacy Study (PIRLS), Trends in International Mathematics and Science Study (TIMSS), and other large-scale national and international surveys. Table 2 includes critical research questions that will only be possible to address with the addition of these SEED survey data.

Table 2: Research Questions

Education System Level	Research Question(s)
Oregon Local Education Agency	<ul style="list-style-type: none"> ● How do student survey results help inform LEA interpretations of academic achievement? ● How can the LEA leverage the student survey results to promote equitable distribution of district resources? ● How can the LEA use the student survey results to increase student well-being, sense of belonging, classroom instruction, and student outcomes?
ODE Assessment & Accountability	<ul style="list-style-type: none"> ● How do student survey results help inform interpretations of academic achievement in Oregon? ● How might summative assessment administration and designs be improved to provide more access and opportunity?
ODE	<ul style="list-style-type: none"> ● How can ODE leverage the student survey results to promote more equitable systems? ● How do student survey results inform state efforts to implement federal and state initiatives? ● How do the student survey results suggest that Oregon should invest its resources to support student learning?

National and international assessments have used similar instruments for many years and will provide ODE, our districts, schools, teachers, parents, and students with valuable and actionable information which academic results alone cannot supply.

Educator Questionnaires

ODE plans to report only state level, aggregate SEED Survey results for the 2020-21 pilot, alongside educator surveys such as Oregon's Teaching, Empowering, Leading, and Learning survey (TELL--under reorganization), the Teaching and Learning International Survey (TALIS), the National Teacher and Principal survey, and the ED School Climate survey. Together with statewide summative assessment results, SEED survey results will eventually provide a more comprehensive overview of Oregon's education system in the coming years. Analysis of the relationship between inputs, processes, and outcomes should increase focus on areas that are most impacting student opportunity to learn. ODE can then work with education and community partners to remove identified barriers.

2020-21 Strategic Waiver Requests

ODE is committed to equity and acknowledges the need to support our most impacted students to meet their postsecondary dreams in 2020-21 and beyond. Table 3 outlines the requirements within ESSA that ODE is requesting be waived and those that ODE can maintain.

Engagement

ODE will provide the public and all local education agencies in Oregon with notice of and the opportunity to comment on this request (e.g., by posting information regarding the waiver request and the process for commenting on ODE's website). This waiver request was published from December 1, 2020 through January 11, 2021 for public comment. Those public comments are provided in summary form in *Appendix A*.

ODE has provided descriptions of our 2020-21 commitments in Table 3. The commitments are our formal proposal to the United States Department of Education regarding the procedures and deliverables we will provide in relation to ESSA assessment and accountability requirements. ODE's proposal will be informed by education and community partners and thus is subject to change and iteration.

Table 3 outlines ODE's 2020-21 assessment plan in detail.

- **ESSA Requirement:** lists the assessment related portions of federal law.
- **Waiver Requested:**
 - **Yes:** ODE is asking to waive this requirement entirely.
 - **No:** ODE is not asking to waive this requirement.
 - **Strategic:** ODE is asking to waive parts of the requirement, but not all.
- **ODE Requests and Commitments:** what ODE plans to do if the waiver is granted.

Table 3. Waiver Requests

ESSA Requirement	Waiver Requested? Yes/No/Strategic ²	ODE Requests and Commitments
Assessment requirements in section 1111(b): the requirements to administer all required assessments in school year 2020-2021.	Strategic	ODE requests a waiver of ELA, math, and science summative general and alternate assessments for 2020-21. ODE will make the yearly ELPA administration available for students whose local health and safety expectations allow for in-person test administration and whose families opt-in to testing (and IDEA individual diagnostic

² "Strategic" means waiver requested for some but not all parts.

		evaluation and re-evaluation requirements) by focusing our limited in-person, on-site resources. Participation rates on the ELPA are not possible to predict.
Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): 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.	Strategic	<p>ODE requests a waiver from using 2020-21 data in our school identification process.</p> <p>ODE will consult with education and community partners to develop new comprehensive and targeted support and improvement procedures and data sources for 2021-22 that focus on inputs, processes, and outcomes and are not defined by deficit perspectives.</p> <p>ODE will continue to support identified comprehensive and targeted districts and schools. ODE will also monitor implementation progress, updating plans and approaches to better address the needs of focal student groups given the impacts of the COVID pandemic and shifts to distance learning.</p>
Report Card Provisions Section 1111(h)		
Section 1111(h)(1)(C)(i) (accountability system description).	No	No waiver is requested. ODE will continue to provide a description of our current accountability system.
Section 1111(h)(1)(C)(ii) (assessment results).	Strategic	<p>ODE requests a waiver from reporting ELA, mathematics, and science results for 2020-21.</p> <p>ODE will continue reporting yearly ELPA administration results, though participation rates are not possible to predict.</p>
Section 1111(h)(1)(C)(iii)(I)	Yes	ODE requests a waiver from reporting academic achievement growth for 2020-21 or 2021-22

(other academic indicator results).		given the lack of summative data, but will resume reporting growth as soon as feasible.
Section 1111(h)(1)(C)(iv) (English language proficiency assessment results).	No	No reporting waiver is requested. ODE will privilege our on-site resources to support yearly ELPA administration. Participation in the ELPA will be based on local health and safety requirements and family opt-in processes.
Section 1111(h)(1)(C)(v) (school quality or student success indicator results).	Strategic	<p>ODE requests a waiver from reporting chronic absenteeism for 2020-21. ODE cannot report chronic absenteeism due to data inconsistencies.</p> <p>ODE will continue to report 5-year high school completion.</p> <p>ODE will collect information related to 9th Grade On-Track and engage our Accountability and Reporting Advisory Committee (ARAC) and other education and community partners with regard to appropriate reporting expectations given our context.</p> <p>ODE will report pilot SEED Survey results at the state level by student group. Our rationale is the measures gathered as part of the student survey are relevant, actionable, and strongly predictive of student achievement and other student outcomes. Moreover, ODE will provide, via secure file transfer, summary SEED survey summary results to districts and schools. Individual student level data will not be shared with districts or schools.</p>
Section 1111(h)(1)(C)(vi) (progress toward meeting long-terms goals and measurements of interim progress).	Strategic	<p>ODE requests a waiver from reporting long-term goals for ELA and mathematics for 2020-21.</p> <p>ODE will continue to report progress toward English proficiency, 4-year graduation, and 5-year completion.</p>

<p>Section 1111(h)(1)(C)(vii) (percentage of students assessed and not assessed).</p>	<p>Strategic</p>	<p>ODE requests a waiver from reporting the percentage of students assessed and not assessed in ELA, mathematics, and science.</p> <p>ODE will report the percentage of students who participate/do not participate in the SEED Survey (state level only). An essentialized version of the SEED Survey will also be developed for students with significant cognitive disabilities who take our alternate assessment.</p> <p>ODE will report summary data of interim assessment system use at the state level.</p>
<p>Section 1111(h)(1)(C)(xi) (number and percentage of students with the most significant cognitive disabilities taking an alternate assessment).</p>	<p>Strategic</p>	<p>ODE requests a waiver from reporting the number and percentages of students with significant cognitive disabilities who are taking an alternate assessment for 2020-21.</p> <p>ODE will report the percentage of students with significant cognitive disabilities who participate or do not participate in our alternate SEED Survey (state level only).</p>
<p>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).</p>	<p>Strategic</p>	<p>ODE requests a waiver from all academic achievement reporting for 2020-21.</p> <p>ODE will report SEED pilot and alternate SEED pilot results at the state level for 2020-21.</p>

Connection to Perkins V

Oregon's summative assessment results are an integral part of supporting career and technical education (CTE) program quality; results drive the spending of Perkins state leadership funds and the provision of targeted support to Perkins grant recipients. ODE will use data from the 2019 assessment until new summative assessment results are available. Given this, ODE will reexamine our state-determined performance targets for CTE and determine if they need to go through a revision and public comment process. At the local program level, ODE will support the use of local assessment data, including interim assessment results, during the CTE comprehensive local needs assessment and in driving local program improvement.

Other Potential and Ongoing Developments

The Oregon Legislature passed landmark legislation in 2019 in the [Student Success Act](#), investing a projected \$1 billion dollars per year into early learning and statewide education initiatives. The Student Investment Account establishes [progress markers](#), which are indicators of education system progress toward continuous improvement, as a requirement for all districts. One of the long-term progress markers is, "Educators have a balanced assessment system in place to help them identify student learning in the areas of reading, writing, research, speaking, and listening that are clearly connected to Oregon's English Language Arts and Literacy Standards." The Student Investment Account education and community partner engagement process was substantial and provided ODE with a clearer understanding of what our educators and communities wanted from our education system. ODE evaluation of district progress markers within the Student Investment Account continues as is and it is not contingent upon summative assessment results.

In addition to the formal survey commitments listed in Table 3, ODE will work with education and community partners to chart a course for future data gathering, such as determining how to collect similar survey information in Grades K-2 and evaluating the performance of our pilot student surveys in 2020-21. In 2020-21, ODE will begin developing enhanced reporting systems which will include student survey data. These data can be combined with academic-achievement-based systems to address our research questions.

ODE will work with education and community partners to review at least the following additional indicators of school quality and student success in designing more comprehensive approaches to accountability in the coming years.

- education and community partner engagement.
- incorporation of social-emotional learning, student voice, and experience.
- modeling growth and change across multiple indicators.
- reflecting access to and success in advanced college and career coursework and opportunities.
- alignment to federal and state accountability.

ODE expects to add several critical indicators into our accountability system that point to current inequities that interfere with learning in our education system, for example, differences

in student access to broadband internet in the home. We will also expand our view of accountability to go beyond mere outcomes and include school and district context, inputs, processes, and outcomes.

Conclusion

This is the time for care, connection, and support. It is also a time to focus efforts to ensure that instructional opportunity is provided to support grade level learning. The best way to do this work is by implementing formative assessment practices and reviewing progress periodically with interim assessment systems. This is not the time for summative assessment and high-stakes accountability.

This is a time for reviewing our investments that define student opportunity, especially for students of color whom our system marginalizes, and leveraging available resources efficiently to support learning. This is not a time for deficit thinking and behaviors, discussions about “learning loss,” or so-called achievement gaps.

This is a time to support families and educators to use their funds of knowledge and exercise their own assessment muscles, while receiving support from ODE in those efforts. This is not a time to subject families and educators to additional stressors that would be required for remote administration of summative assessments.

As stewards of Oregon’s resources, we cannot place our trust in summative assessments that promise indefinite benefit. We are hopeful that investing instead in practices that we know will make us better able to meet the needs of our students, this year and in years to come, will be supported by the United States Department of Education.

Thank you for your consideration.

Sincerely,

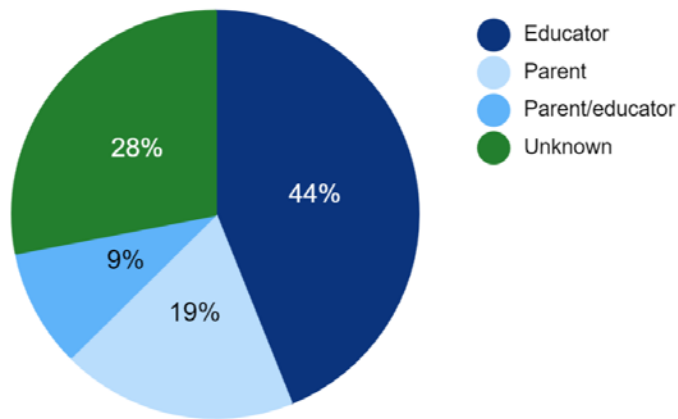


Colt Gill
Director of the Oregon Department of Education

Appendix A - Public Comment Summary

Oregonians were asked to comment on this planned waiver request between the dates of December 1-15, 2020. The public comment process was then extended to January 11, 2021 to provide additional time for responses. Public comments were reviewed prior to further decisions regarding submission of the request to the United States Department of Education and a synthesis of the groups engaged and their feedback are included below.

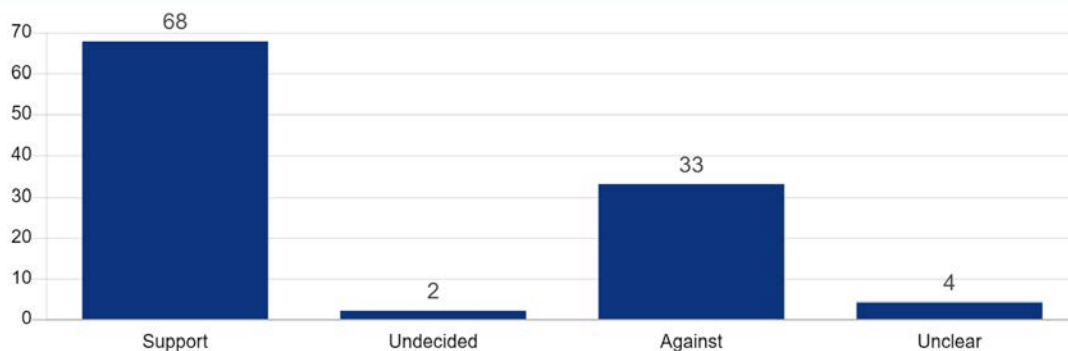
Waiver Voter Groups



Public Comments

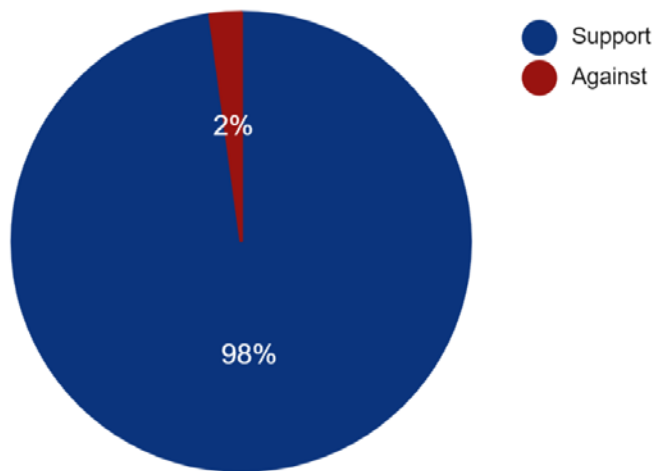
Oregonians were asked to provide their feedback on the waiver by emailing WaiverFeedback@ode.state.or.us between the dates of December 1, 2020 - January 11, 2021. Feedback was provided by educators, parents, parents that are also educators, community members, and affiliations unknown. Of the 107 responses from those who provided their feedback, educators made up 44% of respondents, parents 19%, parents/educators 9%, and unknown 28%.

Overall Waiver Decisions



Of the overall feedback, 68 supported the waiver, 33 were against, 2 were undecided, and 4 were unclear.

Educator Decision



Educators

Of the 47 educators who provided their feedback, 46 supported the waiver, 1 was against the waiver, 0 were undecided, and 0 were unclear.

Comments in support of the waiver:

- During the pandemic, instructional time is at a premium. It takes all the cognitive focus students have to try to learn new material this year, so that they do not fall further behind. The potential benefits of assessment data is outweighed by the opportunity cost of lost instructional time. In addition, the use of time and financial resources for summative testing at this time is not defensible, given the extreme impacts of the pandemic on the economy and school revenues. Trying to administer secure summative assessments when we cannot serve all students in person would be a costly and time-consuming endeavor with little relevant reward. When the pandemic is over and we are able to administer these assessments in person to all students in an efficient manner without overly-taxing instructional time, then it will be important for us to find out where students stand in their academic skills so that we can mitigate learning gaps. However, the 2020-2021 school year is not the right time for that to happen.
- We already know that this year of online learning is widening the gap between the students who are achieving and the students who are falling behind. We do not need to spend any money, time, or stress to prove this through state testing. Our students are already experiencing extreme levels of stress with parents losing jobs, family members sick with Covid 19, attempting to complete school work online with spotty internet, missing social interactions with friends, etc. We already know what the state test results will show and we could better spend that money and energy towards improving Comprehensive Distance Learning and supporting our students who are disproportionately impacted by the school closures.
- Since this is such a high stakes assessment for children and schools, I think waiving the assessments for this year is appropriate. I agree that students will not be able to be assessed in an appropriate environment or have a secure testing environment. I know from experience this year that these two areas are difficult to control virtually. I also

agree that the validity of the scores is in question. Not all the students in my class are getting the same educational experiences even though they all attend my lessons. Some have help from an adult at home, some have fluency in the English language while others do not. I think that the scores from these tests would not really tell me anything about their academic abilities.

- I teach in a district that has a high rate of families in poverty and have seen first hand the struggles they are going through. They are trying to provide for their children and assist in educating them. We need to pull together now as a community and support each other. We do not need to add any more stress on families and students. The data from a state test this year would be an inaccurate measure given the lack of exposure some kids have had to consistent instruction.
- I am a 42-year educator, six as superintendent, and strongly endorse the idea of waiving the requirements for standardized testing for this school year. Even if all schools are open to in-person instruction by late spring, family surveys indicate that @ 30% of students will opt to continue with virtual learning format, and in district assessments this year the results have been very unreliable, with some scores unusually high due to parent/sibling assistance and some unusually low due to technology/format struggles.

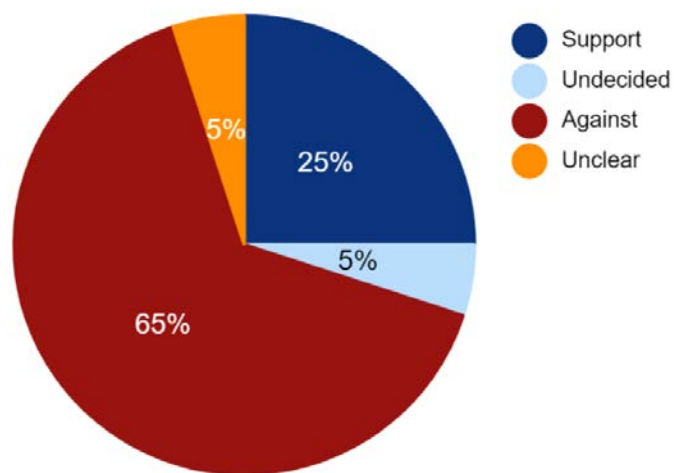
Comments against the waiver:

- I think that it is wrong to not test students this year. I understand that the numbers will be low but that we will have a better idea how Covid closures have affected our students. I think it would be beneficial to see where students stand academically, and we would know better how to help them.

Parents

Of the 20 parents who provided their feedback, 5 supported the waiver, 13 were against the waiver, 1 was undecided, and 1 was unclear.

Parent Decision



Comments in support of the waiver:

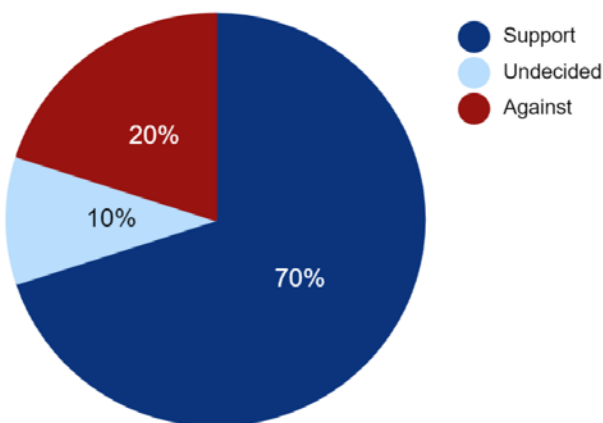
- In response to your email about putting a pause on state testing I 100% agree that state testing needs to be put on hold until all kids are back in the classroom cause along with my 3 kids dam near every parent that I have spoken to have said and voiced concern about the fact that their students or students in their household are falling behind or having problems because they are not in a classroom setting I strongly feel that not only will the test be completely inaccurate but I don't feel that it is fair to the students to have to do any type of State Testing when they are not in a classroom setting and or have not been in a classroom setting for almost a year.
- I have two students that attend public schools in Oregon and I definitely think a waiver is a good idea. The students don't need to be spending their time on these state wide assessments when their class time is limited as it is.
- As a parent of a child within the Oregon public education system, I fully support ODE seeking this waiver. Oregon is not unique in experiencing the unexpected hurdles that have arisen from a pandemic and natural disasters. The State of Oregon does have a history of under funding it's teachers and students. I have, for years, watched as needed programs and services have been gutted. I am aware that our federal government views testing results, as they determine funding for each state's education system. Right now, more than ever, Oregon's schools need to be properly funded as they are struggling to meet the needs of the students.
- I have a seventh grader and a ninth grader in Portland Public Schools and would like to request that state testing be waived this year. Already they have missed so much instructional time it would be shameful to allot more precious time to testing vs instruction.
- I am a parent of three school aged children. I believe the state of Oregon needs to place a pause on all statewide assessment for the 2020-2021 school year. This year has been very difficult and stressful for everyone (parents, students, educators, etc). I truly believe requiring state testing would put so much extra stress on our children. Please do not make this year any more stressful than it already is.

Comments against the waiver:

- I absolutely don't agree with waiving the standardized testing. I think it is important to have the data that shows how truly detrimental not having our children in school has been. Are children's futures are being sacrificed and we need to have real data to reflect how much damage is being done.
- I think the testing should still be administered so you can see the impact that nearly a year of distance learning has had on the students of this state. This will give you an idea of where you need to work when students are able to get back into the classroom. How can you truly assess the education that our children have been provided during this pandemic if you waive the testing? No one is waiving the grades my children are getting on their transcripts for college acceptance. I'd like the test scores of the students of this state to be publicly posted.

- I believe that my family and other families in Oregon would benefit in having our children tested rather than them not being tested. It would give the school and us an idea of what they need help in and what they don't. My son did his STAR testing just fine over a zoom. He is in a special read group in his school, TITLE. He was offered to go to the school for this reading help. I unfortunately cannot send him due to us living with an elderly relative. If the schools are willing to be open for these kinds of programs then they could be open for testing children of parents that want them to be tested. If I am correct in remembering that third graders would have been the first group of kids testing on a computer for most assessments. This could mean that families would be having their kids test at home. Statewide testing is important because it helps ensure all public school students receive a quality education, no matter where they go to school, because they are measured to equal standards. Students test results help families know if their student's learning is on track, or if extra help is needed. Some school districts use state test results to determine a student's eligibility for special programs, like accelerated learning opportunities. I do believe that having our children tested is important because it will help other parents know where their children are at when it comes to grade level. Some children who are excelling at home learning should be able to show it in testing form. I already know my child will need support with his learning.

Parent/educator Decision



Parent/Educator

Of the 10 parent/educators who provided their feedback, 7 supported the waiver, 2 were against the waiver, 1 was undecided, and 0 were unclear.

Comments in support of the waiver:

- I strongly encourage you to waive state testing during online distance learning. Reason one, access to a quiet working space. Many of my students are at daycare, both in-home and public centers. There is no way for the student to have a quiet learning environment. Reason two, many students are between homes, for example, at mom's one day, then dad's, then grandma's. Students are not able to transfer their supplies from home to home and often do not have the supports needed for test-taking. Last and final reason, this test puts an unwanted stressor on grownups who are present when students are test-taking. As a teacher, I can say, "click on the best choice." As a parent,

that response is not working and parents are helping their child complete the test to keep stress levels low and also get through the test before their child loses it. Please consider students and grow up mental health at this difficult time in our country. Please show compassion for families struggling to get their child on a computer; both academically and technically.

- As an educator and a parent, I fully support requesting a waiver for our Oregon statewide summative assessments. There is no way to ensure test security and valid results when students are taking the test from home. Also, there has not been consistency across the state as far as districts and their mode of instructional delivery. For example, some districts have been all online, some have been able to allow students in for a few days each week, and some have been in LIPI. In addition, the inequities in internet access would not give all students equal access to the assessment. In my professional opinion, it would be best not to assess students through a statewide test this year. As a parent, I also support not administering the assessment this year. My son has internet issues on at least a weekly basis. And, parents and students (and educators) are stressed enough this year, requiring students to take a high stakes test is not in the best interest of any of the parties.
- This year has been unprecedented in our history. While I think state testing would demonstrate how inequitably our schools may have served our lower income and SPED students especially, I do not think it is worth the pressure testing would have on all students and teachers at this already difficult time. Additionally I can't imagine the logistics of testing considering the health risks.
- Results, which will almost certainly reflect a thoroughly unrepresentative student population will not only divert resources better spent elsewhere but will only confirm, once again, that our BIPOC population underperforms its more advantaged peers. There has been no new or useful data from these standardized tests for at least a decade. I challenge you to tell me what you've learned that you didn't already know. Students and teachers have had an extremely stressful year to date and I suspect the rest of the school year will be the same. The support that students, their parents and their teachers need is empathy and a recognition of the tremendous efforts most are making in a period of unbelievable instability and uncertainty. SBAC does absolutely nothing but add to the stress that is already at extreme limits.
- As a public school teacher, administrator and parent, I wholeheartedly support ODE's plan to request a pause on statewide assessment. Statewide assessment in the midst of a pandemic only serves to harm students and increase inequities. I encourage you to look beyond this school year and further evaluate the state's approach to assessment and its impact on students, teachers and families.

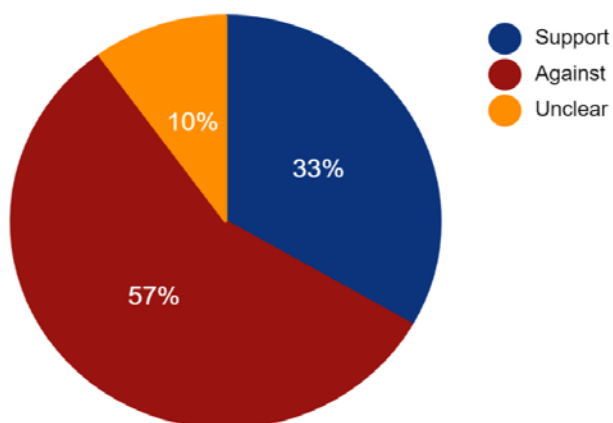
Comments against the waiver:

- As a parent and a teacher, I think the testing is important. We need data to show how horrific these event(s) have been on students who were not given "real" school for a significant portion of 2020. I want to see the data on my daughter who is in third grade. I want to see the growth of my son who is in kindergarten. I want the state and the

federal government to know what a disservice they have done to children during these times. If restaurants in our state have been open for dine-in options it's disheartening that children were not allowed to attend school.

- As an educator and parent here in Oregon, I find it alarming to read an email from our school district stating that there will be no testing this Spring. Even a temporary pause will not be necessary or beneficial for ALL districts in Oregon. If children are not tested, how will we know what the learning deficit is? We are doing a huge disservice to our children if we do not get their learning levels assessed. It is one of the major ways for us to know what they have learned and what they still need to learn. It will also allow us to measure the schools who have resumed in person learning, schools that started distance learning in March and continue online as well as the schools who taught online since covid-19 shut down in March and continue to do so. We need to measure and document as best we can through this entire pandemic so that future generations can learn from our successes and our failures.

Unknown Decision



Unknown

Of the 30 people who provided feedback and did not identify themselves and were unknown, 10 supported the waiver, 17 were against the waiver, 0 were undecided, and 3 were unclear.

Comments in support of the waiver:

- In addition to the virtual impossibility of administering assessments in any sort of standardized form while our students are not in the classroom, the trauma and stress that so many have experienced due to the pandemic and the wildfires disruption would make any results that might be obtained completely invalid. In addition, virtual learning during this pandemic has allowed many of those who do not see into our students' homes normally to now truly understand the inequities that our students have always brought to the classroom. More testing never has, and never will, resolve those inequities.
- The stress that our families and students and staff are enduring at this time is huge. Adding state testing to that would be detrimental to many. We know kids are learning but the inequity is large at this time. Please do not have state testing this year.

- I support your application for an assessment and accountability waiver for this school year. Since March, students, teachers and administrators have been challenged to the point that the results of the tests would be of no use and the energy should be focused on identifying and subsequent measuring of learning conditions and strategies. For all of the difficulties presented during the pandemic, there are also opportunities to evaluate what is needed to ensure options for students, families and educators that may increase their educational experience.
- I don't think administering the annual tests would serve any purpose this year. In fact, I think it's fair to say it's the last thing anybody needs at this point, in particular the students. I can't imagine the difficulty, time and expense that would be involved, and I'm not sure the results would be relevant to anything.
- Even if we can ensure testing conditions that will yield reliable results, they will only show what we already know: this year has been like no other, and many educators and classrooms have pivoted away from 100%, 5 days a week, 6+ hours a day of rigorous academic content because we are all trying to survive a pandemic, and find care and connection with each other while being socially distant and safe.

Comments against the waiver:

- The test should be done as normal. It is emphasized that we do our best to keep and make life “normal/ new normal” as possible that is a yearly test if students can do all other schooling. There is no reason why they can’t do their normal yearly testing.
- It is my sincerest belief that this testing should absolutely be conducted to either prove the viability of learning from home options, or disprove the concept, or at least the techniques that are being used. Not only is this data valid in the larger picture of the potential usage of distance learning options versus the classroom environment methods, it should be seen as critical to the futures of both distance learning for children and in person education. If the district is indicating that such testing results would be negatively impacted by the environment at home, it would be proper to capture such impact on the education of the student population. Individual parents can only see the anecdotal proof of their respective view of the system, and a larger representative data set as provided from this test would be much more valid than the survey of learning options that has been sent out to parents to identify their preferred method of education such as was sent out from my children's school. It is critical that such testing be conducted to provide parents and educators with the ability to make informed decisions based on actual data of the efficacy of the current education practices being used, as compared to the previous data set, with the 2021-2022 testing data further display any functional impact. Attempts to try to circumvent such data collection would only serve to prevent informed decision making for educators and parents alike, and the application should be refused.
- I understand that 2020 has been an unusually difficult year for many more families in Oregon and across the nation than has been typical. However, many families experience difficulties with finances, housing, basic necessities, etc. every year, yet, as a nation, we administer statewide assessments to the children anyway. We administer statewide

assessments to student with disabilities anyway. If statewide assessments are supposed to provide information for decision making at the national level, state level and local level, why would it be necessary to not provide that information for the 2020-21 school year? Certainly the results will likely not be typical, but that is to be expected. With the technology available, it seems that the results of this school year could be flagged with information letting those who use the data of the statewide assessments to understand that the results are not typical due to the various issues that have occurred this school year. I think it is important to have some measure of the impact of school closures on the students academically. We already have some data showing the impact psychologically, socially and emotionally. I think that if it is appropriate to halt statewide assessments due to negative environmental, political, and social events this year, then they should be halted for all years going forward. What will be the “cutoff” in determining whether or not statewide assessments should be given in the future? How many events or how many people are affected is the correct number for the cutoff? It seems to me that if the results of statewide assessment are valuable during “normal” years, then the results during “abnormal” years are also valuable. Many comparisons and analyses could be made that might be surprising or might show data indicating that our assumptions of the impact were correct.

Superintendent Feedback

District Superintendents were engaged on Friday November 20, 2020. Of the 38 in attendance who voted, 36 supported the waiver, 0 were against the waiver, and 2 were undecided.

- **95% of Superintendents present supported the waiver**
- **0% were against the waiver**

District Test Coordinator (DTC) Feedback

District Test Coordinators were engaged Monday November 23, 2020 and Monday November 30, 2020. Of the 57 in attendance who voted, 55 supported the waiver, 0 were against the waiver, and 2 were undecided.

- **96% of DTCs present supported the waiver**
- **0% were against the waiver**

Oregon Education Association (OEA) President Feedback

Oregon Education Association Presidents were engaged Tuesday December 1, 2020. Of the 40 in attendance who voted, 36 supported the waiver, 0 were against the waiver, and 4 were undecided.

- **90% of OEA members present supported the waiver**
- **0% were against the waiver.**

When asked what challenges the Waiver might present, many stated they didn't see any. Other responses for challenges the Waiver might present included;

- Community concerns
- Communication with parents, teachers, and community members
- Potential loss of Title 1 funding
- Creation of student centered learning goals for evaluation
- How absence of data might be politically constructed as a "lack of accountability"
- People sometimes rely on the summative data for student placement in classes/programs
- District deciding to do a different/new assessment that doesn't give meaningful feedback to educators.

C. John Larson, President of the Oregon Education Association also provided a [letter of support](#) for the waiver.

Summary

Oregon has 198 school districts with over 600,000 students in our public education system, supported by over 31,000 educators. ODE received 107 total individual responses during the public comment period and one submission that represented an organization in support of the waiver request. It is not clear how generalizable these results might be given the small sample size.

- 64% of individual respondents supported the waiver (n = 68)
- 31% of individual respondents were against the waiver (n = 33)
- 6 % of individual respondents either did not comment on the waiver request or did not make their position clear (n = 6)