

To: Superintendents, Principals, Charter School Leaders, District Test Coordinators, School Improvement, Federal Directors, Education partners, K12 PIOs, Business Managers, All SSA Advisories and EL Advisory, SB13: Tribal History / Shared History, Title VI Directors, TAPP Directors

From: Dan Farley, Assistant Superintendent of Research, Assessment, Data, Accountability, & Reporting

Date: November 22, 2022

RE: Request for Public Comment - Strategic Waiver of ESEA State Assessment Requirements

Dear Partners,

The Oregon Department of Education (ODE) is requesting and inviting public comment by December 31, 2022 on a strategic waiver of Elementary and Secondary Education Act of 1965 (ESEA) state assessment requirements. ODE intends to request a strategic waiver from the U. S. Department of Education (USDE) in response to [SB 1583](#), which requires that ODE administer our statewide summative tests to the minimum extent practicable.

Public comment is an important requirement of ESEA per Section 8401(b)(3)(A)(i)-(iii). ODE believes it is desirable to provide an opportunity for parents, educators, school and district leadership, and community partners to share their comments and support/opposition concerning the strategic waiver. Comments are welcome using ODE's waiver public comment email address ([ODE.WaiverFeedback@ode.oregon.gov](mailto:ODE.WaiverFeedback@ode.oregon.gov)). We encourage school and district leaders to share the opportunity for public comment with parents, educators, and community partners in order to ensure broad representation of responses. Additional details follow.

### *Background*

On March 24, 2022, Governor Kate Brown signed SB 1583 into law. This law requires ODE to ensure that schools and districts administer Oregon's statewide summative tests to the minimum extent practicable without compromising the assessments' ability to assess and measure the academic achievement of students. To accomplish this, SB 1583 requires the ODE to annually request a waiver of ESEA state assessment requirements from the USDE. This waiver may propose a reduction in the length of Oregon's tests, an innovative test design or item delivery methodology (e.g., sampling content and/or students using a matrix design), or any relevant strategy or design identified by ODE.

To comply with SB 1583, the ODE intends to pursue a strategic reconfiguration and reduction of test length for Oregon's English Language Arts (ELA) and Mathematics statewide summative tests. The State of Oregon is requesting a waiver from the diagnostic function of Individual Student Reports established in clause (x) and the provision of itemized score analyses in clause (xii). This waiver will provide the ODE time to develop a new methodology to fully comply with

ESEA Section 1111(b)(2)(B)(x) and (xii) while using shorter tests. ODE will apply the waiver to Spring 2024 ELA and Mathematics test administrations.

### *Proposal*

Upon receiving USDE approval of Oregon's waiver request, ODE will implement a strategic reconfiguration and reduction of test length in the summative ELA and Mathematics tests. This will include the following actions:

- 1) *Item pool*: ODE will conduct an in depth analysis of the ELA and Mathematics item pools, and identify, remove, and replace inefficient items and item formats.
- 2) *Test blueprint*: ODE will examine the length of the ELA and Mathematics test blueprints and identify modifications to increase test efficiency.
- 3) *Item delivery*: ODE will review the computer adaptive algorithm and identify enhancements and efficiencies.
- 4) *Test administration*: ODE will identify promising and innovative test administration practices.
- 5) *Scoring*: ODE will identify methodologies to improve the precision and meaningfulness of estimates of achievement from shorter tests.
- 6) *Reporting*: ODE will develop a new student Individual Student Report along with other reports that are meaningful for parents, educators, and schools, and allow for valid interpretations and uses.

ODE's implementation of the strategic reconfiguration and reduction will also include engagement and outreach activities with parents, educators, school and district leadership, and community partners. Throughout the entire process, ODE will seek guidance and recommendations from ODE's technical advisory committee (TAC) and assessment advisory committee (AAC).

Finally, ODE maintains a commitment to the role, value, and usefulness of statewide summative tests as part of a balanced assessment system. This waiver request is part of an ongoing effort by ODE to improve the efficiency of statewide summative testing. Recent efforts include the cancellation of the performance task classroom activity in 2015-16, removal of brief write items from the ELA test blueprint in 2017-18, development of lean test blueprints to administer during the COVID-19 pandemic in 2020-21, successful waiver request to administer ELA and Mathematics tests in select grades in 2020-21, and the reduction of items in the computer adaptive portion of the ELA and Mathematics tests in 2021-22. Since the first administration of Oregon's ELA and Mathematics tests in 2014-15, ODE has made considerable efforts to improve the efficiency of summative tests by reducing their blueprints by 40 percent while preserving their relevance, validity, and reliability.

In addition to test blueprint changes, ODE is also making test administration changes to support more efficient and effective use of instructional time during the administration of the ELA and Mathematics statewide summative tests. These include the reduction of the test expiration period for the computer adaptive portions of ELA and math tests in 2021-22 and a reduction of the overall test windows in 2022-23.

Regardless of USDE's response to the strategic waiver request, the ODE will continue to review the ELA and Mathematics statewide summative tests, gather insight from education and community partners, and identify procedures, practices, and configurations that will improve their efficiency, meaningfulness, and benefit to students, educators, schools, and communities.

For more information, please contact [Dan Farley](#), Assistant Superintendent of the Office of Research, Assessment, Data, Accountability, and Reporting.