

Ann Whalen  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Senior Advisor to the Secretary Whalen:

I am writing on behalf of local educational agencies (LEA) in Pennsylvania that receive subgrants under Title III of the Elementary and Secondary Education Act of 1965 (ESEA) to request a waiver of section 3122(a)(3)(A)(iii) for the 2015–2016 school year. Pennsylvania administered new assessments in reading and mathematics that are aligned to college- and career-ready standards in spring of 2015. Pennsylvania requests this waiver to permit affected LEAs receiving Title III subgrants to continue the same Title III interventions in 2015–2016 that they implemented in 2014–2015 for LEAs that do not meet the annual measurable objectives (AMO) component of AMAO 3 for the 2014–2015 school year due to the transition to new assessments.

Specifically, Pennsylvania will apply this waiver for 2014–2015 as follows:

- If an LEA meets AMAO 1, AMAO 2, participation rate, graduation rate, and the other academic indicator in elementary and middle schools in 2014–2015, but misses the AMO component of AMAO 3, it maintains its status and continues the sanctions from the 2014–2015 school year in 2015–2016. This would mean that if an LEA missed an AMAO in 2013–2014 for the first time and misses an AMAO again in 2015–2016, it would have missed AMAOs for two consecutive years.

Pennsylvania will continue to apply the statutory requirements for all other LEAs. For example:

1. If an LEA misses AMAO 1, AMAO 2, participation rate, graduation rate, or the other academic indicator in elementary and middle schools in 2014–2015, the LEA is considered to have not met AMAOs for that year;
2. If an LEA meets AMAO 1, AMAO 2, participation rate, graduation rate, and the other academic indicator in elementary and middle schools, and meets the AMO component of AMAO 3 for 2014–2015, the LEA is considered to have met AMAOs for 2014–2015. If the LEA was previously in improvement status, it would no longer need to carry out an improvement plan.

Pennsylvania believes that the requested waiver will increase the quality of instruction for English learners (EL) and improve their academic achievement by providing affected LEAs within Pennsylvania the opportunity to focus on setting high achievement standards for the knowledge and skills that ELs need to demonstrate they are ready for college and the workforce.

In calculating AMAO 3 in 2014–2015, Pennsylvania will use the AMOs in reading and mathematics applicable for the 2014–2015 school year in the State. The requested waiver will help the SEA and each affected LEA reach these AMO goals for the EL subgroup by not penalizing LEAs for EL subgroup performance on reading and mathematics assessments during the first year of our new assessments aligned to college- and career-ready standards.

Pennsylvania assures that, if it is granted the requested waiver —

- It will calculate AMAO 3 based on assessments administered in the 2014–2015 school year and report this information publicly, in addition to reporting the results of the assessments.
- It will resume annual accountability determinations, including AMAO 3, based on State assessments administered in the 2015–2016 school year.
- It will continue to ensure that LEAs receiving Title III subgrants provide high-quality language instruction educational programs to the ELs and comply with all Title III requirements.

Prior to submitting this waiver request, Pennsylvania provided all LEAs in the State that receive Title III funds with notice and a reasonable opportunity to comment on this request.

Pennsylvania provided such notice by sending an explanatory email to all Title III subgrantees on September 30, 2015 (see copy of notice attached) and providing a follow up live question and answer webinar on October 5, 2015 (see copy of notice attached). Copies of all comments that Pennsylvania received from LEAs in response to these notices are attached hereto. Pennsylvania also provided notice and information regarding this waiver request to the public in the manner in which Pennsylvania customarily provides such notice and information to the public by posting the waiver request on the PDE website for comment (see attached copy of public notice).