



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 9, 2021

The Honorable Jillian Balow
Superintendent of Public Instruction
Wyoming Department of Education
122 West 25th Street, Suite E200
Cheyenne, Wyoming 82002

Dear Superintendent Balow:

I am writing in response to Wyoming's requests on February 1 and March 29, 2021, to the U.S. Department of Education (Department) to amend its approved consolidated State plan under the Elementary and Secondary Education Act of 1965 (ESEA), using the COVID-19 State Plan Addendum (Addendum) to account for one-year changes in 2020-2021 due to widespread school closures related to the novel Coronavirus (COVID-19) and in response to the waiver the Department granted Wyoming from the requirement to administer statewide assessments in 2019-2020.

Specifically, Wyoming requested the one-year amendments to:

- Shift forward long-term goals for academic achievement, graduation rate, and progress in achieving English language proficiency by one year;
- Modify its calculation of the Academic Achievement indicator to include only the assessments administered in 2020-2021 and to omit high school growth;
- Not calculate individual student growth for its Other Academic indicator for elementary and middle schools and its equity measure for its School Quality or Student Success indicator;
- Modify its system of annual meaningful differentiation such that it will report results of each available indicator and carry forward the identification status of any school previously identified as comprehensive, targeted, or additional targeted support and improvement;
- Shift forward the timeline for identifying schools for comprehensive and additional targeted support and improvement by one year (i.e., to next identify such schools in 2022-2023 based on data from the 2021-2022 school year); and
- Omit the 2019-2020 school year when determining whether the school has met the statewide exit criteria for comprehensive and additional targeted support and improvement.

I am approving Wyoming's one-year changes to its State plan. This letter and Wyoming's approved Addendum will be posted on the Department's website along with the currently approved version of the ESEA consolidated State plan.

Please be aware that approval of this amendment to Wyoming's consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is Wyoming's responsibility to comply with these civil rights requirements.

In addition to its Addendum request, Wyoming requested waivers of:

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- ESEA section 111(c)(4)(B)(iv): The indicator for the progress in achieving English language proficiency, as defined by the State, and measured by the State’s English language proficiency assessments, within a State-determined timeline for all English learners.
- ESEA section 1111(c)(4)(C)(iii): The identification of targeted support and improvement (TSI) schools (i.e., schools with one or more consistently underperforming subgroups) in fall 2021 based on its system of annual meaningful differentiation in the 2020-2021 school year.

After reviewing Wyoming’s request, I am approving a waiver of the requirements listed above. The State cannot calculate the progress in achieving English language proficiency indicator as proposed in the State’s approved consolidated State plan due to the waiver of the statewide assessment requirements granted by the Department and the resulting lack of data from 2019-2020. Instead, Wyoming will calculate and report the percentage of students who are proficient on the (ELP)English language proficiency assessments in 2020-2021. In addition, in the Department’s [Frequently Asked Questions, Impact of COVID-19 on Accountability Systems Required under the Elementary and Secondary Education Act of 1965 \(ESEA\), dated January 19, 2021](#), the Department noted that, due to the on-going challenges related to COVID-19 that persist in the 2020-2021 school year, a State may request a waiver of the requirement to identify TSI schools in fall 2021. Wyoming’s waiver request is consistent with the Department’s guidance.

It remains vitally important that parents, educators, and the public have access to data on student learning and success. The Department encourages all States, when posting State assessment results for the 2020-2021 school year, to prominently and in clear language provide information about the context of the data, including its limitations as a result of the pandemic. For example, in a situation where participation rates are low and/or uneven across student groups as a result of the pandemic, the results should include clearly worded context that such data are incomplete and, where applicable, are not representative of the make-up of the State, district, or school population. As always, assessment data should also be viewed alongside other important measures of student outcomes and opportunity to learn data to provide a more complete perspective on resources, support, and student success. We also encourage you and your school districts to consider other steps within your purview to further reduce the stakes of assessments this year, such as excluding their use from students’ final grades, grade promotion decisions, educator evaluations, and local school ratings.

I know that you are doing all in your power to support your districts and schools to ensure the health and well-being of students and educators. Thank you for your dedication to this effort. If you have any questions about this waiver, please contact my staff at OESE.TitleI-a@ed.gov.

Sincerely,



Ian Rosenblum
Deputy Assistant Secretary for Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education

cc: Jess Binning, WDE, Federal Programs and Consolidated Grants