



April 10, 2019

## FAQ: FEDERAL “WAIVER” DENIAL OF HIGH SCHOOL ASSESSMENTS AzMERIT, Menu of Assessments & Next Steps

### BACKGROUND

Arizona law allows schools to choose a test other than AZMERIT from a “Menu” of assessments. The state implemented the high school Menu last summer and schools are testing using instruments other than AZMERIT right now—primarily ACT and SAT. The grades 3-8 Menu is delayed.

The Menu policy moves us away from protocols that force all schools to test to a minimum standard and then to test again if they have a more rigorous curriculum that has an assessment component. In high school, this includes, Cambridge, AP, IB or college entry exams such as ACT or SAT.

When the state law passed, it was expected that the Menu strategy could be used not just to improve equity and attainment goals in Arizona schools, but also to comply with federal testing requirements and to reduce time spent testing. Given that Arizona’s standards are supposed to culminate in college-ready, work-ready, or technical training-ready students, we believe these high-quality assessments are all aligned to our standards as well as to the spirit of the federal law to better support underserved students.

### Q: DID U.S. DEPARTMENT OF EDUCATION DENY ARIZONA’S “WAIVER” FOR MENU OF ASSESSMENTS?

Though the Menu law has been on the books since 2016 and was implemented last spring, it was not until this past fall that the Arizona Department of Education (ADE) was encouraged by the U.S. Department of Education (USDOE) to request a waiver from the prescriptive federal regulations on testing and to get official federal approval to use Menu.

In late March, the ADE received a letter from USDOE denying the waiver request. The letter goes on to lay out a process USDOE expects ADE to follow in order for high school Menu to be approved, but the letter also says no such approval will ever be possible for grades 3-8.

### Q: WAS AZMERIT ALSO NOT APPROVED BY THE USDOE?

Surprisingly, USDOE also used the Menu waiver-response letter to inform ADE that AzMERIT as an End-of-Course (EOC) exam in high school violates federal law. Although EOC exams in and of themselves are not prohibited, USDOE expects all students of a certain grade to take the same EOC test at the same time—regardless of when the student actually took the course. Apparently, the USDOE believes EOC assessment should not be administrated at the “end of the course” unless all students take the exact same course sequence in every grade across all high schools in Arizona.

### Q: WAS THIS DECISION ON AZMERIT EXPECTED?

Three years ago, the USDOE sent an 85-page letter to ADE sharing its concerns regarding AzMERIT. It is not clear what, if any, interim conversations between ADE and USDOE were had leading up to the recent action. We do not know if there were incremental warnings or if the USDOE spontaneously decided to pull the plug. We do know USDOE approved Arizona’s ESSA State Plan according to a Determination Letter signed by Secretary DeVos in September 2017. The Plan outlined the state’s intention to test students at the end of each relevant course in the grade in which the student took the course. USDOE provides little to no explanation in their letter as to why they are reversing course. Whatever the case, it is irresponsible for USDOE to drop this news on Arizona educators in the middle of testing season.



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### Q: WILL THE USDOE WITHHOLD TITLE I DOLLARS?

While the feds did threaten to withhold Title I funds if Arizona does not have a plan by May 31 to address USDOE concerns, ADE and the State Board of Education (SBE) have already released the broad outlines of a plan to comply. At this stage we do not believe that the dollars are in serious jeopardy. The plan will primarily have two components:

- Provide the same test in high school to all students in at least one grade at the same time; and
- Affirm that Arizona will not implement Menu in grades 3-8 for federal accountability.

### Q: HOW WILL ARIZONA COMPLY WITH FEDERAL TESTING REQUIREMENTS FOR HIGH SCHOOL GOING FORWARD?

Because USDOE does not want Arizona to give the suite of AzMERIT EOC tests at the end of each relevant course, it is unlikely that the plan to comply with the federal mandates will involve a return to AzMERIT for grades 9, 10 and 11. Instead, per an ADE and SBE joint letter to the field dated April 5, 2019, the ADE and SBE seem to be leaning towards just requiring an Algebra I and ELA I for all students in 9<sup>th</sup> grade. They are convening stakeholder meetings to sort this out. We will report out as new information becomes available.

We expect the solution to be announced with the next 30 days, if not sooner.

### Q: WHAT DOES THIS MEAN FOR MENU?

We fully expect Menu to proceed as a state assessment program to support rigor and improve college knowing-and-going activities in Arizona's high schools for grades 10 and 11. Whether or not Menu would be a part of the state's growth and proficiency accountability system is unknown at this time. However, the high school accountability formula currently does provide points for offering high-quality college entrance exams in the College and Career Ready Index portion of the A-F letter grade calculation.

### Q: COULD MENU SOMEDAY ALSO SERVE TO COMPLY WITH FEDERAL TESTING REQUIREMENTS INSTEAD OF BEING IN ADDITION TO?

Perhaps. A for Arizona intends to pursue this possibility as we better understand what the ADE, SBE and vendors would have to do to present the technical evidence required by USDOE to do so.