



NORTH CAROLINA DEPARTMENT OF PUBLIC INSTRUCTION

Catherine Truitt, *Superintendent of Public Instruction*

www.dpi.nc.gov

November 5, 2024

Honorable Miguel Cardona
Secretary of Education
US Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona:

In response to the devastation from Hurricane Helene in western North Carolina, President Joe Biden granted Governor Roy Cooper's request for a federal major disaster declaration on September 29, 2024. Entire communities were washed away in flood waters and landslides. Substantial damage to infrastructure, including school buildings, communications, roads, water and sewer continue to impact the return to school or daily instruction within schools. In the days since, the communities in the 25 most severely affected counties have worked toward recovery; however, complete recovery will require many months to achieve.

Schools have been closed for a significant number of days, with some remaining closed and others only now returning.

As we know, the opportunity to learn is a fairness requirement when assessing students. Clearly, with the loss of instruction in the most severely affected North Carolina schools, this requirement has been compromised. Additionally, students and teachers have been emotionally, and in some cases physically, traumatized as witnesses to the devastating loss of normalcy. In all, learning has been significantly interrupted, and though we know our schools and communities will recover, the immediate impact must be considered as decisions are made on how to best move forward.

Thus, I am submitting a request for consideration to waive some of the requirements specified in Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA).

Due to the significant educational impacts from Hurricane Helene and pursuant to Section 8401 of the ESEA, North Carolina requests waivers from the following requirements for the local education agencies and schools listed on the enclosed attachment.

1. Inclusion in the academic achievement indicator for the meaningful differentiated accountability model under section 1111(c)(4)(B)(i)(A)(I) for the fall 2024 semester end-of-course test administrations in NC Math 1, NC Math 3, and English II. This is requested for the achievement scores only, not the growth analysis as defined in 1111(c)(4)(B)(i)(A)(II).
2. Inclusion in the school quality student success indicator for the meaningful differentiated accountability model under section 1111(c)(4)(B)(v)(I) for the fall 2024 semester end-of-course test administrations in biology.

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3. Consequences from the 95% participation requirement applied to the accountability system for meaningful differentiation under section 1111(c)(4)(E)(ii) for the fall 2024 semester end-of-course test administrations in NC Math 1, NC Math 3, and English II.
 - a. Use of scores included in #3 in subsequent years' calculation of participation consequences for grade 11 (NC Math 1 and NC Math 3) and grade 10 (English II).

With reduced instructional time, using data from the end-of-course tests in fall 2024 for school accountability compromises the validity of the measures. For schools listed in the attachment, the differences in the learning opportunities will skew the analyses, yielding questionable data for inclusion in the school accountability model.

Waiving these requirements will allow schools to focus on returning students to instruction without the high stakes of performing well on end-of-course summative assessments used for accountability determinations. The waivers will allow students to receive the support needed to reengage in instruction, increasing the opportunity to recoup learning. Students would take the assessments, but the uses of the assessments would be waived to ensure invalid data is not included in the accountability analyses.

To ensure the approved waivers meet federal law:

1. North Carolina will ensure test data for all students and for all subgroups will be reviewed to identify needs for improvement and to implement instructional plans that support the improvement of educational outcomes for all students and all subgroups.
2. Parents will be notified of their student's performance on the assessments, and they will be informed their student's data was not included in the participation calculations or the achievement indicator.
3. Public reports for the 2024–25 school year, including the NC Report Card, will note the exclusion of the fall 2024 end-of-course assessments from the achievement indicator for the accountability model.
4. Public reports for the 2024–25 school year will include the fall 2024 test results, disaggregated to provide the performance of student groups.

To ensure transparency, the NCDPI will:

1. Communicate to districts and schools all students are to be tested, and the waiver does not remove the requirement for testing all students.
2. Provide flexible testing windows to provide opportunities for all students to test.
3. Determine the actual participation rates and publish the actual participation rates on the NCDPI website for access by parents and the public.
4. Encourage interim or benchmark data, such as NC Check-Ins 2.0 assessments, collected locally be shared with teachers and parents for information on the strengths and weaknesses of their students' learning.
5. Report test results from the fall 2024 end-of-course assessments will be reported for all students and for all subgroups.

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For the schools granted these waivers, the following will continue to be reported and included, as specified in the Every Student Succeeds Act state plan, in the annual meaningful differentiation determinations:

1. Spring 2025 end-of-course tests for NC Math 1, NC Math 3, English II, and Biology,
2. End-of-grade assessments in reading, mathematics, and science,
3. School accountability growth for all test scores collected,
4. Cohort Graduation Rate,
5. ACT and ACT WorkKeys (window has been extended for ACT WorkKeys),
6. English learners' annual assessment and progress determinations, and
7. Math course rigor.

Also, these schools will be included in the identification and exit processes for Comprehensive Support and Improvement and Targeted Support and Improvement, as well as long-term goals reports.

North Carolina has been committed to utilizing assessments to measure student achievement since the 1990s, and we recognize the importance of having data to inform school improvement efforts. However, data collected in the current environment of these schools will not be reliable and the assessments will not be valid measures of student achievement and school performance. This waiver will ensure these schools will be able to focus on recovery, which will be followed by full inclusion of accountability requirements for other tests administered during the 2024–25 school year.

The North Carolina Department of Public Instruction (NCDPI) posted the proposed waiver for public comment on the NCDPI website from November 6, 2024, until December 6, 2024. The public comments are provided on the enclosed attachment.

Approval of this waiver request will ensure North Carolina students, parents, educators, and the public have the necessary data to improve student achievement for all of North Carolina students. It will also maintain the validity of the accountability outcomes for the affected schools. We respectfully request expedited consideration for a waiver from the accountability requirements cited, and as always, we are available for a discussion.

I respectfully submit this request on behalf of the students, their families, and their educational communities.

Best Regards,

Catherine Truitt
State Superintendent

CT/TLH/lm

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