



STATE OF NEW MEXICO
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RYAN STEWART, ED.L.D.
SECRETARY OF EDUCATION

MICHELLE LUJAN GRISHAM
GOVERNOR

March 23, 2020

The Honorable Frank T. Brogan
Assistant Secretary for Elementary and Secondary Education
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Assistant Secretary Brogan:

I am writing to request a waiver, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, of the following requirements for the State of New Mexico:

- Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2019-2020.
- Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2019-2020 school year.
- Report card provisions related to certain assessments and accountability in section 1111(h) based on data from the 2019-2020 school year, namely:
 - Section 1111(h)(1)(C)(i) | Accountability routinely monitors and reports student achievement data alongside demographics and entity-level data, but will be severely impacted (see Section 1111(h)(1)(C)(iii)(I) below) by a year's worth of missing assessments and surveys.

• Section 1111(h)(1)(C)(ii)	New Mexico will not be reporting results for all ESSA required state assessments in math, language arts, and English language proficiency
• Section 1111(h)(1)(C)(iii)(I)	Indicators likely to be affected by school closures include: Proficiencies, Participation, Alternative Assessment Participation, Academic Growth, EL Progress, and possibly College and Career Readiness.
• Section 1111(h)(1)(C)(iv)	New Mexico will be provide ELPA results to LEAs but results will not be used for accountability.
• Section 1111(h)(1)(C)(v)	The Opportunity to Learn survey will not have been administered this year.
• Section 1111(h)(1)(C)(vi)	New Mexico will not be reporting the required participation rate for all federally required assessments. We do not have the trend data needed to measure progress toward goals.
• Section 1111(h)(1)(C)(vii)	New Mexico will not be assessing students this year for the purposes of Accountability.
• Section 1111(h)(1)(C)(xi)	New Mexico will not complete assessment administration for this student population and no assessments results will be used for purposes of accountability.
• Section 1111(h)(2)(C) with respect to all waived requirements in Section 1111(h)(1)(C) as well as 1111(h)(2)(C)(i)-(ii)	Without the needed data statewide, New Mexico will not be providing comparisons for this academic year.

I am requesting these waivers because it is not possible to administer assessments required under ESEA section 1111(b)(2) or comply with the concomitant accountability, school identification, and reporting requirements as originally planned due to extensive school closures in the State. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and this action will protect the health and safety of students, staff, and our communities.

In seeking this waiver, I assure that:

- Any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.
- The PED will provide the public and all LEAs in the State with notice of and the opportunity to comment on this request (*e.g.*, by posting information regarding the waiver request and the process for commenting, on the State website).

Thank you for your consideration.
Sincerely,

A handwritten signature in cursive script that reads "Ryan Stewart". The signature is written in dark ink and is positioned above the typed name.

Ryan Stewart, Ed.L.D.
Secretary of Education

cc: Timothy Hand, PhD, Deputy Secretary of Accountability, Policy, and Research
Gwendolyn Perea Warniment, PhD, Deputy Secretary of Teaching, Learning, and
Assessment
Adan Delgado, Deputy Secretary of Finance and Operations
Allison Briceno, PhD, Managing Director
Kara Bobroff, Deputy Secretary of Identity, Equity, and Transformation
Kata Sandoval, Deputy Secretary of Student Engagement and Success
Lisa Chai, General Counsel
Stephanie Rodriguez, Education Policy Advisor, Office of The Governor
Nancy Martira, Communications Director
Alexis Álvarez, PhD, Director of Accountability
Lynn Vásquez, Director of Assessment