



**Matt Bevin**  
Governor

**Stephen L. Pruitt, Ph.D.**  
Commissioner of Education

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**DEPARTMENT OF EDUCATION**

Capital Plaza Tower • 500 Mero Street • Frankfort, Kentucky 40601  
Phone: (502) 564-4770 • [www.education.ky.gov](http://www.education.ky.gov)

April 22, 2016

Ann Whalen  
Senior Advisor to the Secretary  
Delegated the Duties of 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 Ms. Whalen:

I am writing to request a waiver, pursuant to section 8401(b) of the Every Student Succeeds Act (ESSA), of section 1111(b)(3)(C)(ii) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB), that Kentucky's assessment system measure the full range of the State's academic content standards. Kentucky requests this waiver only *with respect to measuring the State's speaking and listening content standards, which are part of the State's reading/language arts academic content standards*. Kentucky requests this waiver because it is not practicable at this time for Kentucky to administer a large-scale summative assessment that includes speaking and listening standards. This waiver will advance student achievement by permitting Kentucky to have a valid and reliable assessment system that measures the full range of the rest of the State's academic content standards while providing time to complete the work necessary to have a valid and reliable measure of speaking and listening content standards.

Kentucky requests this waiver to allow for continued State and local receipt of Title I, Part A funding in good standing while Kentucky completes additional work to develop accurate, valid, reliable, and instructionally useful assessments related to speaking and listening. This waiver is requested for the 2015-2016 school year through the 2016-2017 school year. Kentucky assures that, if it is granted the requested waiver —

- It will continue to meet all other requirements of section 1111(b)(3) of the ESEA, as amended by NCLB, and implementing regulations with respect to all State-determined academic content standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- It will continue to work toward assessing speaking and listening consistent with the State's academic content standards.

Ann Whalen  
April 22, 2015  
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Prior to submitting this waiver request, Kentucky provided all LEAs in the State with notice and a reasonable opportunity to comment on this request. Kentucky provided such notice by sending an e-mail to each LEA on April 11. (See copy of notice attached.) Copies of all comments that Kentucky received from LEAs in response to this notice are attached hereto. Kentucky also provided notice and a reasonable opportunity to comment regarding this waiver request to the public in the manner in which Kentucky customarily provides such notice and opportunity to comment to the public by posting the waiver on the Kentucky Department of Education website and sending out a press release about the waiver request. (See attached copy of web posting and press release).

Please feel free to contact me by phone or e-mail at [Stephen.Pruitt@education.ky.gov](mailto:Stephen.Pruitt@education.ky.gov) if you have any questions regarding this request. Thank you for your consideration of this request.

Sincerely,

Stephen L. Pruitt, Ph.D.  
Commissioner of Education

SLP/RS