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2 Councilmember Mary M. Cheh

Councilmember Charles Allen

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6 Councilmember Janeese Lewis George

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10 A BILL

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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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21 To require, on a temporary basis, the Office of the State Superintendent for Education to submit  
22 a request for a waiver from certain federal requirements, and to prohibit the Office of the  
23 State Superintendent, District of Columbia Public Schools, the Public Charter School  
24 Board, and public charter schools from considering the results of standardized  
25 assessments for certain purposes.

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27 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
28 act may be cited as the “State Education Assessment Waiver Temporary Act of 2021”.

29 Sec. 2. (a) Within 30 days after the effective date of this act, the Office of the State  
30 Superintendent for Education (“OSSE”) shall submit to the U.S. Department of Education a  
31 request for a waiver of certain requirements of section 1111 of the Elementary and Secondary  
32 Education Act of 1965, approved January 8, 2002 (115 Stat. 1444; 20 U.S.C. § 6311) (“ESEA”),  
33 and regulations adopted pursuant to the ESEA, during the 2020-2021 school year, including:

34 (1) The requirement to implement academic assessments pursuant to section  
35 1111(b)(2) of the ESEA; provided, that requirement of this paragraph may be met by requesting

36 a delay, until the 2021-2022 school year, of assessments otherwise required to be implemented  
37 during the 2020-2021 school year;

38 (2) The requirement to consider and report the result of academic assessments  
39 required pursuant to section 1111(b)(2) of the ESEA when:

40 (A) Calculating progress toward long-term goals and making meaningful  
41 differentiation between schools, pursuant to section 1111(c)(4) of the ESEA; and

42 (B) Making a plan for additional targeted support, pursuant to section  
43 1111(d)(2)(C) or (D) of the ESEA.

44 (b) OSSE, District of Columbia Public Schools, the Public Charter School Board, and  
45 public charter schools, as that term is defined in section 2002(29) of the District of Columbia  
46 School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321; D.C Official Code § 38-  
47 1800.02(29)), shall not consider the results of the Partnership for Assessment of Readiness for  
48 College and Careers assessment, or another standardized assessment that is required, pursuant to  
49 section 1111(b)(2) of the ESEA, to be administered during the 2020-2021 school year, including  
50 an assessment that is delayed until the 2021-2022 school year pursuant to a waiver requested  
51 pursuant to subsection (a) of this section, for the purpose of:

52 (1) Promotion or retention of a student; or

53 (2) Publishing rankings of schools, including the School Transparency and  
54 Reporting Framework.

55 Sec. 4. Fiscal impact statement.

56 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact  
57 statement required by section 4a of the General Legislative Procedures Act of 1975, approved  
58 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

59           Sec. 5. Effective date.

60           (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
61 the Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
62 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,  
63 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
64 Columbia Register.

65           (b) This act shall expire after 225 days of its having taken effect.

DRAFT