

Congress of the United States
Washington, DC 20515

December 18, 2020

The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary DeVos:

We write to you with deep concern about COVID-19's adverse effect on our K-12 schools and our nation's students. We also request additional information from the U.S. Department of Education (Department) regarding the administration of annual assessments during this challenging time and implore you to provide states and schools with needed guidance and flexibility.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136), provided the Department with broad authority to execute a streamlined waiver process for states, allowing them to suspend standardized testing for the 2019-2020 school year. The Commonwealth of Pennsylvania, and all other states and territories, applied for and received a waiver for the 2019-2020 school year under this process. Since then, we have become aware of the September 3, 2020 letter you sent to Chief School Officers, where you stated:

“However, it is now our expectation that states will, in the interest of students, administer summative assessments during the 2020-2021 school year, consistent with the requirements of the law and following the guidance of local health officials. As a result, you should not anticipate such waivers being granted again.”

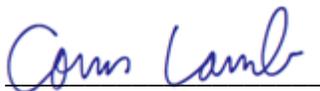
Since the beginning of the 2020-2021 school year, our offices have heard from students, families, teachers, and school leaders who are concerned by COVID-19's disruption of student learning and effect on student learning outcomes. Many schools in the Commonwealth and other states are providing virtual-only or hybrid learning, and unfortunately, in most cases school leaders have been unable to identify when it will be safe for fully in-person learning to resume. We are committed to our students and understand that their futures rely on a high-quality education, which benefits from the close monitoring of students' learning through assessment. However, we are concerned about the challenges schools face in implementing federally required annual assessments during the COVID-19 pandemic. Your most recent November 25 statement calling for the postponement of the National Assessment of Educational Progress (NAEP) exams until 2022 also clearly reflects the Department of Education's ongoing concerns with this issue. Accordingly, we respectfully request your response and careful consideration of the questions and comments below.

- 1) Will you commit to continuing to monitor COVID-19's impact on school closures moving forward? Will you revisit the need for a waiver process similar to last year's if coronavirus conditions do not improve before the spring?

- 2) In your September 3, 2020 letter you wrote: “Now may be the perfect time for you to rethink assessment in your state, including considering competency and mastery-based assessments, to better gauge the learning and academic growth of your students.” However, we understand that receiving federal approval for a statewide assessment is rightfully a rigorous process which neither the Department nor state educational agencies have the capacity to undergo in time for administration of the 2020-2021 annual assessment. Have you considered the need to provide expedited flexibilities in assessment design for states seeking to use more nimble assessment instruments this year in lieu of the assessment instruments previously approved for use?
- 3) Can you please provide additional information to Congress on any guidance and support your Department will provide to state and local educational agencies concerning:
 - a. Innovations in administration of annual assessments to ensure maximum participation despite the COVID-19 pandemic?
 - b. Efforts to publicize and make widely available 2020-2021 achievement data in a manner that responsibly and accurately discusses the impact of learning loss due to COVID-19?

We urge the Department to consider its responsibility for supporting our schools throughout COVID-19, including on matters of assessment. Again, we implore you to ensure states and schools have the guidance and flexibility they need during this unprecedented time. Thank you for your careful consideration of the points we mention here related to the administration of statewide assessments during COVID-19 and for your timely response. Please do not hesitate to contact our offices should you have additional questions or concerns on this matter.

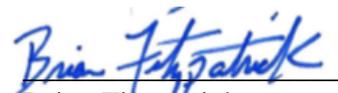
Sincerely,



Conor Lamb
Member of Congress



Brendan F. Boyle
Member of Congress



Brian Fitzpatrick
Member of Congress



Dwight Evans
Member of Congress



Mike Doyle
Member of Congress



Lauren Underwood
Member of Congress



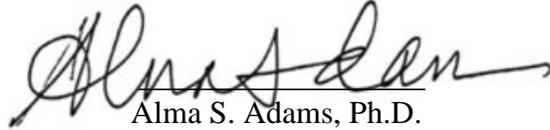
Susan Wild
Member of Congress



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