



**CALIFORNIA DEPARTMENT OF EDUCATION**  
**TOM TORLAKSON**, State Superintendent of Public Instruction  
916-319-0800



**CALIFORNIA STATE BOARD OF EDUCATION**  
**MICHAEL W. KIRST**, President  
916-319-0827

December 20, 2016

The Honorable Ann Whalen, Senior Advisor  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Senior Advisor Whalen:

We are in receipt of your letter, dated December 13, 2016, declining to approve California's updated waiver request to avoid double testing eligible students in California as our State continues development of assessments of aligned to the California Next Generation Science Standards (CA NGSS).

Pursuant to the Elementary and Secondary Education Act section 8401(b)(4)(B)(iii), California respectfully requests a hearing in support of the waiver request. We understand your interpretation of this section requires the U.S. Department of Education to hold hearing by December 29, 2016, 30 days from the date of California's resubmission. Given the upcoming holiday season, we believe that conducting a hearing prior to this date will be burdensome for both parties. We hope to honor our respective staffs' family obligations, and recognize the difficulty and expense of booking last minute travel during the holiday season. Instead, we respectfully suggest the hearing be postponed until after the January 2, 2017, holiday to allow all our staff time to prepare for the hearing. This suggestion does not represent a waiver of our right to a hearing, instead it indicates our willingness to waive the statutory time limit within which that hearing should be conducted. Please note the California State Board of Education will meet the week of January 9, 2017, so we would prefer to schedule the hearing during a different week.

Please direct questions regarding this request to Keric Ashley, Deputy Superintendent of the District, School, and Innovation Branch, by phone at 916-319-0637 or by e-mail at [kashley@cde.ca.gov](mailto:kashley@cde.ca.gov). Thank you for your consideration.

Ann Whalen, Senior Advisor to the Secretary  
December 20, 2016  
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Sincerely,



Tom Torlakson  
State Superintendent of Public Instruction  
California Department of Education



Michael W. Kirst  
President  
California State Board of Education

TT/MK:mr

cc: Patrick Rooney, Deputy Director, Office of State Support