

The [Utah State Board of Education](#) (the “State Board”) hereby applies for the renewal of its [June 2012 ESEA Flexibility Waiver](#) for the 2014 – 2015 school year (the “Waiver”) upon the following clarifications in its 2012 Waiver application:

- In place of Principle 1A, Option A, within the Waiver, the State Board provides the following assurances to satisfy Principle 1A:
 - On August 6, 2010, the State of Utah adopted college-and-career-ready standards in at least reading/English language arts and mathematics which were approved and certified by the State Board, pursuant to [Article X of the Utah State Constitution](#), which delegates general control and supervision of public education to the State Board. (Exhibit A)
 - The [Utah State Board of Regents](#), the governing authority over higher education within the State of Utah, declared on November 7, 2012 that “students who successfully attain the mutually agreed-upon standards for K-12 Mathematics and K-12 English/Language Arts will be prepared for beginning level college courses in each of these subject areas.” (Exhibit B)
 - In accordance with [20 USC 7907, 7909, 7910, 7911, and 9527](#), the federal government is expressly prohibited from establishing federal K-12 public education standards, federal K-12 public education curriculum, national K-12 public education testing, national teacher certification, and a national student data base. On March 5, 2012, the State Board through its Superintendent of Public Instruction, [asserted](#) to the Secretary of Education its absolute “right to make changes to, and to add and subtract from the Utah Core Standards at its discretion.” The Board went on to assert its “right to complete control of Utah’s learning standards in all areas of our public education curriculum.” (Exhibit C). Further, by [response](#) of the Secretary of Education, dated March 7, 2012, he confirmed on the part of the Department of Education “our full and unqualified agreement with your letter and your understanding of the law regarding State control over K-12 learning standards. Nothing in federal law or in current or proposed policies of the U.S. Department of Education in any way contradicts what is stated in your letter. States have the sole right to set learning standards.” (Exhibit D)
- Principle 1C, Principles 2A & 2B, and Assurance #14 are further clarified as follows:

- Utah withdrew from the Smarter Balanced Assessment Consortium (SBAC) in 2012. In its place, the State Board developed and implemented during 2014 its [Student Assessment of Growth and Excellence \(SAGE\)](#) computer adaptive testing in English language arts, mathematics and science ([R277-404](#)). The State Board intends to move forward its SAGE testing protocol.

- The State Board has adopted and will continue to move forward with its [Utah Comprehensive Accountability System \(UCAS\)](#), [R277-497](#).

- Principle 3 is further clarified as follows:
 - The State Board has implemented its Public Educator Evaluation Requirements (PEER), [R277-531](#), based upon the Utah Effective Teaching & Educational Leadership Standards, [R277-530](#). The State Board continues to move forward with its goals regarding teacher and principal evaluations.

- The State Board reserves its absolute and exclusive right to modify, without negative effects with respect to its Waiver, its [Utah Core Standards](#), SAGE testing, UCAS report card, and PEER teacher and principal evaluations without approval of the [U.S. Department of Education](#). The State Board further reserves its right to withdraw from the Waiver if the State Board finds that such Waiver violates [Utah Code Ann. 53A-1-402.6\(7\)](#).