



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 27, 2023

The Honorable Betty A. Rosa
Commissioner of Education
New York State Education Department
89 Washington Avenue
Albany NY, 12234

Dear Commissioner Rosa:

We are writing regarding the New York State Education Department's (NYSED's) percentage of students with the most significant cognitive disabilities taking an alternate assessment based on alternate academic achievement standards (AA-AAAS). The Elementary and Secondary Education Act of 1965 (ESEA) limits the percentage of students that a State may assess with an AA-AAAS to no more than 1.0 percent of all assessed students in reading/language arts, mathematics, and science. On February 4, 2020, the U.S. Department of Education (Department) placed a condition on NYSED's Title I, Part A grant award after New York exceeded the 1.0 percent threshold in the 2018-2019 school year in reading/language arts, mathematics, and science, based on data submitted to the Department via the *EDFacts* reporting system.

The Department recognizes that this was a new requirement starting in the 2017-2018 school year and that most States previously assessed more than 1.0 percent of students with the AA-AAAS. We further understand that States needed time to adjust their systems to reduce AA-AAAS participation rates and that the COVID-19 pandemic impacted many plans in States in the 2019-2020 and 2020-2021 school years.

For the 2021-2022 school year, NYSED submitted information to the Department via *EDFacts* that showed the following AA-AAAS rates:

Reading/language arts: 1.47% **Mathematics:** 1.37% **Science:** 1.11%

We have also reviewed an updated plan sent to the Department on August 30, 2023. In this plan, NYSED outlined steps it would take to come into compliance with the requirement to assess no more than 1.0 percent of students with an AA-AAAS. While the AA-AAAS participation rates for reading/language arts, mathematics, and science have significantly declined from the 2018-2019 school year, they are still above 1.0 percent. Because the rates for reading/language arts, mathematics, and science remain above 1.0 percent, the condition will continue on NYSED's fiscal year 2023 Title I, Part A grant award. In order to satisfy this condition, NYSED must demonstrate that the State assessed less than 1.0 percent of students with an AA-AAAS in reading/language arts, mathematics, and science.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

If the State continues to report an AA-AAAS rate over 1.0 percent in future years, the Department may take additional action. This is particularly true if the State is unable to demonstrate that it is making progress reducing the percentage of students taking the AA-AAAS.

The Department is also concerned about the State's low overall assessment participation rates in the 2021-2022 school year (77 percent in reading/language arts; 84 percent in mathematics; and 88 percent in science). The Department strongly encourages the State to take appropriate actions to increase the overall rates of assessment participation in the State.

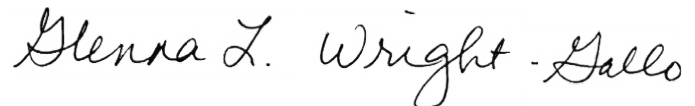
The Department continues to support New York and all States in meeting this critical requirement. In September, the Department hosted a conference on State assessments that focused, in part, on helping States further address this issue. We shared lessons learned from States that have been successful reducing their overall AA-AAAS rates. Materials from the conference are available at: <https://apps1.seiservices.com/2023SSA/Materials.aspx>.

We appreciate the work you are doing to improve your schools and provide a high-quality education for students. If you have any questions, please contact Department staff at ESEA.Assessment@ed.gov.

Sincerely,



Adam Schott
Deputy Assistant Secretary for
Policy and Programs
Delegated the Authority to Perform the
Functions and Duties of the Assistant Secretary
Office of Elementary and Secondary Education



Glenna Wright-Gallo
Assistant Secretary
Office of Special Education and
Rehabilitative Services

cc: Zachary Warner, NYSED
Christopher Suriano, NYSED