



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 27, 2023

The Honorable Khalid N. Mumin
Secretary of Education
Pennsylvania Department of Education
333 Market Street
Harrisburg, PA 17126

Dear Secretary Mumin:

We are writing regarding the Pennsylvania Department of Education's (PDE's) percentage of students with the most significant cognitive disabilities taking an alternate assessment aligned with 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 PDE's Title I, Part A grant award after Pennsylvania 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, PDE submitted information to the Department via *EDFacts* that showed the following AA-AAAS rates:

Reading/language arts: 1.97% **Mathematics:** 2.06% **Science:** 2.19%

While Pennsylvania's AA-AAAS participation rate for reading/language arts declined slightly, rates for mathematics and science increased from 2018-2019. In addition, AA-AAAS participation rates for all three subjects are still substantially higher than the 1.0 percent threshold. Accordingly, pursuant to the authority in 2 C.F.R. §§ 200.208 and 3474.10, We are placing PDE's FY 2023 Title I, Part A grant award on "high-risk" status.

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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.

In order to remove this high-risk status and grant condition, PDE must:

1. Submit, within 30 calendar days of the date of this letter, a revised plan for how the State will come into compliance with the requirement to assess no more than 1.0 percent of students with an AA-AAAS.
2. Participate in joint monitoring calls with the Office of Elementary and Secondary Education and the Office of Special Education Programs while the State works to meet the requirement. Department staff will be in touch with your team to organize these calls.
3. In order to remove the high-risk status: demonstrate significant progress in reducing the rates of AA-AAAS participation during the 2022-2023 and 2023-2024 school years. In order to satisfy the condition, PDE must demonstrate that the AA-AAAS rates in reading/language arts, mathematics, and science are below 1.0 percent.

PDE may request reconsideration of its “high-risk” designation by submitting in writing, no later than 10 business days from the date of this letter, a detailed description setting forth the basis for its belief that this designation is improper, including the specific facts that support its position. If PDE chooses to request such reconsideration, that request must be submitted via e-mail to us, with a copy to: ESEA.Assessment@ed.gov. If we do not receive a request for reconsideration within 10 business days, PDE’s “high-risk” status for Title I, Part A will be considered final and will be lifted only upon completing the actions set forth above.

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

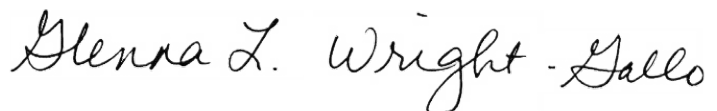
The Department continues to support Pennsylvania and all States in meeting this critical ESEA requirement. In September, the Department hosted a conference on State assessments that focused, in part, on helping States further address this issue. We shared lessons learned from States that have been successful 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: Brian Truesdale, PDE

Carole Clancy, PDE