



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education
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August 27, 2024

The Honorable Adam Schott
Acting Assistant Secretary
Office of Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
ESEA.Assessment@ed.gov

RE: Update on New York State's Plan to Come into Compliance with the Requirement of Title 1 of the Elementary and Secondary Education Act of 1965 that Limits the Percentage of Students that a State May Assess with an Alternate Assessment Based on Alternate Academic Achievement Standards to No More Than 1.0 Percent

Dear Acting Assistant Secretary Schott:

This is in response to the New York State Education Department (NYSED) 2024 Grant Award Notification (GAN) for Title I, Part A (new award, S010A230032) dated July 1, 2024. As indicated in the GAN, the NYSED grant award is subject to the special conditions identified in Attachment T – Fiscal Year (FY) 2024 of the GAN, including the condition placed on the NYSED Title I Part A grant award relating to the requirement of Title I of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), that limits the percentage of students that a state may assess with an Alternate Assessment Based on Alternate Academic Achievement Standards (AA-AAAS) to no more than 1.0 percent of all assessed students in the grades assessed in a state for each subject.

Attachment T noted that, on June 4, 2019, the United States Department of Education (USDE) issued a letter informing NYSED that based on AA-AAAS data reported for the 2017-2018 school year, NYSED was out of compliance with the ESEA 1.0 percent requirement and a condition was being placed on New York's FY 2019 Title I, Part A award, pending either a demonstration of compliance of the requirement by NYSED or a waiver requested of and granted by the USDE. Attachment T also noted that because the state has not yet come into compliance, the condition will remain on the NYSED FY 2024 grant award and an updated plan for reducing the rate of AA-AAAS participation in future years to comply with the 1.0 percent requirement is required.

NYSED remains committed to ensuring the majority of New York State (NYS) students are taking the state's general assessments and that the NYS AA-AAAS is administered only to those students with the most severe cognitive disabilities. To comply with the requirements of the condition described in Attachment T, NYSED is providing an updated plan describing how the state will come into compliance with the 1.0 percent state-

level cap requirement under the ESEA. The data collection and analysis, professional development and technical assistance, and oversight/monitoring efforts included in the plan are a collaborative effort between the NYSED Office of Special Education (OSE), the Office of State Assessment, the Office of Information and Reporting Services, and the Office of Accountability.

Enclosed is the NYSED 2024 Updated Plan to come into compliance with the requirements of Title 1 of the Elementary and Secondary Act of 1965 that limits the percentage of students that a state may assess with alternate assessments aligned with alternate achievement learning standards and will include the following:

1. Clarification of Participation Criteria;
2. Revision to the NYSED NYSAA 1% Cap Guidance Materials (Tier 1 Activities); and
3. Revisions to Tier 2-3 Activities

NYSED expects the following outlined efforts will continue to further reduce NYSAA participation rates and demonstrate NYS's progress toward meeting the 1.0 percent requirement under the ESEA. Please contact Christopher Suriano, Associate Commissioner of the Office of Special Education by phone at (518) 402-3353 or via email at christopher.suriano@nysed.gov if you have any questions regarding the NYSED plan.

Thank you for your consideration.

Sincerely,



Betty A. Rosa
Commissioner

Enclosure

c: Dr. Jeffrey Matteson
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