



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

imab-adad-jul24item04
Attachment 1
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May 17, 2024

The Honorable Tony Thurmond
State Superintendent of Public Instruction
California Department of Education
1430 N Street
Sacramento, CA 95814

Linda Darling-Hammond
President
California State Board of Education
1430 N Street, Room 5111
Sacramento, CA 95814

Dear Superintendent Thurmond and Dr. Darling-Hammond:

I am writing in response to the California Department of Education's (CDE's) request on December 6, 2023 (with additional information provided on May 6, 2024), for a one-year waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). CDE requested this waiver because, based on State data for school year (SY) 2022-2023, the State has concluded that it may need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts (R/LA), mathematics, and science in the 2023-2024 school year.

After reviewing CDE's waiver request, I am declining to exercise my authority under section 8401(b) of the ESEA for a one-year waiver (for the 2023-2024 school year) of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess more than 1.0 percent of students in R/LA, mathematics, and science.

I am declining the request for R/LA, mathematics, and science because I do not find that approving the waiver will advance student academic achievement, as required in ESEA section 8401(b)(1)(C). Specifically, California did not assess at least 95 percent of students with disabilities in R/LA, mathematics, and science in the 2022-2023 school year, as required in 34 CFR § 200.6(c)(4)(ii). The State also did not meet the requirement in 34 CFR § 200.6(c)(4)(iii) because the State did not demonstrate that local educational agencies (LEAs) will address any disproportionality in AA-AAAS participation. In addition, California's assessment data for the 2022-2023 school year shows that rates of AA-AAAS participation increased in both R/LA and mathematics when compared to both the 2017-2018 and 2021-2022 school years. Further, because the State's AA-AAAS rates increased from the 2021-2022 to 2022-2023 school years, I

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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.

find that the State has not demonstrated that it has met 34 CFR § 200.6(c)(4)(iv), which requires the State to improve the implementation of its guidelines for participation in the AA-AAAS and to take additional steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of its assessed students.

Because CDE's rates of participation on the AA-AAAS in the 2022-2023 school year were above 1.0 percent in R/LA and mathematics, the Department is maintaining the condition on CDE's Title I, Part A grant award. To remove this condition, CDE must:

1. Within 60 days of receiving this letter, submit an updated plan for reducing the rate of AA-AAAS participation in future years in order to comply with the 1.0 percent requirement. Please submit this plan by email to the Department at ESEA.Assessment@ed.gov.
2. Submit evidence that the plan and timeline are made publicly available on the State's website when the plan is provided to the Department.
3. Demonstrate progress in reducing the percentage of students tested on alternate assessments in the 2023-2024 school year as validated by the CDE EDFacts assessment participation data submission.

I want to note that California has assessed less than 1.0 percent of students with an AA-AAAS in science for the past two years. Congratulations on this important progress.

CDE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F) and 34 CFR § 200.6(c)(4)(ii), (iii), and (iv). The revised waiver request must be submitted no later than 60 days from the date of this letter.

I appreciate your work to improve California's schools and provide a high-quality education for your students. If you have any questions, please contact my staff at ESEA.Assessment@ed.gov.

Sincerely,



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

cc: Mao Vang, Director, Assessment Development and Administration Division