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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](mailto: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

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