



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

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

February 4, 2020

Dr. 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 to follow up on a letter I sent you on June 4, 2019, regarding the California Department of Education's (CDE) percentage of students with the most significant cognitive disabilities taking an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). As you know, the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), 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 a State for each subject. In that letter, I noted that California had exceeded the 1.0 percent threshold in the 2017-2018 school year in reading/language arts, mathematics, and science based on data submitted to the Department via the *EDFacts* reporting system.

I recognize that the limit on the number of students with the most significant cognitive disabilities who may be assessed with an AA-AAAS was a new requirement starting in the 2017-2018 school year, and understand that many States needed time to provide training and guidance to reduce their AA-AAAS participation rates. Because CDE had rates of AA-AAAS participation that were greater than 1.0 percent in reading/language arts, mathematics, and science without a waiver; and had assessment participation rates that were less than 95 percent for all students in science and less than 95 percent for students with disabilities in reading/language arts, mathematics and science, the Department placed a grant condition on the State's fiscal year 2019 Title I, Part A award. This condition required that the State submit a plan for reducing the rate of AA-AAAS participation in future years in order to come into compliance with the 1.0 percent requirement. The condition also required that the State submit assessment participation data (including AA-AAAS participation) via *EDFacts* for the 2018-2019 school year by October 1, 2019. Thank you for providing both the plan and data that were requested in the June 4 letter.

In reviewing CDE's 2018-2019 data, it appears, that the AA-AAAS participation rates for reading/language arts, mathematics and science are still above 1.0 percent. As a result, the grant condition on CDE's Title I, Part A grant award will continue. In order to satisfy this condition, CDE must:

1. Provide, not later than October 1, 2020, assessment participation data in reading/language arts, mathematics and science and an update on the progress it has made in implementing its plan.
2. Provide evidence that it is assessing less than 1.0 percent of its students on an AA-AAAS for each subject.

I appreciate the plan California developed and submitted in summer 2019 to address this issue and look forward to seeing the results of your implementation of this plan over the next year.

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

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

The Department continues to support California and all States to ensure all students are being assessed using the right assessments. Over the past two years, the National Center on Educational Outcomes has facilitated a variety of technical assistance activities for States working to meet the 1.0 percent threshold. I note that CDE has participated in some of these activities. You may find resources from these activities available at https://nceo.info/Assessments/alternate_assessments.

I 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 my staff at ESEA.Assessment@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education

cc: Michelle Center, Director of Assessment

