



## UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Pedro Rivera  
Secretary of Education  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126

February 4, 2020

Dear Secretary Rivera:

I am writing to follow up on a letter I sent you on June 4, 2019, regarding the Pennsylvania Department of Education's (PDE) 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 Pennsylvania 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 to provide training and guidance to reduce their AA-AAAS participation rates. Because PDE had rates of AA-AAAS participation that were substantially above the 1.0 percent threshold in reading/language arts, mathematics, and science (i.e., rates greater than 1.3 percent), 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 PDE's 2018-2019 data, the AA-AAAS participation rates in reading/language arts, mathematics, and science are still substantially above the 1.0 percent threshold and have not demonstrated any progress compared with 2017-2018. As a result, the grant condition on PDE's Title I, Part A grant award will continue. In order to satisfy this condition, PDE 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.

The Department expects that as PDE implements its plan to reduce the rate of AA-AAAS participation, PDE will make progress to reduce these rates. If PDE does not make progress on the AA-AAAS participation rate in 2019-2020, the Department may consider additional enforcement actions regarding this non-compliance, such as placing the State's Title I, Part A grant award on high risk status. I appreciate the plan Pennsylvania 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 Pennsylvania 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 PDE has participated in some of these activities. You may find resources from these activities available at [https://nceo.info/Assessments/alternate\\_assessments](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](mailto:ESEA.Assessment@ed.gov).

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary for  
Elementary and Secondary Education

cc: Lisa Hampe, Special Education Advisor

