



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 27, 2023

The Honorable Arsenio Romero
Secretary of Education
New Mexico Public Education Department
300 Don Gaspar Avenue
Santa Fe, NM 87501

Dear Secretary Romero:

We are writing regarding the New Mexico Public Education Department's (NMPED's) percentage of students taking the alternate assessment based on alternate academic achievement standards (AA-AAAS). The Elementary and Secondary Education Act of 1965 (ESEA) 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 reading/language arts, mathematics, and science.

The U.S. Department of Education (Department) recognizes that this was a new requirement starting in the 2017-2018 school year and that most States previously assessed more than 1.0 percent of students with the AA-AAAS. We further understand that States needed time to adjust their systems to reduce AA-AAAS participation rates and that the COVID-19 pandemic impacted many plans in States in the 2019-2020 and 2020-2021 school years.

For the 2021-2022 school year, NMPED submitted information to the Department via *EDFacts* that showed the following AA-AAAS rates:

Reading/language arts: 1.07% **Mathematics:** 1.07% **Science:** 1.08%

Because NMPED had rates of AA-AAAS participation that were greater than 1.0 percent in reading/language arts, mathematics, and science and assessment participation rates that were less than 95 percent for all students and students with disabilities in all three subjects, the Department is placing the following condition on the State's fiscal year 2023 Title I, Part A grant award:

The State reported alternate assessment based on alternate academic achievement standards (AA-AAAS) data for the 2021-2022 school year indicating rates of AA-AAAS participation that were greater than 1.0 percent in reading/language arts, mathematics, and science and had assessment participation rates that were less than 95 percent for all students and students with disabilities in all three subjects. NMPED is therefore out of compliance with the requirement of Title I of the ESEA that 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 the grades assessed in a State for each subject.

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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.

The grant award is subject to the following requirements:

- Submit, within 30 calendar days of the date of this letter, a plan for how the State will come into compliance with the requirement to assess no more than 1.0 percent of students with an AA-AAAS.
- Demonstrate that the State assessed less than 1.0 percent of its students with an AA-AAAS in reading/language arts, mathematics, and science.

If the State continues to report an AA-AAAS rate over 1.0 percent in future years, the Department may take additional action. This is particularly true if the State is unable to demonstrate that it is making progress reducing the percentage of students taking the AA-AAAS.

The Department continues to support New Mexico and all States in meeting this critical ESEA requirement. In September, the Department hosted a conference on State assessments that focused, in part, on helping States further address this issue. We shared lessons learned from States that have been successful reducing their overall AA-AAAS rates. Materials from the conference are available at: <https://apps1.seiservices.com/2023SSA/Materials.aspx>.

We 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 Department staff at ESEA.Assessment@ed.gov.

Sincerely,



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



Glenna Wright-Gallo
Assistant Secretary
Office of Special Education and
Rehabilitative Services

cc: Lynn Vásquez, NMPED
Margaret Cage, NMPED