



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 27, 2023

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:

We are writing regarding the California Department of Education's (CDE's) percentage of students with the most significant cognitive disabilities taking an 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. On February 4, 2020, the U.S. Department of Education (Department) placed a condition on CDE's Title I, Part A grant award after California exceeded the 1.0 percent threshold for the 2018-2019 school year in reading/language arts, mathematics, and science, based on data submitted to the Department via the *EDFacts* reporting system.

The 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, CDE submitted information to the Department via *EDFacts* that showed the following AA-AAAS rates:

Reading/language arts: 1.11% **Mathematics:** 1.10% **Science:** 0.95%

Let us start by congratulating CDE for being below 1.0 percent in science, which is an important accomplishment. While the AA-AAAS participation rates for reading/language arts and mathematics have declined from 2018-2019, they are still above 1.0 percent. Because the rates

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
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.

Page 2 – The Honorable Tony Thurmond and Dr. Linda Darling-Hammond

for reading/language arts and mathematics remain above 1.0 percent, the condition will continue on CDE's fiscal year 2023 Title I, Part A grant award. In order to satisfy this condition, CDE must:

- Submit, within 30 calendar days of the date of this letter, a revised 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; and
- Demonstrate that the State assessed less than 1.0 percent of its students with an AA-AAAS in reading/language arts and mathematics.

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 California 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: Mao Vang, CDE
Shiyloh Duncan-Becerril, CDE