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To: BOCESSuperintendents
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From: Jason Harmon, Assistant Commissioner

Subject: United States Department of Education (USDE) **Waiver of Every Student Succeeds Act (ESSA) Accountability and Report Card Provisions for the 2020 School Year**

Date: June 22, 2021

On February 12, 2021, the New York State Education Department (NYSED Department) submitted a waiver request to the United States Department of Education (USDE) on behalf of all Local Education Agencies (LEAs) in New York State seeking flexibility from federal accountability requirements for the 2020 school year¹

Specifically, the waiver request addressed the unique circumstances caused by the ongoing pandemic. The Department argued that even in cases where data is collected for the individual accountability indicators in order to make determinations at the elementary/middle and high school levels, there is much concern that such determinations for the 2020 school year will be distorted by the disparities across the State in learning modality and device/internet connectivity access. These disparities undermine the Department's ability to make accurate judgments about individual indicators and overall school and district performance, effectively negating the ability to meaningfully differentiate among schools and offer appropriate supports.

This memo is to inform you that USDE granted NYSED a waiver of the following requirements of the Elementary and Secondary Education Act (ESEA), as recently amended by the Every Student Succeeds Act (ESSA)

- x Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State measure progress toward Long-Term Goals and Measures of Interim Progress (MIP); meaningfully differentiate, on an annual basis, all public schools, including adjusting the Academic Achievement indicator based on a participation rate below 95 percent; and identify schools for Comprehensive Targeted, and additional Targeted Support and Improvement based on data from the 2020 school year.

ESSA Accountability Implications

Based on the waiver granted by USDE, NYSED will present proposed amendments to Commissioner's Regulations related to accountability and schools in Receivership to the Board of Regents at its September 2021 meeting. Proposed amendments will be consistent with the following actions:

- x NYSED will waive all requirements pertaining to participation rate in state assessments administered during the ~~2020~~ school year.
- x NYSED will not make ~~2021~~ school year accountability status level determinations based on ~~2020~~ school year data for any of the indicators used in New York's accountability system: composite performance; academic progress; student growth; English Language Proficiency; chronic absenteeism; graduation rate; and college, career, and civic readiness.
- x NYSED will freeze the accountability status of all schools and districts. All districts and schools will have the same accountability status in the ~~2021~~ school year that the districts and schools had in the ~~2020~~-school year. Therefore:
 - o Any district that was identified as a Target District in the ~~2020~~ school year will maintain that identification status in the ~~2021~~ school year.
 - o

x NYSED will extend established

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District and School Report Cards

As a result of the waiver, NYSED will not report the following data on the 2020-21 school year School and District Report Cards:

- x A description of the State's accountability system
- x Information related to the performance on other academic indicator for public elementary schools and secondary schools that are not high schools
- x Information related to the performance on School Quality or Student Success indicators
- x Information related to progress toward meeting Long-Term Goals and Measurements of Interim Progress
- x Information showing how students in an LEA and each school, respectively