



**NYSED Request for Waiver of Assessments, Accountability and School Identification, and Reporting Requirements Public Comment Period**  
March 26, 2020

The New York State Education Department (NYSED) has submitted a request for a waiver of assessments, accountability and school identification, and reporting requirements under the Elementary and Secondary Education Act of 1965, as amended, to the United States Department of Education. If granted, pursuant to section 8401(b) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, the following requirements would be waived:

1. Assessment requirements in section 1111(b)(2): the requirements to administer all required assessments in school year 2019-2020.
2. Accountability and school identification requirements in sections 1111(c)(4) and 1111(d)(2)(C)-(D): the requirements that a State annually meaningfully differentiate all public schools and the requirements to identify schools for comprehensive and targeted support and improvement and additional targeted support and improvement based on data from the 2019-2020 school year.
3. Report card provisions related to certain assessments and accountability in section 1111(h) based on data from the 2019-2020 school year.

NYSED has requested this waiver because it is not possible to administer assessments required under ESEA section 1111(b)(2) or comply with the concomitant accountability, school identification, and reporting requirements as originally planned due to extensive school closures in the State. These closures are in response to extraordinary circumstances for which a national emergency has been duly declared by the President of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and this action will protect the health and safety of students, staff, and our communities.

In seeking this waiver, NYSED was required to provide assurance that any school that is identified for comprehensive or targeted support and improvement or additional targeted support and improvement in the 2019-2020 school year will maintain that identification status in the 2020-2021 school year and continue to receive supports and interventions consistent with the school's support and improvement plan in the 2020-2021 school year.

Additionally, NYSED is required to provide the public and all Local Educational Agencies (LEAs) in the State with notice of and the opportunity to comment on this request. Comments can be submitted via email to [NYSEDP12@nysed.gov](mailto:NYSEDP12@nysed.gov) with "Waiver Comments from (sender/organization name)" in the subject line. Comments will be accepted through April 9.