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The submitted waiver request sought to address the ongoing impact of the pandemic on school communities and the issue of whether reliable and accurate accountability determinations that support student academic success are appropriate. The Department argued that the current New York State's commitment to diversity, equity, and inclusion (DEI)

² the timeline and manner for restarting accountability determinations must be done in the most equitable way possible. The waiver request proposed to eliminate requirements to identify schools for Comprehensive and Targeted Support and Improvement in fall 2022 based on 2021 school year results, and use Title I School Improvement funds to support Good Standing schools that were identified as at risk

NYSED has already engaged with USDE to receive technical assistance regarding potential solutions to the concerns raised in the waiver request in order to restart the accountability system in a way that will meet the statutory requirements of the ESSA.

While disappointed by USDE decision, the Department will continue to explore all possible options to find the most appropriate and equitable path forward possible to restart the accountability system in a manner that is most supportive to schools and districts under law. Additional information regarding accountability determinations under New York State's approved Every Students Succeeds Act (ESSA) plan will be forthcoming as soon as it is available.

The Department remains committed to supporting your efforts to provide the best education and support to all students across New York State. Questions concerning the information contained in this memo should be directed to: