



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

July 14, 2025

The Honorable Betty A. Rosa
Commissioner of Education
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Dear Commissioner Rosa:

I am writing in response to the New York State Education Department's (NYSED's) request to the U.S. Department of Education (Department) on May 19, 2025 (with additional information provided on June 26, 2025), for an extension of the waiver from the requirements in sections 1111(b)(1)(B) and 1111(b)(2)(B)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which requires a State to hold all students to the same academic standards and administer the same aligned academic assessments to all students. NYSED requested the waiver so that 6th- and 7th-grade students in mathematics and 7th- and 8th-graders in science who are taking advanced courses may take the corresponding end-of-course (EOC) assessment in lieu of the statewide grade-level assessment. These students will take a more-advanced assessment in high school. NYSED requested this waiver extension for school years (SYs) 2025-2026 through 2028-2029.

After carefully reviewing NYSED's waiver extension request, I am approving, pursuant to my authority under ESEA section 8401(a)(3), a waiver extension of sections 1111(b)(1)(B) and 1111(b)(2)(B)(i)(I) of the ESEA, as well as the corresponding regulation 34 CFR § 200.2(b)(1)(i), to permit any New York student in grade 6 and 7 enrolled in an advanced mathematics course, and any student in grade 7 and 8 enrolled in an advanced science course, to take the corresponding EOC assessment in lieu of the statewide grade-level assessment. In high school, the student will take the more advanced Regents Examination in mathematics and/or science. This waiver extension is in effect from SYs 2025-2026 through 2028-2029.

In requesting this waiver extension, NYSED assured the following for any student affected by this waiver:

- The student will take the EOC assessment in mathematics or science that is given to high school students under section 1111(b)(2)(B)(v)(I)(bb) and 1111(b)(2)(B)(v)(II)(cc) of the ESEA.
- The student's performance on the EOC assessment will be used in the year the student takes the assessment for Federal accountability purposes.
- While in high school, the student will take a State-administered assessment or nationally recognized high school assessment as defined by 34 CFR § 200.3(d) that is more advanced than the statewide assessment given under sections

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1111(b)(2)(B)(v)(I)(bb) and 1111(b)(2)(B)(v)(II)(cc) of the ESEA.

- The student's performance on the more advanced assessment will be used for Federal accountability purposes.

I appreciate the work you are doing to improve New York's schools and provide a high-quality education for your students. If you have any questions, please contact my staff at:
ESEA.Assessment@ed.gov.

Sincerely,



Hayley B. Sanon
Principal Deputy Assistant Secretary
and Acting Assistant Secretary
Office of Elementary and Secondary Education

cc: Jeffrey Matteson, Senior Deputy Commissioner, Education Policy
Angelique Johnson-Dingle, Deputy Commissioner, P-12 Instructional Support
Ceylane Meyers- Ruff, Deputy Commissioner, Special Education and Adult Career and Continuing Education Services
Jason Harmon, Deputy Commissioner, P-12 Operational Support
Theresa Billington, Assistant Commissioner, Office of Accountability & Office of Innovation and School Reform
Zachary Warner, Assistant Commissioner, Office of State Assessment