



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

June 23, 2015

The Honorable Elizabeth Berlin
Acting Commissioner
New York State Education Department
89 Washington Avenue
Albany, NY 12234

Dear Acting Commissioner Berlin:

I am writing in response to New York's request for renewal of flexibility under the Elementary and Secondary Education Act of 1965, as amended (ESEA flexibility), so that New York may continue to implement ESEA flexibility.

Our team, including my staff and other senior leaders at the U.S. Department of Education (ED), reviewed New York's request dated June 10, 2015. Pursuant to section 9401(d)(2) of the ESEA, I am pleased to renew approval of New York's ESEA flexibility request for four years, through the end of the 2018–2019 school year.

My decision to renew approval of New York's ESEA flexibility request is based on my determination that ESEA flexibility has been effective in enabling New York to carry out important reforms to improve student achievement and that this renewal is in the public interest. With this renewal, New York will be able to continue implementing its plans to promote innovative, locally tailored strategies to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction. New York's approved request will be posted on ED's website.

This renewal is subject to New York's commitment to:

- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that schools that were previously identified as Priority or Focus schools but are not identified in the State's next cohort of schools continue to make progress at improving the performance of all students and closing achievement gaps; and
- Demonstrate, during ED's monitoring and follow-up of ESEA flexibility implementation, that New York is implementing the plan set forth in its ESEA flexibility request to ensure that Focus schools that have not met the State's exit criteria and are identified in the State's next cohort of Focus schools will be prepared to implement more rigorous interventions by the start of the 2016–2017 school year.

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<http://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.

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New York continues to have an affirmative responsibility to ensure that it and its local educational agencies (LEAs) are in compliance with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age in their implementation of ESEA flexibility. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and requirements under the Individuals with Disabilities Education Act.

I am confident that New York will continue to implement the reforms described in its approved ESEA flexibility request and advance its efforts to hold schools and LEAs accountable for the achievement of all students. If you need any additional assistance to implement your ESEA flexibility request, please contact Hans Neseth of my staff at: OSS.NewYork@ed.gov.

Thank you for your commitment and continued focus on enhancing education for all of New York's students.

Sincerely,

/s/

Heather Rieman
Acting Assistant Secretary

cc: Ira Schwartz, Assistant Commissioner