

2015-K522

LEGISLATIVE RESOLUTION urging the United States Department of Education to approve New York State's Elementary and Secondary Education Act (ESEA) Flexibility Waiver Renewal Amendment Request for the 2015-2016 school year in relation to students with disabilities and English language learners

WHEREAS, It is the sense of this Legislative Body to ensure that all children in the State of New York have the opportunity to receive a basic sound education; and

WHEREAS, It is important that the New York State Education Department ensure that the correct measures are taken to appropriately assess the academic progress of all students in order to close the achievement gap; and

WHEREAS, An amendment to New York State's ESEA flexibility waiver to provide more flexibility for how students with disabilities and English language learners are assessed would ensure that the State remains in compliance with the United States Department of Education ESEA waiver requirements while ensuring meaningful accountability and instructional information for educators, parents, and students; and

WHEREAS, New York stakeholders publicly vetted and carefully crafted important safeguards into the waiver application in order to achieve a balance between accountability and the need for flexibility; and

WHEREAS, The waiver application would allow New York State to assess students with disabilities who are ineligible to take the New York State Alternative Assessment, but who have significant intellectual delays and substantial difficulties in cognitive areas to be assessed on their instructional level rather than their chronological age to ensure appropriate student academic achievement; and

WHEREAS, The waiver application would also exempt newly arrived

English language learners from participating in English language arts assessments for two years and use the New York State English as a Second Language Achievement Test instead for accountability purposes; and WHEREAS, Chapter 56 of the Laws of 2014, which requires the Commissioner of Education to issue regulations implementing these policies upon approval of this flexibility waiver application received widespread, bipartisan support; now, therefore, be it

RESOLVED, That the United States Department of Education be and hereby is respectfully memorialized by this Legislative Body to approve New York State's ESEA Flexibility Waiver Amendment Request; and be it further

RESOLVED, That copies of this Resolution, suitably engrossed, be transmitted to the United States Department of Education, to the Governor of the State of New York, to the Commissioner of the State Education Department and to each member of the Congressional delegation from the State of New York.