



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

March 6, 2026

The Honorable Mo Green
State Superintendent
North Carolina Department of Public Instruction
6301 Mail Service Center
Raleigh, NC 27699-6301

Dear Superintendent Green:

I am writing in response to the North Carolina Department of Public Instruction's (NCDPI's) request on February 2, 2026, for a waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), which stipulates that a State may not assess more than 1.0 percent of all students in the grades assessed using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS). North Carolina requested this waiver extension because, based on State data for school year (SY) 2024-2025, NCDPI concluded that it may exceed the 1.0 percent cap on AA-AAAS participation in reading/language arts (R/LA), mathematics, and science.

After reviewing NCDPI's waiver request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for SY 2024-2025, a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA so that the State may assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in R/LA, mathematics and science.

As part of this waiver, NCDPI assured that it:

- Will continue to meet all other requirements of section 1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.
- Had assessed in SY 2024-2025 at least 95 percent of all students and all students with disabilities who are enrolled in grades for which the R/LA, mathematics, and science assessments are required.
- Will require that a local educational agency (LEA) submit information justifying the need of the LEA to assess more than 1.0 percent of its assessed students in any such subject with an AA-AAAS.
- Will provide appropriate oversight of an LEA that is required to submit such information to the State.
- Will verify that each LEA that is required to submit such information to the State is following all State guidelines in 34 CFR § 200.6(d) – excluding (d)(6) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- Will implement, consistent with the plan submitted in NCDPI’s waiver extension request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

As a reminder, 34 CFR § 200.6(c)(3)(iv) requires a State to make publicly available the information submitted by an LEA justifying the need to assess more than 1.0 percent of its students on the AA-AAAS, provided that such information does not reveal personally identifiable information about an individual student. I also encourage you to make available your State’s plan, timeline, and progress to date in reducing the percentage of students taking the AA-AAAS.

I appreciate the progress North Carolina has made since the passage of the Every Student Succeeds Act of 2015 (ESSA). In particular, the science AA-AAAS participation rate decreased from 1.13 percent in 2017-2018 to 1.00 percent in 2024-2025. Congratulations for your hard work to reduce the percentage of students taking a science AA-AAAS. With respect to R/LA and mathematics, the Department expects that NCDPI similarly reduce the AA-AAAS rates in future years.

I appreciate your work to improve North Carolina’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,

A handwritten signature in cursive script that reads "Kirsten Baesler".

Kirsten Baesler
Assistant Secretary
Office of Elementary and Secondary Education

cc: Shelby Armentrout
Michael Maher
Kinge Mbella
Carol Ann Hudgens
Ashley Baquero