UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Honorable Richard P. Mills
Commissioner
New York State Department of Education
111 Education Building
89 Washington Avenue
Albany, New York 12234

JUN 0 8 2009

Dear Commissioner Mills:

During the week of March 23, 2009, a team from the U. S. Department of Education's (ED) Student Achievement and School Accountability Programs (SASA) office reviewed the New York State Department of Education's (NYSED) administration of the following programs authorized by the Elementary and Secondary Education Act of 1965 (ESEA), as amended:

- Title I, Part A (Basic);
- Title I, Part D (Neglected and Delinquent); and
- Title VII, Subtitle B of the McKinney-Vento Homeless Assistance Act (Education for Homeless Children and Youth Program).

Enclosed is a report based upon this review.

The 2008-2009 fiscal year begins the third year of the second full cycle of monitoring under ESEA. Based on five years of monitoring, we have learned significantly more about the status of States, districts, and schools in implementing the requirements of Title I. For the first time, ED has collected data on critical compliance issues under the ESEA in all States. This knowledge has informed the current cycle of monitoring, and is reflected in the procedures and monitoring protocols utilized in the onsite review process.

The ESEA, as amended, has increased the emphasis on accountability for all students, and has focused on States' responsibilities to work with districts and schools to improve instruction and student achievement. ED will continue to work closely with States to define their responsibilities in implementing the requirements of the ESEA.

Monitoring for the Title I, Part A; Neglected and Delinquent; and Education for Homeless Children and Youth Program will continue to be conducted in three broad areas – accountability; program improvement, parental involvement and options; and fiduciary responsibilities. Prior to, during, and following the onsite monitoring review, the ED team conducted a number of activities (described in the enclosed report) to verify compliance with the critical monitoring indicators in each of the three broad areas for all three programs.

The enclosed report contains a listing of the critical monitoring elements in each of the three areas for the three programs monitored, a description of the scope of the monitoring review, and the findings, required corrective actions, and recommendations that the team cited as a result of the review. The NYSED has 30 business days from receipt of this report to respond to all of the compliance issues contained herein. ED staff will review your response for sufficiency and will determine which areas are acceptable and which will require further documentation of implementation. ED will allow 30 business days for receipt of this further

documentation if required. ED recognizes that some corrective actions may require longer than the prescribed 30 days, and in these instances ED will work with you to determine a reasonable timeline. In those instances where additional time is required to implement specific corrective actions, you must submit a request for such an extension in writing to ED, including a timeline for completion of all related actions.

Each State that participates in an onsite monitoring review and that has significant compliance findings in one or more of the programs monitored will have a condition placed on that program's grant award specifying that the State must submit (and receive approval of) documentation that all compliance issues identified in the monitoring report have been corrected. When documentation sufficient to address all compliance areas has been submitted and approved, ED will then remove the condition from your grant award.

Please be aware that the issues presented in the enclosed report reflect the status of compliance in New York at the time of SASA's onsite review. NYSED may receive further communication from ED that will require it to address noncompliance occurring prior or subsequent to the onsite visit.

The ED team would like to thank Roberto Reyes and his staff for their hard work and the assistance they provided prior to and during the review in gathering materials and providing access to information in a timely manner. The ED team was impressed with the efforts of your State's staff to implement the many requirements of the four programs monitored.

We look forward to working further with your staff to resolve the issues contained in this report and to improve the quality of Title I programs in New York.

Sincerely,

Zollie Stevenson, Jr., Ph.D.
Director
Student Achievement and
School Accountability Programs

Enclosure

cc: Roberto Reyes, Director
Mary Russman, ND/Homeless Coordinator