



Delaware Department of Education One Percent Waiver Request

Exceeding one percent student participation in state alternate assessments
Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)

Office of Assessment and Exceptional Children Resources
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**Delaware Department of Education
One Percent Waiver Request
Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)
November 10, 2017**

Introduction

New requirements found in the Every Student Succeeds Act (ESSA) provide additional specifications and clarification of expectations related to students identified as those with the most significant cognitive disabilities. States exceeding one percent student participation in state alternate assessments are required to submit a waiver request, along with additional data, a state plan, and a timeline to address the reduction of participation in alternate assessments.

The Delaware Department of Education (DDOE) will seek a waiver from the United States Department of Education for the 2017-2018 school year, pursuant to the regulation found at 34 C.F.R. §200.6(c)(4) requiring State Education Agencies (SEAs) to limit the number of students participating in state alternate assessments in required subject areas to be at or below one percent of the total number of all students taking the state level assessment.

34 C.F.R. §200.6(c)(2) states:

For each subject for which assessments are administered under §200.2(a)(1), the total number of students assessed in that subject using an alternate assessment with alternate academic achievement standards under paragraph (c)(1) of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.

Spring 2017 state level alternate assessment participation data reflects a participation of greater than one percent in ELA, mathematics, and science, as reflected in Table 1.

Table 1: Alternate Assessment Participation Rates by Content Area

Content Area	Total Number of Students Testing	Number of Students Participating in the Alternate Assessment	Percentage of Students Participating in the Alternate Assessment
ELA	73597	1055	1.4
Mathematics	73940	1055	1.4
Science	31982	489	1.5

The number of students participating in the alternate assessments show alternate participation in spring 2017 to be at 1.4% for ELA, 1.4% for mathematics, and 1.5% for science. Therefore, DDOE is requesting a waiver for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements.

State Education Agencies requesting a waiver are also required to adhere to the requirements stipulated at 34 C.F.R. §200.6(c)(4) and may be found below.

If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under §200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year. Such request must—
(i) Be submitted at least 90 days prior to the start of the State’s testing window for the relevant subject;

Delaware’s alternate assessment window runs from March 12, 2018 through May 18, 2018. In accordance with the 90 day requirement for waiver requests, Delaware will submit the waiver request and any public comments received during the public notification of waiver application period to the US Department of Education by December 12, 2017.

34 C.F.R. §200.6(c)(4)(ii)(A) requests subgroup data, as stated below:

The number and percentage of students in each subgroup of students defined in 1111(c)(2)(A), (B), and (D) of the Act who took the alternate assessment aligned with alternate academic achievement standards...

A summary of subgroup data for Delaware’s state level alternate assessment participation by content area may be found below. For purposes of public state level reporting, the following business rules are utilized:

- o If a group or subgroup count of “number tested” is between one (1) and fifteen (15), the number of students is represented by “<=15” and the percentages and averages are reported for that group.**
- o If a group or subgroup count of “number tested” is zero (0), the number of students is reported as zero (0) and an asterisk (*) appears in the columns where a percentage or average would otherwise appear.**

Additional review and analyses of these data will be conducted, as well as local level data for districts exceeding the 1% threshold, will be conducted at both the state and local levels to identify any possible trends and potential areas of subgroup disproportionality at specific grade levels.

Table 2: ELA Alternate Assessment Participation Rates by Subgroup

Sub Group	Total Number Alternate Assessment Participants per Content	Total Number in Subgroup	Percentage Alternate Assessment Participants in Subgroup
Female	1055	340	32.2
Male	1055	715	67.8
Hispanic	1055	140	13.3
American Indian	1055	<=15	0.7
African American	1055	411	39.0
White	1055	442	41.9
Asian American	1055	28	2.7
Hawaiian/Pacific Islander	1055	<=15	0.2

Sub Group	Total Number Alternate Assessment Participants per Content	Total Number in Subgroup	Percentage Alternate Assessment Participants in Subgroup
Multiracial	1055	25	2.4
Low-Income	1055	435	41.2
ELL	1055	79	7.5
Homeless	1055	42	4.0

Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup

Sub Group	Total Number of Alternate Assessment Participants per Content	Total Number in Subgroup	Percentage of Alternate Assessment Participants in Subgroup
Female	1055	340	32.2
Male	1055	715	67.8
Hispanic	1055	140	13.3
American Indian	1055	<=15	0.7
African American	1055	411	39.0
White	1055	442	41.9
Asian American	1055	28	2.7
Hawaiian/Pacific Islander	1055	<=15	0.2
Multiracial	1055	25	2.4
Low-Income	1055	435	41.2
ELL	1055	79	7.5
Homeless	1055	42	3.9

Table 4: Science Alternate Assessment Participation Rates by Subgroup

Sub Group	Total Number of Alternate Assessment Participants per Content	Total Number in Subgroup	Percentage of Alternate Assessment Participants in Subgroup
Female	489	158	32.3
Male	489	331	67.7
Hispanic	489	67	13.7
American Indian	489	<=15	0.8
African American	489	183	37.4
White	489	216	44.2
Asian American	489	<=15	2.9
Hawaiian/Pacific Islander	489	0	*
Multiracial	489	<=15	1.0
Low-Income	489	215	44.0
ELL	489	43	8.8
Homeless	489	20	4.1

34 C.F.R. §200.6(c)(4)(ii)(B) requests information in relation to overall participation rates, as stated below:

The State has measured the achievement of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup under section 1111(c)(2)(C) of the Act who are enrolled in grades for which the assessment is required under §200.5(a)...

The expectation is that all students participate in the state assessments in grades 3- 8 and 11 for ELA and mathematics, as well as those in grades 5, 8, and 10 for science. Students participate in the general education assessments with or without accommodations or participate in the alternate assessment.

Participation specifically in alternate assessments meets and exceeds the 95% expectation in all three content areas. ELA and mathematics alternate assessment participation was at 96% in each content area, with the rate of participation at 95% in grades 5, 8, and 10 alternate science assessment (Table 5).

Table 5: Alternate Assessment Participation Rates by Content Area

Content Area	Number Eligible for Alternate Assessment	Number Participating in Alternate Assessment	Participation Rate
ELA	1055	1015	96.2
MATH	1055	1009	95.6
SCI	489	466	95.3

The combined participation in the general education assessments and the alternate assessments demonstrates Delaware students participation exceeded the 95% expectation, with 98% overall participation in ELA and mathematics and 96% overall participation in science, as shown in Table 6.

Table 6: Assessment Overall Participation Rates for All Students by Content Area

Content Area	Total Number Eligible for Alt. and Gen. Ed. State Assessments	Number Participating	Participation Rate
ELA	73597	71900	97.7
MATH	73940	72139	97.6
SCI	31982	30804	96.3

Assurances and Justification

DDOE assures that LEAs anticipating greater than one percent participation in the alternate assessments utilized State guidelines for alternate assessment participation, as described below.

(iii) Include assurances from the State that it has verified each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in any subject for which assessments are administered under § 200.2(a)(1) in that school year using an alternate assessment aligned with alternate academic achievement standards—

In addition to the aforementioned state level compiled data, LEAs compiled and self-reported local level participation in alternate assessments and projections for the spring 2018 assessment via the Delaware Department of Education Alternate Assessment Justification Form (attached). LEAs submitted this form, with those exceeding the one percent threshold also completing the justification section. Assurances were provided by LEAs and attested to at the local level by the affixing of the Superintendent signature on the form below the following notation on the form.

“By submitting this application, the district verifies that all students participating in the DeSSA-Alt meet the Delaware Department of Education’s participation criteria (available online at <http://www.doe.k12.de.us/Page/21238>).”

DDOE will provide additional guidance and technical assistance to analyze trends, potential disproportionality concerns, and address supports needed for LEAs identified exceeding the one percent threshold. The Delaware plan describing these activities follows.

Delaware’s Plan

A state plan and timeline intended to address the reduction of percentages exceeding the one percent cap of alternate assessment participation will be included, pursuant to the additional federal requirements detailed in 34 C.F.R. §200.6(c)(4). This plan will also include State guidelines clarification, professional development, oversight, and support for identified areas of need. DDOE will provide three levels of support.

Level 1

At this universal level, the State will address overall trends and overarching needs by participating in and/or providing the following:

- Data collection, analyses, and reporting of overall data and subgroup data
- Defining oversight for LEAs exceeding one percent
- Clarifying the state definition of “students with the most significant cognitive disabilities”
- Updating the State Guidelines, as needed, for participation in alternate assessments
- Launching a webinar specific to the State Guidelines
- Highlight the updated Accessibility Guidelines manual (attached) and the accompanying training available via Schoology
- Provide additional IEP and accommodations training for staff and families

- Increase awareness and solicit feedback related to the one percent threshold for alternate assessments, the state plan, along with related state and LEA level data stakeholder groups including
 - *Access to General Curriculum committee*
 - *Governor's Advisory Council for Exceptional Citizens (GACEC) (state advisory council)*
- Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings
- Provide one percent data collection and justification forms to LEAs
- Publicly post justification forms, state waiver request, and plan with timeline
- Ensure support and guidance for all LEAs

Level 2

At level 2, the State will address more specific trends and LEA needs in support of a reduction of the percentage of students participating in alternate assessments. DDOE will review the implementation of state participation guidelines, provide technical support, evaluate professional development needs, and provide ongoing oversight for level 2 LEAs. LEAs exceeding one percent participation in alternate assessments falling into two justification areas will fall into this level of support and guidance. LEAs with special schools or programs or with a test population under 300 with 3 or fewer students participating in alternate assessments will be included at this level of support and guidance.

Technical Assistance and Professional Development

- Targeted assistance to LEAs
- Professional development related to inclusion of students with cognitive disorders within sending districts and program development
- Professional development in accordance with identified LEA needs related to eligibility, knowledge, and selection of available and appropriate accommodations

Level 3

LEAs with level 3 support and guidance will initially be identified via the self-reported LEA-level alternate assessment participation data collected on the Delaware Department of Education Alternate Assessment Justification Form. These LEAs will receive the level 1 and level 2 guidance and assistance, along with additional supports. Direct monitoring and support will be ongoing.

DDOE will provide a more in-depth structured level of technical support. Areas of focus will include

Technical Assistance, Professional Development and Support

- Targeted training on the identification process and State Participation Guidelines
- Documentation and triangulation of data review
- IEP team decision-making process
- Tools and strategies for instruction and student support
- Selection of accommodations for instruction and assessment purposes
- Deeper data dive
 - Focus on disability categories
 - Appropriateness of participation

- Targeted training on the identification process and State Participation Guidelines

The LEA will also develop a goal to appropriately decrease the percent of students participating in Delaware alternate assessments and submit a written plan to the DDOE identifying next steps.

Delaware's Timeline

January- May, 2017: State and LEA monthly communications

May-June 2017: LEA waiver and justification form communication and gathering of data from spring 2016 participation data

June- July 2017: DDOE review of state-level one percent data

August 2017: Release of updated Accessibility Guidelines manual including updated Alternate assessment participation guidelines

August 2017: Release of Accessibility Guidelines manual webinar

August-October 31, 2017: receive and compile LEA self-reported one percent data and justification documentation (see appendix _sample form)

November 21, 2017: Waiver discussion with stakeholder group

November 27- December 8, 2017: posting of waiver notification for public comment

November 28, 2017: Communication with Special Education Directors and District Test Coordinators regarding waiver request and request for comments via email memo

December 4, 2017: Communication with superintendents via Chiefs memo regarding waiver request and request for comments

December 10, 2017: DDOE submits waiver to USED, including comments received

March 12- May 18, 2018: Delaware alternate assessment window (DLM)

June 2018: Begin data review

December 1, 2017- July 1, 2018: Ongoing bi-weekly one percent timeline and plan update meetings

Notification of One Percent Waiver Request

The Delaware Department of Education will be posting the notification on November 27, 2017 for public comment. The waiver will be shared with stakeholder groups, such as the Access to General Curriculum committee and the Governor's Advisory Council for Exceptional Citizens (GACEC). Communications will also be sent to district superintendents, special education directors, and district test coordinators. Public comments and feedback will be included with the waiver submission.

Delaware Department of Education
Alternate Assessment Justification Form

Name of District: _____

District Code: _____

Person Completing Form: _____

Contact information: _____

Calculate Alt assessment rates for each content:	ELA/Language Arts Literacy 2015-2016	ELA/Language Arts Literacy 2016-2017	ELA/Language Arts Literacy 2017-2018 Projection
1. Total number of DeSSA-Alt/DCPS students at in grades 3, 4, 5, 6, 7, 8, and 11. Residential students with disabilities in in- and out-of-district placements should also be included.			
2. Total number of special education and general education students taking a state assessment during the 2016 spring window (Smarter, DeSSA-Alt/DCPS, SAT gr 11)			
3. Divide the line 1 number by the line 2 number.			
4. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content.			
Calculate Alt assessment rates for each content:	Mathematics 2015-2016	Mathematics 2016-2017	Mathematics 2017-2018 Projection
5. Total number of DeSSA-Alt/DCPS students at in grades 3, 4, 5, 6, 7, 8, and 11. Residential students with disabilities in in- and out-of-district placements should also be included.			
6. Total number of special education and general education students taking a state assessment during the 2016 spring window (Smarter, DeSSA-Alt/DCPS, SAT gr 11)			
7. Divide the line 1 number by the line 2 number.			
8. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content.			

After completing 1-8, if percentages in lines 4 and/or 8 are equal to or less than 1 percent; **please sign form below and submit.** If the percent is **greater than 1** in either subject area (lines 4 or 8), the additional information for justification below also needs to be completed. Please submit to Carolyn Lazar (Carolyn.lazar@doe.k12.de.us) at the Delaware Department of Education, by October 31, 2017.

Justification: (to be completed if above 1% in any column above)	2015-2016	2016-2017	2017-2018 Projection
There is a school, community or health program in the district that draws large numbers of students with significant intellectual disabilities.			
The total test population is less than 300 and the total number of students participating in DeSSA-Alt/DCPS is 3 or less.			
There is a high incidence of students with disabilities in the district.			
*Other			

*Other (Please elaborate)

By submitting this application, the district verifies that all students participating in the DeSSA-Alt/DCPS meet the Delaware Department of Education’s participation criteria (available online at: <http://www.doe.k12.de.us/Page/2138>).

Signature of Superintendent or Charter School Lead