



Delaware One Percent Cap 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)

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TABLE OF CONTENTS

Introduction.....	2
Table 1: Alternate Assessment Participation Rates by Content Area	2
One Percent Waiver Extension Request Requirements.....	3
Requirement 1 (§200.6(c)(4)(i))	3
The state requests a waiver of this ninety-day requirement due to information provided above. Moving forward, the state will submit a waiver request 90 days before the Fall window opens.	3
Requirement 2 (§200.6(c)(4)(ii))	3
Table 2: ELA Alternate Assessment Participation Rates by Subgroup	4
Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup	4
Table 4: Science Alternate Assessment Participation Rates by Subgroup	5
Table 5: Participation Rates of Students w/ Disabilities in DeSSA Assessments by Content Area.....	5
Table 6: Participation Rates for All Students in DeSSA Assessments by Content Area.....	6
Table 7: Participation Rates in DeSSA-Alternate by Content Area.....	6
Requirement 3 (§200.6(c)(4)(iii)).....	7
Requirement 4 (§200.6(c)(4)(iv)).....	8
Monitoring of LEAs: Levels of Support	8
Delaware’s Waiver Plan 2021-22	9
Universal Supports.....	10
Level 1 Supports	11
Level 2 Supports	11
Level 3 Supports	11
Delaware’s Timeline	12

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)

December 20, 2021

Introduction

Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA) [ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards (alternate assessments). ESSA places a 1.0% cap on the number of students who may participate in alternate assessments. States that anticipate exceeding the 1.0% cap must submit a waiver request to the U.S. Department of Education.

The Delaware Department of Education (DDOE) alternate assessment based on alternate academic achievement standards is the DeSSA-Alternate. DDOE participation rates for 2020-21 were 1.35 for English Language Arts and Mathematics, and 1.64 for Science.

Based on these data, DDOE is submitting the required waiver request for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements in the spring 2020 administration.

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;

Table 1: Alternate Assessment Participation Rates by Content Area

Content Area	Total Number of Assessed Students 2021	Number of Students Assessed in the Alternate Assessment 2021	Percentage of Students Assessed in the Alternate Assessment 2021
ELA	46854	631	1.35
Math	46513	630	1.35
Science	16425	269	1.64

One Percent Waiver Extension Request Requirements

Requirement 1 (§200.6(c)(4)(i)): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

Delaware's assessment window for the DeSSA-Alternate Assessment for students with significant cognitive disabilities is open from September 13, 2021-May 20, 2022. On October 29, 2021, DDOE received information from USED. Based on guidance provided in that memo, the State is applying for a new waiver as the State was not granted a waiver extension request in 2019-20.

This guidance was provided after our assessment window opened in the Fall. Previously, Delaware used the Year-End model to provide its alternate assessment, which made the submission date in December. This year, Delaware moved to the Instructionally-Embedded model for its alternate assessment which begins in September.

The state requests a waiver of this ninety-day requirement due to information provided above. Moving forward, the state will submit a waiver request 90 days before the Fall window opens.

Requirement 2 (§200.6(c)(4)(ii)): Provide State-level data, from the current or previous year, to show: (A) the number and percent in each subgroup who took the AA-AAAS in the subject area; and (B) the State has measured the achievement of at least 95% of all students and students with disabilities enrolled in the grades for which the AA-AAAS is required.

Due to COVID-related testing disruptions, the State did not meet the 95 percent requirement in SY 2020-21. Therefore, **the State requests a waiver to the 95 percent participation rate** requirement found in 34 C.F.R. §200.6(c)(4)(ii)(B).

Where applicable, the State will also provide a credible estimate of the number and percentage of students (including by subgroup, if possible) it expects to take the alternate assessment in SY 2021-22.

A summary of subgroup data for Delaware's state level alternate assessment participation by content is provided in Tables 2 - 7.

For purposes of public state level reporting, the following business rules are utilized:

- 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.
- 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.

Table 2: ELA Alternate Assessment Participation Rates by Subgroup

ELA	2021			2022		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Estimated Number of Students to be Assessed	Total Estimated Number Assessed to be in Alternate Assessment	% Expected to take State Alternate Assessment
All Students	46854	631	1.35	76661	994	1.30
Female	22753	197	0.87	37408	303	0.81
Male	24101	434	1.80	39255	691	1.76
Hispanic	9370	98	1.05	14452	152	1.05
American Indian	172	*	*	320	<=15	0.63
African American	12137	242	1.99	24019	382	1.59
White	21214	246	1.16	30852	373	1.21
Asian American	1908	16	0.84	3165	34	1.07
Hawaiian/Pacific Islander	65	<=15	1.54	123	*	0.00
Multiracial	1988	28	1.41	3730	51	1.37
Low-Income	11783	205	1.74	18589	264	1.42
ELL	5399	<=15	0.24	8099	<=15	0.17
Homeless	677	25	3.69	1114	22	1.97

Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup

Math	2021			2022		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Est Number of Students to be Assessed	Total Est Number to be Assessed in Alternate Assessment	% Expected to take State Alternate Assessment
All Students	46513	630	1.35	76661	994	1.30
Female	22560	196	0.87	37408	303	0.81
Male	23953	434	1.81	39255	691	1.76
Hispanic	9373	98	1.05	14452	152	1.05
American Indian	175	*	*	320	<=15	0.63
African American	12001	241	2.01	24019	382	1.59
White	21034	246	1.17	30852	373	1.21
Asian American	1903	16	0.84	3165	34	1.07
Hawaiian/Pacific Islander	63	<=15	1.59	123	*	0.00
Multiracial	1964	28	1.43	3730	51	1.37
Low-Income	11639	205	1.76	18589	264	1.42
ELL	5448	<=15	0.20	8099	<=15	0.17
Homeless	686	24	3.50	1114	22	1.97

Table 4: Science Alternate Assessment Participation Rates by Subgroup

Science	2021			2022		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Estimated Number of Students to be Assessed	Total Estimated Number to be Assessed in Alternate Assessment	% Expected to take State Alternate Assessment
All Students	16425	269	1.64	34512	455	1.32
Female	17226	162	0.94	16812	148	0.88
Male	17415	336	1.93	17700	307	1.73
Hispanic	6435	70	1.09	6685	71	1.06
American Indian	133	<=15	0.75	147	1	0.68
African American	10877	205	1.88	10902	182	1.67
White	14328	187	1.31	13765	161	1.17
Asian American	1391	16	1.15	1291	15	1.16
Hawaiian/Pacific Islander	42	*	*	53	0	0.00
Multiracial	1508	19	1.26	1668	24	1.44
Low-Income	3865	82	2.12	8100	140	1.73
EL	1616	<=15	0.12	3133	5	0.16
Homeless	253	<=15	3.56	470	8	1.70

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 HS Biology for science. Students participate in the general education assessments with or without accommodations or participate in the alternate assessment.

In the spring 2021 administration, Delaware did not meet the federal guidelines set at 95% participation rate of Students with Disabilities and All students in each of the content areas as evidenced by Table 5 below.

Due to COVID-related testing disruptions, the State did not meet the 95 percent requirement in SY 2020-21. Therefore, **the State requests a waiver to the 95 percent participation rate requirement found in 34 C.F.R. §200.6(c)(4)(ii)(B).**

Table 5: Participation Rates of Students w/ Disabilities in DeSSA Assessments by Content Area

Content Area	Total Number of Eligible Students with Disabilities 2021	Total Number Students with Disabilities who Participated in the State Assessment 2021	Participation Rate 2021
ELA	14164	8431	59.52
MATH	14164	8443	59.61
SCIENCE	6290	2974	47.28

Delaware did not meet the participation rates of all students in the DeSSA Assessments as evidenced by Table 6 below. Due to COVID-related testing disruptions, the State did not meet the 95 percent requirement in SY 2020-21. Therefore, **the State requests a waiver to the 95 percent participation rate** requirement found in 34 C.F.R. §200.6(c)(4)(ii)(B).

Table 6: Participation Rates for All Students in DeSSA Assessments by Content Area

Content Area	Total Number Eligible for Alt. and Gen. Ed. State Assessments 2021	Total Number of Students who Participated 2021	Participation Rate 2021
ELA	75247	46854	62.27
MATH	75371	46513	61.71
SCIENCE	34641	16425	47.41
Content Area	Total Number Eligible for Alt. and Gen. Ed. State Assessments 2022	Total Number of Students Expected to Participate 2022	Anticipated Participation Rate 2022
ELA	74714	n/a	95%
MATH	74714	n/a	95%
SCIENCE	34513	n/a	95%

Delaware did not meet the Participation Rate criteria for the DeSSA-Alternate Assessment. Due to COVID-related testing disruptions, the State did not meet the 95 percent requirement in SY 2020-21. Therefore, **the State requests a waiver to the 95 percent participation rate** requirement found in 34 C.F.R. §200.6(c)(4)(ii)(B).

Table 7: Participation Rates in DeSSA-Alternate by Content Area

Content Area	Total Eligible Alternate Assessments 2021	Total Students who Participated in Alternate Assessment 2021	Participation Rate 2022
ELA	1067	631	59.14
MATH	1065	630	59.15
SCI	498	269	54.02
Content Area	Total Eligible Alternate Assessments 2022	Total Number of Students Expected to Participate 2022	Anticipated Participation Rate 2022
ELA	74714	n/a	95%
MATH	74714	n/a	95%
SCIENCE	34513	n/a	95%

Requirement 3 (§200.6(c)(4)(iii)): Provide assurances that the state has verified that each LEA that the state anticipates will assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS did the following:

(A) followed the state’s participation guidelines;

Delaware had all the Local Education Agencies (LEAs) in the State submit a two-part Justification Form. Part A is completed by all the LEAs, which provides participation projections for the spring assessment administration. If the LEA anticipates exceeding the 1.0 percent threshold of students who will be assessed, they are required to complete Part B and provide a written justification. The document, [Justification Form 2021-2022](#) can be accessed on [The 1 Percent Threshold for Statewide Alternate Assessments](#) webpage on our DDOE website. LEAs are required to submit the justification form to DDOE by October 22, 2021. The Justification form for 2021-2022 includes assurances that the LEA has ensured their educators have been trained on the State guidelines and that IEP teams are adhering to DE’s identified criteria of eligibility in making participation decisions for students who participate in the AA-AAS.

There is room for the LEA to provide further explanation on the reasons for exceeding the 1.0 percent cap. The LEA Superintendent and Special Education Administrator are both required to sign the justification document to provide assurance that the contents of the LEAs plan are accurate. The Justification and assurance information received is compiled and posted to our webpage.

“By submitting this application, the district verifies that all students participating in the DeSSA-Alt meet the Delaware Department of Education’s [DeSSA-Alt Decision-Making Tool](#).”

(B) will address any disproportionality in the students taking the AA-AAAS.

The annual participation and performance data is provided by the alternate assessment vendor and is uploaded to our EdInsight Reports data management system.

To address disproportionality DDOE used the following guidance documents from National Center of Educational Outcomes (NCEO):

- Guidance for Examining District Alternate Assessment Participation Rates
<https://nceo.umn.edu/docs/OnlinePubs/NCEO1percentBrief.pdf>
- Guidance for Examining Disproportionality of Student Group Participation in Alternate Assessments
<https://nceo.umn.edu/docs/OnlinePubs/NCEOBrief18.pdf>
- Guidance for Examining Participation Rates and Disproportionality
<https://vimeo.com/325082455>

The Department will seek to address disproportionality concerns in the percentage of students in any subgroup taking the DeSSA-Alternate through the following steps:

- Calculating and analyzing participation rates among subgroups at the state and district levels;
- Identifying subgroups over-represented in the DeSSA-Alternate participation counts;

- Reviewing district justifications and data to identify unusual patterns and high participation rates across subgroups.
- Analyzing subgroup data over time to identify trends in subgroup participation with the goal of decreasing disproportionality;
- Continuing support and guidance for appropriate use of the [DeSSA-Alt Decision-Making Tool](#)
- Creating a [Companion Guide for the DeSSA-Alternate Decision-Making Tool](#)
- Engaging with stakeholder groups to address disproportionalities and ensure only students with the most significant cognitive disabilities are participating in the DeSSA-Alternate;
- Reporting Assessment Data and Justification Forms on our Delaware DOE Assessment webpage.
- The [Guidance and Procedures for Calculating Disproportionality for the DeSSA-Alternate Assessment](#) provides a definition for disproportionality as well as step-by-step instructions on calculating disproportionality.

Requirement 4 (§200.6(c)(4)(iv)): *Submit a plan and timeline by which the following will be accomplished:*

(A) state will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities”;

Delaware revised its definition to include the word pervasive and the definition of a student with a most significant cognitive disability has been added to our state decision-making tool.

The [DeSSA-Alt Decision-Making Tool](#) is posted on our [DeSSA-Alternate Assessment](#) webpage and is an Appendix (B-3) in our Accessibility Guidelines. The decision to participate in the AA-AAAS is made by the Individualized Education Program (IEP) team and documented accordingly in the student's IEP. The department also created the following accompanying resources for IEP Teams.

- [Companion Guide for the DeSSA-Alternate Decision-Making Tool](#)
- [Guidance and Procedures for Implementing the Decision-Making Tool](#)

The guide is meant to assist IEP teams during the decision-making process when determining the appropriateness of student’s participation in the DeSSA-Alternate Assessment.

(B) the state will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members);

Monitoring of LEAs: Levels of Support

Based on the information provided in the justification form, LEAs will be placed on specific levels of supports.

Category of Support	Criteria
Universal Supports	\leq 1% DeSSA-Alt Participation <ul style="list-style-type: none"> LEAs with Total Test Population <300 and DeSSA-Alt tested students <5.
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	\geq 1.6% DeSSA-Alt Participation <ul style="list-style-type: none"> LEAs with Special Schools and High incidences of Students with Disabilities LEAs on Level 1 supports for 3 years with no change.
Level 3 Supports	<ul style="list-style-type: none"> LEAs on Level 2 support plans for 3 years with no change.

- LEAs between 1.1-1.5% will be placed on Level 1 Support. Level 1 Support requires the LEA to provide evidence of their educators completing required training and a more detailed analysis of their participation data where they would address any disproportionality concerns.
- LEAs with 1.6% and above participation rates will be placed on Level 2 Supports. Level 2 Support has all the stipulations of Level 1 and includes creating an action plan and more targeted support.

To ensure that teams are implementing the tool judiciously, Delaware created a [DeSSA-Alternate Decision-Making Tool IEP Review Protocol](#) that will be used during LEA site visits to ensure that the participation guidelines and criteria are being followed during IEP team meetings. The LEA site visits will be a part of the IDEA monitoring and some selected will be based on participation rates in the AA-AAAS.

The State also provides resources for parents to make sure that parents understand all the implications of participating in the alternate assessment. More resources are available on our webpage.

- [Parent Guide for the Alternate Assessment](#)
- [What Parents need to know about the Accessibility Supports on Statewide Assessments](#)
- [DeSSA-Alt Fact Sheet](#)
- [Delaware's High School Diploma versus Diploma of Alternate Achievement Standards](#)

(C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

Delaware’s Waiver Plan 2021-22

The state will continue to meet all other requirements of section 1111 of ESEA and implementing 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.

The 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. Consistent with the plan submitted in this waiver request, DDOE will implement system improvements and monitor future administrations to avoid exceeding the 1% cap. DDOE will provide four levels of support. After data review, the business rules have been applied to meet the appropriately meet our LEAs needs:

Universal Supports

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
- Using the Companion document for the State Guidelines during IEP meetings
- Creation of Informational Video Snippets (<10 min.)
 - Topics:
 - Waiver “101”
 - Delaware’s Most Significant Disabilities definition
 - Participation Guidelines
 - Companion Guide
 - Learner Characteristics Inventory (LCI)
 - IEP Rubric
 - Updates, changes, professional development available

Level 1 Supports

Includes Universal Supports plus, at this 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
- Training in the State Guidelines
- Provide additional IEP and accommodations training for staff and families
- Ensure support and guidance for all LEAs by meeting with Special Education Leadership to monitor the checklist completion

Districts and Charters will be provided with a Level 1 Support Checklist that they will be required to complete and submit to DDOE as evidence of meeting the requirements.

After 3 years at Level 1 supports, the LEA will move to Level 2 supports.

Level 2 Supports

Includes Universal and Level 1 Supports in addition:

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.

Technical Assistance and Professional Development

- Targeted assistance to LEAs
 - Initial LEA team meeting with both groups, including topics:
 - Waiver “101” (Going over the Waiver and the Status of the State and the Status of LEA)
 - Delaware’s plan
 - Requirements, Levels, Supports, Timeline
- 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
- Three Shoulder-to-Shoulder support sessions

LEAs will be provided with a Level 2 Support Plan for reducing the 1% Cap that they will be required to complete and submit to DDOE as evidence of meeting the requirements.

Level 3 Supports

LEAs who remain on Level 2 for 3 years will receive Level 3 Supports. They will be provided a more in-depth structured level of technical and ongoing support. Each LEA will use a Level 3 Monitoring Tool which includes a Self-Assessment.

Areas of focus may 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

Delaware’s Timeline

Timeframe	Tasks 2021-2022
Sept. 2021	Justifications for 2022 distributed for completion.
Sept. 2021	Shared information with Special Education Leadership and District Test Coordinators on the 1% Cap.
Oct. 22, 2021	Justification forms due from LEAs and will be compiled and posted on our 1% website .
October – November 2021	Finalization of the Companion Guide based on the DeSSA-Alternate Decision-Making Tool
August 2021-March 2022	Professional Development <ul style="list-style-type: none"> • State provides Alternate Assessment Participation Decision-Making workshop professional development • State provides webinar on State Definition and Participation Guidelines • State provides Linking Assessment to Instruction workshop offerings – trainings
December 2021	DDOE will submit a NEW Waiver Request
December 2021 – January 2022	Notify LEAs who will continue to receive Level 1 and Level 2 supports.
January – May 2022	Provide technical support and targeted assistance to LEAs on Level 2 support plans
January – May 2022	Ongoing consultation with One Percent Cap Group <ul style="list-style-type: none"> • Review Justification form • Address concerns around the 1% Cap
June – July 2022	Submit a Waiver Request – due to our new assessment beginning in September 2022

Public Notice and Comment Period

Waiver Request- Pursuant to 34 C.F.R. §200.6(c)(4)

March 29., 2022

The Delaware Department of Education (DDOE) Office of Assessment is seeking comments on the following waiver request. DDOE will request a waiver from the United States Department of Education for the 2021-2022 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 assessment in a required subject area 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.

State Education Agencies requesting a waiver are required to adhere to the requirements stipulated at 34 C.F.R. §200.6(c)(4) and may be found below. Recent data on the numbers of students participating in the alternate assessments shows alternate participation in spring 2021 to be at 1.35% for ELA, 1.435% for mathematics, and 1.64% for science. DDOE is requesting a waiver for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements 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;

Pursuant to the stated federal requirements, DDOE will submit a one-year waiver request, along with a plan and timeline intended to begin to address the reduction of percentages exceeding the one percent cap of alternate assessment participation. The following information, as detailed in 34 C.F.R. §200.6(c)(4), will be included in the waiver:

- Delaware state-level data including
 - subgroup counts and percentages
 - participation rates in alternate assessments
- State assurances that LEAs exceeding the one percent cap followed State guidelines in determining eligibility for participation in alternate assessments
- A statewide plan and timeline including
 - Clarification of State guidelines, in conjunction with professional development, to expand understanding and implementation of the guidelines and the identification process
 - Support and oversight for LEAs exceeding the one percent cap, as well as addressing any identified areas of disproportionality

NOTIFICATION OF PUBLIC COMMENT PERIOD

Prior to the submission of this waiver request to exceed one percent alternate assessment participation, the DDOE is providing notification and requesting public comment. Comments on this proposed Delaware waiver pursuant to 34 C.F.R. §200.6(c)(4) may be submitted in writing from March 29, 2022 through April 29, 2022 to Michelle Jackson, Delaware Department of Education, Office of Assessment, 401 Federal Street, Suite 2, Dover DE 19901 or through email at Michelle.Jackson@doe.k12.de.us.

Notification of this waiver request submission is being posted publicly on the DDOE OoA website. Additionally, this information will be disseminated to LEA superintendents, district and charter leadership and coordinators, special education leadership, parent advisory and stakeholder groups, as well as educators. Comments received will be attached to the waiver request submission being sent to the US Department of Education.