



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAR - 4 2019

The Honorable Susan S. Bunting
Secretary of Education
Delaware Department of Education
The Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901-3639

Dear Superintendent Bunting:

I am writing in response to the Delaware Department of Education (DDOE) request on December 12, 2018, for an extension to its waiver of section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), of the requirement that a State may not assess using an alternate assessment aligned with alternate academic achievement standards (AA-AAAS) more than 1.0 percent of the total number of students in the State who are assessed in a reading language arts, mathematics and science. DDOE requested this waiver because, based on State data for the 2017-2018 school year, the DDOE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2018-2019 school year.

After reviewing Delaware's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2018-2019, a one-year extension of the State's 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 reading/language arts and mathematics. DDOE demonstrated substantial progress in carrying out the plan that was submitted when the State initially requested this waiver a year ago.

As part of this waiver, DDOE assured that it:

- Will continue to meet all other requirements of section 1111 of the 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.
- Assessed in the prior school year (2017-2018) at least 95 percent of all students and 95 percent of students with disabilities who are enrolled in grades for which an assessment is 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, and it will make such information publicly available.

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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 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) (with the exception of incorporating principles of universal design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.
- Will implement, consistent with the plan submitted in Delaware’s waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

I note that Delaware made progress in reducing the percentage of students taking an AA-AAAS in mathematics but not in reading/language arts or science. I am granting this extension despite the fact that Delaware has yet to demonstrate progress in reducing the percentage of students taking an AA-AAAS in each subject. Given the significant work underway, I expect to see the results of these efforts in the 2018-2019 school year and beyond. Beginning next year, any request for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS.

In addition, I want to remind you of the requirement in 34 CFR § 200.6(c)(3)(iv) that the State must make publicly available the information submitted by an LEA justifying the need of the LEA 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 and timeline and your progress to date in reducing the percentage of students taking the AA-AAAS.

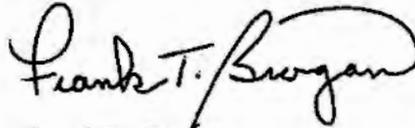
However, I am denying DDOE’s request for a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA to assess with an AA-AAAS more than 1.0 percent of the total number of students in the State who are assessed in science. My reason for denial of the request is that DDOE did not meet the requirement in 34 CFR 200.6(c)(4) that, in order to be eligible for such a waiver, the State must assess at least 95 percent of all students and 95 percent of children with disabilities on the science assessments. In 2017-2018, DDOE assessed less than 95 percent of children with disabilities on the science assessment.

If the data DDOE previously reported are erroneous and DDOE can demonstrate that it assessed at least 95 percent of all students and 95 percent of students with disabilities on the science assessments, DDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F) and resubmit the revised waiver request to address how it has met the requirements in 34 CFR 200.6(c)(4), including the requirement in 34 CFR 200.6(c)(4)(ii)(B) that 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 ESEA who are enrolled in grades for which the State is required to administer statewide assessments. If DDOE decides to resubmit, it must do so no later than 60 days from the date of this letter.

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I appreciate the work you are doing to improve your schools and provide a high-quality education for your students. If you have any questions, please contact my staff at: OSS.Delaware@ed.gov.

Sincerely,

A handwritten signature in black ink that reads "Frank T. Brogan". The signature is written in a cursive style with a large initial "F" and a long, sweeping underline.

Frank T. Brogan
Assistant Secretary
Elementary and Secondary Education

cc: Theresa Bennett, Director, Office of Assessment, Delaware Department of Education



Delaware One Percent Cap Waiver Extension 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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DECEMBER 12, 2018

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Delaware Department of Education

One Percent Waiver Extension Request

Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)

December 12, 2018

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 §1111(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 2016-17 were 1.4 for English Language Arts and Mathematics, and 1.53 for Science. Delaware submitted the waiver request in December 2017. On February 28, 2018, the United States Department of Education granted Delaware a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA, allowing the State to assess more than 1.0% of the total number of students assessed in ELA, mathematics, and science on the DeSSA-Alt.

Pursuant to approval of our waiver of the 1.0% cap on the DeSSA-Alt participation, the DDOE assured that it would:

- Continue to meet all other requirements of §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;
- Assess at least 95% of all students and 95% of students with disabilities who are enrolled in grades for which an assessment is required;
- Require that local educational agencies (LEA) submit information justifying the need of the LEA to assess more than 1.0% of its assessed students in any subject with the DeSSA-Alt;
- Provide appropriate oversight of an LEA that is required to submit such information to the State, and make such information publically available;
- Verify that each LEA that is required to submit such information to the State is following all State guidelines in 24 CFR 200.6(d) and address any subgroup disproportionality in the percentage of students taking the DeSSA-Alt;
- Implement, consistent with the plan submitted in the DDOE's waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0% cap.

Evidence of activities and requirements are accessible online with web links embedded in the text of this document, allowing the reader to link directly to content-specific support documents in context.

Table 1: Alternate Assessment Participation Rates by Content Area

Content Area	Total Number of Students Eligible 2018	Number of Students Participating in the Alternate Assessment 2018	Percentage of Students Participating in the Alternate Assessment 2018
ELA	75073	1122	1.49
Math	75249	1123	1.49
Science	32067	501	1.56

DDOE participation rates for 2017-18 were 1.49 for ELA and Math and 1.56 for Science. Based on these data, DDOE is submitting the required waiver extension request for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements in the spring 2019 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;

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 March 11, 2019 through May 17, 2019. Ninety days prior to the start of Delaware’s testing window (Dec 11, 2018), the Department will submit a waiver extension request to the United States Department of Education in the following subject areas: English Language Arts and Mathematics.

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.

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

Group	2017			2018		
	Total Number of Students to be Assessed in ELA	Total Number Taking Alternate ELA	%Taking State ELA for DeSSA Alt	Total Number of Students to be Assessed in ELA	Total Number Taking Alternate ELA	%Taking State ELA for DeSSA Alt
All Students	73611	1055	1.43	75073	1122	1.49
African American	22709	411	1.81	23273	444	1.91
American Indian	(b)(6)					
Asian American	2646	28	1.06	2799	31	1.11
EL	4415	79	1.79	6199	69	1.11
Female	36117	340	0.94	36879	364	0.99
Hawaiian/Pacific Islander	(b)(6)					
Hispanic	12305	140	1.14	12993	156	1.20
Homeless	1477	41	2.78	1598	48	3.00
Low-Income	27440	435	1.59	26385	426	1.61
Male	37494	715	1.91	38194	758	1.98
Multiracial	2555	25	0.98	2861	29	1.01
White	33023	442	1.34	32746	451	1.38

Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup

Group	2017			2018		
	Total Number of Students to be Assessed in Math	Total Number Taking Alternate Math	%Taking State Math for DeSSA Alt	Total Number of Students to be Assessed in Math	Total Number Taking Alternate Math	%Taking State Math for DeSSA Alt
All Students	73953	1055	1.43	75249	1123	1.49
African American	22783	411	1.80	23269	444	1.91
American Indian	(b)(6)					
Asian American	2719	28	1.03	2824	31	1.10
EL	4784	79	1.65	6400	69	1.08
Female	36301	340	0.94	36966	364	0.98
Hawaiian/Pacific Islander	(b)(6)					
Hispanic	12502	140	1.12	13122	156	1.19
Homeless	1488	40	2.69	1617	48	2.97
Low-Income	27515	435	1.58	26418	426	1.61
Male	37652	715	1.90	38283	759	1.98
Multiracial	2558	25	0.98	2862	29	1.01
White	33015	442	1.34	32770	452	1.38

Table 4: Science Alternate Assessment Participation Rates by Subgroup

Group	2017			2018		
	Total Number of Students to be Assessed in Science	Total Number Taking Alternate Science	%Taking State Science for DeSSA Alt	Total Number of Students to be Assessed in Science	Total Number Taking Alternate Science	%Taking State Science for DeSSA Alt
All Students	31493	489	1.55	32067	501	1.56
African American	9733	183	1.88	9921	199	2.01
American Indian	(b)(6)					
Asian American	1138	14	1.23	1215	17	1.40
EL	1349	43	3.19	1770	17	0.96
Female	15459	158	1.02	15799	170	1.08
Hawaiian/Pacific Islander	(b)(6)					
Hispanic	5136	67	1.30	5331	56	1.05
Homeless	631	18	2.85	637	19	2.98
Low-Income	10828	215	1.99	10795	152	1.41
Male	16034	331	2.06	16268	331	2.03
Multiracial	(b)(6)					
White	14392	216	1.50	14380	216	1.50

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.

To date, **Delaware has met or exceeded** the federal guidelines set at 95% participation rate of Students with Disabilities and All students in each of the content areas as evidenced by Tables 5 and 6 with the exception of the participation rates of students with disabilities in Science.

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

Content Area	Total Number of Eligible Students with Disabilities 2018	Total Number Students with Disabilities who Participated in the State Assessment 2018	Participation Rate 2018
ELA	9400	9281	98.73
MATH	9364	9253	98.81
SCIENCE	4350	4049	93.08

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 2018	Total Number of Students who Participated 2018	Participation Rate 2018
ELA	75073	73490	97.89
MATH	75249	73687	97.92
SCIENCE	32067	31049	96.83

Delaware did not meet the Participation Rate criteria for the DeSSA-Alternate Assessment. The participation rate for ELA and Math was 94% and science was 92%.

DDOE is addressing participation through the State’s ESSA State Assessment Participation requirement. Delaware’s ESSA plan requires LEAs under 95% participation to create an action plan and participate in monitoring of participation throughout the state assessment window for 2019.

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

Content Area	Total Eligible Alternate Assessments 2018	Total Students who Participated in Alternate Assessment 2018	Participation Rate 2018
ELA	1122	1054	93.94
MATH	1123	1054	93.86
SCI	501	459	91.62

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

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 2018-19 (included). 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.” (Appendix F-1 available online at <http://www.doe.k12.de.us/alt>).

Local district data collected on the justification form was reviewed and analyzed. There were 14 out of 40 districts and charters that assessed more than one percent of its assessed students with an AA-AAAS during the 2017-18 school year. DDOE Office of Assessment and Exceptional Children’s Resources have requested each district/charter provide assurance that the district is following the DeSSA-Alternate Participation Guidelines when making participation decisions.

The Department will continue 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. Subgroups information will be added to the Delaware Department of Education Alternate Assessment Justification Form beginning Fall 2019-20. (included)
- 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-Alternate Participation Guidelines;
- Creating a companion document to the participation guidelines;
- 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.

A review of our districts Level 1 Checklist and Level 2 Support Plans showed possible disproportionality in some subgroups.

Subgroup	Action Steps
Males	The state will : Use multiple measures over time to identify if this a subgroup with disproportionality. (2018-19 and 2019-20 support plans) Determine if there is a need to revise policies or practices Require LEAs to submit possible rationale for the high numbers
African-American	The state will : Use multiple measures over time to identify if this a subgroup with disproportionality. (2018-19 and 2019-20 support plans) Determine if there is a need to revise policies or practices Require LEAs to submit possible rationale for the high numbers
Low Income	The state will : Use multiple measures over time to identify if this a subgroup with disproportionality. (2018-19 and 2019-20 support plans) Determine if there is a need to revise policies or practices Require LEAs to submit possible rationale for the high numbers
Intellectual Disability	The state will: Provide guidance on student traits with Mild versus Moderate Intellectual Disabilities to ensure proper determination in this disability category
Middle Schools	The state will: Address this during the Alternate Assessment Participation decision-making workshop as a collaborative discussion to determine if there is disproportionality
Autism	Universal Design of Learning Principles – this course is provided by the Center for Disability Studies

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

Delaware’s Updated Plan

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:

Category of Support	Criteria
Universal Supports	≤ 1% DeSSA-Alt Participation
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	1.6 % - 2.5% DeSSA-Alt Participation
Level 3/Special School Supports	≥ 2.6% DeSSA-Alt Participation

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
- Creating a companion document for the State Guidelines

Level 1 Supports

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. This is due 1/25/2019.

Level 2 Supports

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
- 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

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. This is due 1/25/2019.

Level 3/Special School Supports

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. In Delaware, the LEAs that placed at a Level 3, had special schools or programs. Therefore our Level 3 supports will aim to provide a more in-depth structured level of technical and ongoing support. 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
- Students selection process for Special Schools

The 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. This is due 1/25/2019. More supports will be provided 2019-20 school year.

Delaware’s Revised Timeline

Timeframe	Task
August 15, 2018	Justification forms distributed for completion
September 12, 2018	Share information on the 1% Cap with Special Education Leadership
September 13, 2018	Justification forms due from LEAs Determine LEAs on the different levels of support
September 20-October 5, 2018	Research the students participating in the DeSSA-Alt and scoring High Proficiency Levels. Perform Case studies Determine students who might be able to participate in the General Assessment. Revise participation guidelines, if necessary to reflect any findings.
September 14-October 14	Create an AA Participation Decision-Making Module Prepare Webinar for Special Education Leadership
November 27, 2018	AGEC Meeting – Follow-up information and Feedback on the State Definition. Begin working on the Companion Guide for the State Participation Guidelines
December 12, 2018	Submit new Waiver and Evidences to USED
December 20, 2018	Overview of Revised Waiver Plan to Special Education Leadership and requirements for Level 1 and Level 2 supports Notify LEAs who will receive Level 1 and Level 2 supports – plans due 1/25/2019

January 2019	Begin Level 1 Supports and Level 2 Supports with ongoing monitoring and assistance. Providing webinars/trainings as Universal Supports Begin creating Companion Document for State Guidelines
February – March 2019	Ongoing targeted assistance Work with Committee on Companion Guide for the State Guidelines
March 2019	AGEC Committee – Present the Companion Guide for the State Guidelines to use in upcoming State Guideline
April 2019	Begin fleshing out Level 3 supports/Special Schools targeted assistance

Requirement 5 (§200.6(c)(4)(v)): Substantial Progress

Delaware DDOE has made substantial progress toward meeting the 1.0% cap on DeSSA-Alt participation since receiving the waiver request. This progress is evident in the completion of State Plan and Timeline activities outlined in last year’s waiver request.

A comparison of 2017-18 data with 2016-17 shows that though our total numbers of LEAs exceeding the 1% Cap has not decreased as indicated by Table 8. Some LEAs have made some progress in reducing their participation rate as indicated by Table 9.

Table 8: Comparison of the Number of LEAs Exceeding the 1.0% Cap for 2016-17 and 2017-18

Content Area	Number of LEAs Exceeding 1% Cap in 2016-17	Number of LEAs Exceeding 1% Cap in 2017-18
ELA	14	14
Mathematics	14	14

Table 9: Comparison of Percentages of Students Participating in the Alternate Assessment by District

District/Charter	Participation Rate ELA 2018	Participation Rate ELA 2017	Increase/Decrease from 2016?	Difference +/-	Participation Rate Math 2018	Participation Rate Math 2017	Increase/Decrease from 2016?	Difference +/-
Districts								
Appoquinimink	1.11	1.11	≠	0	1.11	1.15	D	0.04
Brandywine	1.2	1.7	D	0.5-	1.2	1.7	D	0.5-
Caesar Rodney	2.2	2.4	D	0.2-	2.3	2.4	D	0.1-
Cape Henlopen	2.67	3.25	D	0.58-	2.67	3.25	D	0.58-
Capital	2.6	2.9	D	0.3	2.6	2.9	D	0.3
Christina	3.6	3.04	I	0.56	3.6	3.04	I	0.56
Colonial	1.71	1.36	I	0.35	1.65	1.36	I	0.35
Delmar	0.71	0.49	I	0.22	0.71	0.49	I	0.22
Indian River	1.39	2.2	D	0.81	1.37	2.1	D	0.81
Lake Forest	0.9	0.73	I	0.17	0.9	0.73	I	0.17
Laurel	2.1	2.08	I	0.02	2.1	2.08	I	0.02
Milford	1.4	1.1	I	0.3	1.3	1.1	I	0.2
NCCVT	0.8	0.8	≠	0	0.8	0.8	≠	0
Polytech	0.7	0	I	0.7	0.7	0	I	0.7
Red Clay	1.02	1.1	D	0.08	1.02	1.1	D	0.08
Seaford	2.9	2.7	I	0.2	2.9	2.7	I	0.2
Smyrna	0.81	0.56	I	0.25	0.81	0.56	I	0.25
Woodbridge	0.93	0.99	D	0.06	0.93	0.99	D	0.06
Charters								
DSCYF	1.9	0	I	1.9	1.9	0	I	1.9
Gateway		3.8				3.8		
Newark	0.5				0.5			
Positive Outcomes	1.4	1.33			1.4	1.33		
Providence Creek	0.22				0.22			

Evidences

Task	State Provides	Evidences - Date - Document
1.1	Data collection, analyses, and reporting of overall data and subgroup data	<p>Media Release - July 31, 2018 PPT</p> <p>State Summary - Looking at Participation rates of the DeSSA-Alt - 8/1/2018 and 8/10/2018</p> <p>Look at the trends in the Justification forms to identify 5 LEAs to provide Level 2 support - meet with CDS on September 24, 2018</p> <p>October 10, 2018 - begin research/study on the students taking the Alternate Assessment who score PL4 or higher and may be moved to the general assessments</p>
1.2	Defining oversight for LEAs exceeding one percent	<p>Creation of the Level 1 Supports Checklist and Level 2 Supports Plan. (See Attachments) due 1/25/2019</p> <ul style="list-style-type: none"> - Will provide information to Special Education Leaders Dec. 20, 2018 - Contracted with Center for Disability Studies to provide supports to LEAs as needed. - Share information with Special Education leaders as we begin rolling out the supports <p>Creation of PD for IEP team leaders. Title: Alternate Assessment Participation Decision Making workshop</p> <p>This all day workshop is geared to assist IEP teams make informed decisions about the learners who participate in the DeSSA-Alternate Assessment Target audience: Ed Diagnosticians; School Psychologist. Four sessions offered this year: Jan. 17, Feb. 6, Mar. 6, Apr. 10 and will be offered to teachers/educators next year 2019-20.</p>
1.3	Clarifying the state definition of “students with the most significant cognitive disabilities”	<p>AGEC Meeting - April 12, 2018 @1 pm - PPT</p> <p>Meeting with OoA, ECR and CDS on July 11 from 8:30-11 am to plan deliverables with 1% Cap and to review the definition - review Scope of Work document</p> <p>Used surveymonkey to get Feedback on Appendix F-1 which houses the definition for participation</p>

		<p>November 15, 2018 – Revising our State Guidelines and looking at Criteria #3 to see if we need to update/clarify the intent.</p> <p>Live Webinar: DeSSA-Alternate State Guidelines and Participation Criteria Overview</p>
1.4	Updating the State Guidelines, as needed, for participation in alternate assessments	<p>Accessibility Guidelines - last update is November 5, 2018</p> <p>Updated after AGEC meeting feedback on Appendix F-1 in our Accessibility Guidelines</p> <p>Appendix F-1: DeSSA-Alt Participation Guidelines updated and will be revised for 2019-20 school year.</p>
1.5	Launching a webinar specific to the State Guidelines	<p>Offering Two dates of live webinars: 1/30/2019 and 2/13/2019 and then will be recorded and placed in Schoology.</p> <p>Live Webinar: DeSSA-Alternate State Guidelines and Participation Criteria Overview</p> <p>Participants will learn each of the criteria for determining student participation in the DeSSA-Alternate Assessment. Participants will become familiar with Appendix F-1 of our Accessibility Guidelines as well as the Decision-Making Tree</p>
1.6	Highlight the updated Accessibility Guidelines manual (attached) and the accompanying training available via Schoology	Course # 26484 - Accessibility Guidelines/Coordinator Training - released Sept. 21, 2019. Also include the DOE-Approved Process.
1.7	Provide additional IEP and accommodations training for staff and families	<p>Training Calendar from CDS</p> <p>Training on the Alternate Achievement standards as indicated on the training calendar.</p>
1.8	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 <i>Access to General Curriculum committee AND Governor’s Advisory Council for Exceptional Citizens (GACEC) (state advisory council)</i>	<p>April 12, 2018 - meeting with Susan/Mitch from the ECR workgroup to work on the contract and how we will support the 1% cap plan with DLM and CDS</p> <p>AGEC Meeting - April 12, 2018 @1 pm – PPT – worked on the State Definition and garnered feedback. State Definition revised based on Feedback.</p> <p>AGEC Meeting – November 27, 2018 – begin creation of our Companion Guide – solicit feedback on what to include in the guide. Also, share out the updated definition, webpage and score reports. Solicit input on who/how to disseminate information.</p>

1.9	Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings	<p>Communication Plan - Monthly for 2018-19</p> <p>Provided EL workgroup and DTC with updates to the Accessibility Guidelines - June 14 PPT</p> <p>July 16th - DTC updates - shared information on the due dates for Justification form</p> <p>September 12th - shared updates on definition and Accessibility Guidelines with ECR workgroup</p> <p>GAGEC - October 13, 2018 – shared information on the 1% Cap, Waiver with the council</p> <p>Meeting agendas of the 1% Cap Committee</p>
1.1	Provide one percent data collection and justification forms to LEAs	Forms sent out August 15, 2018 to DTC's and returned September 13, 2018
1.11	Publicly post justification forms, state waiver request, and plan with timeline	Forms posted 11/1/2018 on our Alternate Assessment website

Delaware Department of Education
 Alternate Assessment Justification Form 2018-2019

Name of District: _____

District Code: _____

Person Completing Form: _____

Contact information: _____

Calculate Alt assessment rates for each content:	ELA/Language Arts Literacy 2016-2017	ELA/Language Arts Literacy 2017-2018	ELA/Language Arts Literacy 2018-2019 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 2016-2017	Mathematics 2017-2018	Mathematics 2018-2019 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 Michelle Jackson (Michelle.Jackson@doe.k12.de.us) at the Delaware Department of Education, by September 13, 2018.

Justification: (to be completed if above 1% in any column above)	2016-2017	2017-2018	2018-2019 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

Delaware Department of Education
 Alternate Assessment Justification Form 2019-2020

Name of District/Charter: _____ District/Charter Code: _____

Person Completing Form: _____ Contact information: _____

Alternate Assessment rates for ELA/Literacy	2017-18	2018-19	2019-20 Projection
1. Total number of DeSSA-Alt students 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 spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)			
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 area.			
Calculate Alternate Assessment rates for Mathematics	2017-18	2018-19	2019-20 Projection
5. Total number of DeSSA-Alt 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 spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)			
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 area.			
Calculate Alternate Assessment rates for Science	2017-18	2018-19	2019-2020 Projection
9. Total number of DeSSA-Alt students at in grades 5, 8, 10. Residential students with disabilities in, in- and out-of-district placements should also be included.	Field Test		
10. Total number of special education and general education students taking a state assessment during the spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)	Field Test		
11. Divide the line 1 number by the line 2 number.	Field Test		
12. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content area.	Field Test		

After completing sections 1-12, If the percent is greater than 1 percent in either subject area (lines 4, 8 or 12), complete the Justification information. Please submit to Michelle Jackson (Michelle.Jackson@doe.k12.de.us) at the Delaware Department of Education, by **September 14, 2019**.

Districts/Charters who exceed the 1% Cap are placed into one of three categories of support: Level 1 Support; Level 2 Supports or Level 3/Special School Supports.

Category of Support	Criteria
Universal Supports	≤ 1% DeSSA-Alt Participation
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	1.6 % - 2.5% DeSSA-Alt Participation
Level 3/Special School Supports	≥ 2.6% DeSSA-Alt Participation

Justification:	2018-19	2019-20 Projection
<ul style="list-style-type: none"> To be completed if above 1% in any of the content areas in the Spring 2019 administration 		
Category of Support <ul style="list-style-type: none"> Refer to the table above 	<input type="checkbox"/> Universal <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3/Special School	<input type="checkbox"/> Universal <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3/Special School
Has your participation rate increased/decreased from the 2018 Spring Administration? <ul style="list-style-type: none"> Please provide rationale in the lines below 	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> Remained the same	<input type="checkbox"/> Anticipate increase <input type="checkbox"/> Anticipate decrease <input type="checkbox"/> Anticipate the same
There is a school, community or health program in the district that draws large numbers of students with significant intellectual disabilities.	<input type="checkbox"/>	<input type="checkbox"/>
The total test population is less than 300 and the total number of students participating in DeSSA-Alt is 3 or less.	<input type="checkbox"/>	<input type="checkbox"/>
There is a high incidence of students with disabilities in the district.	<input type="checkbox"/>	<input type="checkbox"/>
*Other (Please elaborate on the lines below)	<input type="checkbox"/>	<input type="checkbox"/>

Justification: _____

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

Signature of Superintendent or Charter School Lead

Notification of One Percent Waiver Request

On November 27, 2017, the Delaware Department of Education (DDOE) posted the 1% Cap notification and draft waiver request for 10 business days, on the *Announcements* webpage of the DDOE website, for public comment. DDOE shared the waiver information with stakeholder groups, such as the Access to General Curriculum committee and the Governor's Advisory Council for Exceptional Citizens (GACEC). DDOE also shared the waiver information with superintendents, special education directors, and district test coordinators. Public comments specifically related to the waiver were positive; comments included, "I don't see any issues with the waiver request. It seems appropriate" and "The waiver looks thorough." In addition, DDOE received feedback related to the Delaware plan; stakeholders are interested in more information about technical assistance for LEAs. Delaware DOE will continue to solicit feedback from stakeholder groups to guide and shape the final plan and timeline. The stakeholder feedback and plan will guide DDOE's commitment to support the appropriate reduction of the number of students participating in the alternate assessments. Delaware respectfully submits this waiver request.

Delaware Department of Education

Public Notice and Comment Period

Waiver Request- Pursuant to 34 C.F.R. §200.6(c)(4)
November 27, 2017

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 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 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 2017 to be at 1.4% for ELA, 1.4% for mathematics, and 1.5% 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



Delaware One Percent Cap Waiver Extension 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)

DELAWARE DEPARTMENT OF EDUCATION
OFFICE OF ASSESSMENT

401 FEDERAL STREET
DOVER, DE 19901
302-857-3391

MICHELLE JACKSON, EDUCATION ASSOCIATE, SPECIAL POPULATIONS
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THERESA BENNETT, DIRECTOR, OFFICE OF ASSESSMENT
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DECEMBER 12, 2018

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Delaware Department of Education

One Percent Waiver Extension Request

Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)

December 12, 2018

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 §1111(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 2016-17 were 1.4 for English Language Arts and Mathematics, and 1.53 for Science. Delaware submitted the waiver request in December 2017. On February 28, 2018, the United States Department of Education granted Delaware a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA, allowing the State to assess more than 1.0% of the total number of students assessed in ELA, mathematics, and science on the DeSSA-Alt.

Pursuant to approval of our waiver of the 1.0% cap on the DeSSA-Alt participation, the DDOE assured that it would:

- Continue to meet all other requirements of §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;
- Assess at least 95% of all students and 95% of students with disabilities who are enrolled in grades for which an assessment is required;
- Require that local educational agencies (LEA) submit information justifying the need of the LEA to assess more than 1.0% of its assessed students in any subject with the IDAA;
- Provide appropriate oversight of an LEA that is required to submit such information to the State, and make such information publically available;
- Verify that each LEA that is required to submit such information to the State is following all State guidelines in 24 CFR 200.6(d) and address any subgroup disproportionality in the percentage of students taking the DeSSA-Alt;
- Implement, consistent with the plan submitted in the DDOE's waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0% cap.

Evidence of activities and requirements are accessible online with web links embedded in the text of this document, allowing the reader to link directly to content-specific support documents in context.

Table 1: Alternate Assessment Participation Rates by Content Area

Content Area	Total Number of Students Eligible 2018	Number of Students Participating in the Alternate Assessment 2018	Percentage of Students Participating in the Alternate Assessment 2018
ELA	75073	1122	1.49
Math	75249	1123	1.49
Science	Field Test*	501	Field Test*

DDOE participation rates for 2017-18 were 1.49 for ELA and Math. No data is available for Science, as last year, was our field test year*. Based on these data, DDOE is submitting the required waiver extension request for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements in the spring 2019 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;

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 March 11, 2019 through May 17, 2019. Ninety days prior to the start of Delaware’s testing window (Dec 11, 2018), the Department will submit a waiver extension request to the United States Department of Education in the following subject areas: English Language Arts and Mathematics.

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.

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

Group	2017			2018		
	Total Number of Students to be Assessed in ELA	Total Number Taking Alternate ELA	%Taking State ELA for DeSSA Alt	Total Number of Students to be Assessed in ELA	Total Number Taking Alternate ELA	%Taking State ELA for DeSSA Alt
All Students	73611	1055	1.43	75073	1122	1.49
African American	22709	411	1.81	23273	444	1.91
American Indian	(b)(6)					
Asian American	2646	28	1.06	2799	31	1.11
EL	4415	79	1.79	6199	69	1.11
Female	36117	340	0.94	36879	364	0.99
Hawaiian/Pacific Islander	(b)(6)					
Hispanic	12305	140	1.14	12993	156	1.20
Homeless	1477	41	2.78	1598	48	3.00
Low-Income	27440	435	1.59	26385	426	1.61
Male	37494	715	1.91	38194	758	1.98
Multiracial	2555	25	0.98	2861	29	1.01
White	33023	442	1.34	32746	451	1.38

Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup

Group	2017			2018		
	Total Number of Students to be Assessed in Math	Total Number Taking Alternate Math	%Taking State Math for DeSSA Alt	Total Number of Students to be Assessed in Math	Total Number Taking Alternate Math	%Taking State Math for DeSSA Alt
All Students	73953	1055	1.43	75249	1123	1.49
African American	22783	411	1.80	23269	444	1.91
American Indian	(b)(6)					
Asian American	2719	28	1.03	2824	31	1.10
EL	4784	79	1.65	6400	69	1.08
Female	36301	340	0.94	36966	364	0.98
Hawaiian/Pacific Islander	(b)(6)					
Hispanic	12502	140	1.12	13122	156	1.19
Homeless	1488	40	2.69	1617	48	2.97
Low-Income	27515	435	1.58	26418	426	1.61
Male	37652	715	1.90	38283	759	1.98
Multiracial	2558	25	0.98	2862	29	1.01
White	33015	442	1.34	32770	452	1.38

Table 4: Science Alternate Assessment Participation Rates by Subgroup

Group	2017			2018		
	Total Number of Students to be Assessed in Science	Total Number Taking Alternate Science	%Taking State Science for DeSSA Alt	Total Number of Students to be Assessed in Science	Total Number Taking Alternate Science	%Taking State Science for DeSSA Alt
All Students	31493	489	1.55	501	501	100.00
African American	9733	183	1.88	501	199	39.72
American Indian	(b)(6)					
Asian American	1138	14	1.23	501	17	3.39
EL	1349	43	3.19	501	17	3.39
Female	15459	158	1.02	501	170	33.93
Hawaiian/Pacific Islander	(b)(6)					
Hispanic	5136	67	1.30	501	56	11.18
Homeless	631	18	2.85	501	19	3.79
Low-Income	10828	215	1.99	501	152	30.34
Male	16034	331	2.06	501	331	66.07
Multiracial	(b)(6)					
White	14392	216	1.50	501	216	43.11

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.

To date, **Delaware has met or exceeded** the federal guidelines set at 95% participation rate of Students with Disabilities and All students in each of the content areas as evidenced by Tables 5 and 6 below.

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

Content Area	Total Number of Eligible Students with Disabilities 2018	Total Number Students with Disabilities who Participated in the State Assessment 2018	Participation Rate 2018
ELA	9400	9281	98.73
MATH	9364	9253	98.81

*2018 DeSSA Science was field test only (We received an Exemption from US ED)

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 2018	Total Number of Students who Participated 2018	Participation Rate 2018
ELA	75073	73490	97.89
MATH	75249	73687	97.92

Delaware did not meet the Participation Rate criteria for the DeSSA-Alternate Assessment. The participation rate for ELA and Math was 94% and science was 92%. DOE is addressing participation through the State’s ESSA State Assessment Participation requirement. Delaware’s ESSA plan requires LEAs under 95% participation to create an action plan and participate in monitoring of participation throughout the state assessment window for 2019.

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

Content Area	Total Eligible Alternate Assessments 2018	Total Students who Participated in Alternate Assessment 2018	Participation Rate 2018
ELA	1122	1054	93.94
MATH	1123	1054	93.86
SCI	501	459	91.62

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

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 2018-19 (included). 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.” (Appendix F-1 available online at <http://www.doe.k12.de.us/alt>).

Local district data collected on the justification form was reviewed and analyzed. There were 14 out of 40 districts and charters that assessed more than one percent of its assessed students with an AA-AAS during the 2017-18 school year. DDOE Office of Assessment and Exceptional Children’s Resources have requested each district/charter provide assurance that the district is following the DeSSA-Alternate Participation Guidelines when making participation decisions.

The Department will continue 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. Subgroups information will be added to the Delaware Department of Education Alternate Assessment Justification Form beginning Fall 2019-20. (included)
- 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-Alternate Participation Guidelines;
- Creating a companion document to the participation guidelines;
- 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.

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

Delaware’s Updated Plan

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:

Category of Support	Criteria
Universal Supports	≤ 1% DeSSA-Alt Participation
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	1.6 % - 2.5% DeSSA-Alt Participation
Level 3/Special School Supports	≥ 2.6% DeSSA-Alt Participation

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
- Creating a companion document for the State Guidelines

Level 1 Supports

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. This is due 1/25/2019.

Level 2 Supports

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
- 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

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. This is due 1/25/2019.

Level 3/Special School Supports

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. In Delaware, the LEAs that placed at a Level 3, had special schools or programs. Therefore our Level 3 supports will aim to provide a more in-depth structured level of technical and ongoing support. 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
- Students selection process for Special Schools

The 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. This is due 1/25/2019. More supports will be provided 2019-20 school year.

Delaware’s Revised Timeline

Timeframe	Task
August 15, 2018	Justification forms distributed for completion
September 12, 2018	Share information on the 1% Cap with Special Education Leadership
September 13, 2018	Justification forms due from LEAs
	Determine LEAs on the different levels of support
September 20-October 5, 2018	Research the students participating in the DeSSA-Alt and scoring High Proficiency Levels.
	Perform Case studies
	Determine students who might be able to participate in the General Assessment.
	Revise participation guidelines, if necessary to reflect any findings.
September 14-October 14	Create an AA Participation Decision-Making Module
	Prepare Webinar for Special Education Leadership
November 27, 2018	AGEC Meeting – Follow-up information and Feedback on the State Definition. Begin working on the Companion Guide for the State Participation Guidelines
December 12, 2018	Submit new Waiver and Evidences to USED

December 20, 2018	<p>Overview of Revised Waiver Plan to Special Education Leadership and requirements for Level 1 and Level 2 supports</p> <p>Notify LEAs who will receive Level 1 and Level 2 supports – plans due 1/25/2019</p>
January 2019	<p>Begin Level 1 Supports and Level 2 Supports with ongoing monitoring and assistance. Providing webinars/trainings as Universal Supports</p> <p>Completion of Companion Document for State Guidelines</p>
February – March 2019	Ongoing targeted assistance
March 2019	AGEC Committee – Finalize the Companion Guide for the State Guidelines to use in upcoming State Guidelines
April 2019	Begin fleshing out Level 3 supports/Special Schools targeted assistance

Requirement 5 (§200.6(c)(4)(v)): Substantial Progress

Delaware DDOE has made substantial progress toward meeting the 1.0% cap on DeSSA-Alt participation since receiving the waiver request. This progress is evident in the completion of State Plan and Timeline activities outlined in last year’s waiver request.

A comparison of 2017-18 data with 2016-17 shows that though our total numbers of LEAs exceeding the 1% Cap has not decreased as indicated by Table 8. Some LEAs have made some progress in reducing their participation rate as indicated by Table 9.

Table 8: Comparison of the Number of LEAs Exceeding the 1.0% Cap for 2016-17 and 2017-18

Content Area	Number of LEAs Exceeding 1% Cap in 2016-17	Number of LEAs Exceeding 1% Cap in 2017-18
ELA	14	14
Mathematics	14	14

Table 9: Comparison of Percentages of Students Participating in the Alternate Assessment by District

District/Charter	Participation Rate ELA 2018	Participation Rate ELA 2017	Increase/Decrease from 2016?	Difference +/-	Participation Rate Math 2018	Participation Rate Math 2017	Increase/Decrease from 2016?	Difference +/-
Districts								
Appoquinimink	1.11	1.11	*	0	1.11	1.15	D	0.04
Brandywine	1.2	1.7	D	0.5-	1.2	1.7	D	0.5-
Caesar Rodney	2.2	2.4	D	0.2-	2.3	2.4	D	0.1-
Cape Henlopen	2.67	3.25	D	0.58-	2.67	3.25	D	0.58-
Capital	2.6	2.9	D	0.3	2.6	2.9	D	0.3
Christina	3.6	3.04	I	0.56	3.6	3.04	I	0.56
Colonial	1.71	1.36	I	0.35	1.65	1.36	I	0.35
Delmar	0.71	0.49	I	0.22	0.71	0.49	I	0.22
Indian River	1.39	2.2	D	0.81	1.37	2.1	D	0.81
Lake Forest	0.9	0.73	I	0.17	0.9	0.73	I	0.17
Laurel	2.1	2.08	I	0.02	2.1	2.08	I	0.02
Milford	1.4	1.1	I	0.3	1.3	1.1	I	0.2
NCCVT	0.8	0.8	*	0	0.8	0.8	*	0
Polytech	0.7	0	I	0.7	0.7	0	I	0.7
Red Clay	1.02	1.1	D	0.08	1.02	1.1	D	0.08
Seaford	2.9	2.7	I	0.2	2.9	2.7	I	0.2
Smyrna	0.81	0.56	I	0.25	0.81	0.56	I	0.25
Woodbridge	0.93	0.99	D	0.06	0.93	0.99	D	0.06
Charters								
DSCYF	1.9	0	I	1.9	1.9	0	I	1.9
Gateway		3.8				3.8		
Newark	0.5				0.5			
Positive Outcomes	1.4	1.33			1.4	1.33		
Providence Creek	0.22				0.22			

Evidences

Task	State Provides	Evidences - Date - Document
1.1	Data collection, analyses, and reporting of overall data and subgroup data	<p>Media Release - July 31, 2018 PPT</p> <p>State Summary - Looking at Participation rates of the DeSSA-Alt - 8/1/2018 and 8/10/2018</p> <p>Look at the trends in the Justification forms to identify 5 LEAs to provide Level 2 support - meet with CDS on September 24, 2018</p> <p>October 10, 2018 - begin research/study on the students taking the Alternate Assessment who score PL4 or higher and may be moved to the general assessments</p>
1.2	Defining oversight for LEAs exceeding one percent	<p>Creation of the Level 1 Supports Checklist and Level 2 Supports Plan. (See Attachments) due 1/25/2019</p> <ul style="list-style-type: none"> - Will provide information to Special Education Leaders Dec. 20, 2018 - Contracted with Center for Disability Studies to provide supports to LEAs as needed. - Share information with Special Education leaders as we begin rolling out the supports <p>Creation of Participation in the Alternate Assessment Decision Making Workshop for IEP team leaders. Target audience: Ed Diagnosticians; School Psychologist. Three sessions offered this year: Jan. 17, Feb. 6, Mar. 6 and will be offered to teachers/educators next year 2019-20.</p>
1.3	Clarifying the state definition of “students with the most significant cognitive disabilities”	<p>AGEC Meeting - April 12, 2018 @1 pm - PPT</p> <p>Meeting with OoA, ECR and CDS on July 11 from 8:30-11 am to plan deliverables with 1% Cap and to review the definition - review Scope of Work document</p> <p>Used surveymonkey to get Feedback on Appendix F-1 which houses the definition for participation</p> <p>November 15, 2018 – Revising our State Guidelines and looking at Criteria #3 to see if we need to update/clarify the intent.</p>
1.4	Updating the State Guidelines, as needed, for participation in alternate assessments	<p>Accessibility Guidelines - last update is November 5, 2018</p> <p>Updated after AGEC meeting feedback on Appendix F-1 in our Accessibility Guidelines</p>

		Appendix F-1: DeSSA-Alt Participation Guidelines updated and will be revised for 2019-20 school year.
1.5	Launching a webinar specific to the State Guidelines Course Title: State Guidelines and Participation Criteria	Offering Two dates of live webinars: 1/30/2019 and 2/13/2019 and then will be recorded and placed in Schoology.
1.6	Highlight the updated Accessibility Guidelines manual (attached) and the accompanying training available via Schoology	Course # 26484 - Accessibility Guidelines/Coordinator Training - released Sept. 21, 2019. Also include the DOE-Approved Process.
1.7	Provide additional IEP and accommodations training for staff and families	Training Calendar from CDS Training on the Alternate Achievement standards as indicated on the training calendar.
1.8	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 <i>Access to General Curriculum committee AND Governor's Advisory Council for Exceptional Citizens (GACEC) (state advisory council)</i>	April 12, 2018 - meeting with Susan/Mitch from the ECR workgroup to work on the contract and how we will support the 1% cap plan with DLM and CDS AGEC Meeting - April 12, 2018 @1 pm – PPT – worked on the State Definition and garnered feedback. State Definition revised based on Feedback. AGEC Meeting – November 27, 2018 – begin creation of our Companion Guide –solicit feedback on what to include in the guide. Also, share out the updated definition, webpage and score reports. Solicit input on who/how to disseminate information.
1.9	Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings	Communication Plan - Monthly for 2018-19 Provided EL workgroup and DTC with updates to the Accessibility Guidelines - June 14 PPT July 16th - DTC updates - shared information on the due dates for Justification form September 12th - shared updates on definition and Accessibility Guidelines with ECR workgroup GAGEC - October 13, 2018 – shared information on the 1% Cap, Waiver with the council Meeting agendas of the 1% Cap Committee
1.1	Provide one percent data collection and justification forms to LEAs	Forms sent out August 15, 2018 to DTC's and returned September 13, 2018
1.11	Publicly post justification forms, state waiver request, and plan with timeline	Forms posted 11/1/2018 on our Alternate Assessment website

Delaware Department of Education
 Alternate Assessment Justification Form 2018-2019

Name of District: _____

District Code: _____

Person Completing Form: _____

Contact information: _____

Calculate Alt assessment rates for each content:	ELA/Language Arts Literacy 2016-2017	ELA/Language Arts Literacy 2017-2018	ELA/Language Arts Literacy 2018-2019 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 2016-2017	Mathematics 2017-2018	Mathematics 2018-2019 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 Michelle Jackson (Michelle.Jackson@doe.k12.de.us) at the Delaware Department of Education, by September 13, 2018.

Justification: (to be completed if above 1% in any column above)	2016-2017	2017-2018	2018-2019 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

Delaware Department of Education
 Alternate Assessment Justification Form 2019-2020

Name of District/Charter: _____ District/Charter Code: _____

Person Completing Form: _____ Contact information: _____

Alternate Assessment rates for ELA/Literacy	2017-18	2018-19	2019-20 Projection
1. Total number of DeSSA-Alt students 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 spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)			
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 area.			
Calculate Alternate Assessment rates for Mathematics	2017-18	2018-19	2019-20 Projection
5. Total number of DeSSA-Alt 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 spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)			
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 area.			
Calculate Alternate Assessment rates for Science	2017-18	2018-19	2019-20 Projection
9. Total number of DeSSA-Alt students at in grades 5, 8, 10. Residential students with disabilities in, in- and out-of-district placements should also be included.	Field Test		
10. Total number of special education and general education students taking a state assessment during the spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)	Field Test		
11. Divide the line 1 number by the line 2 number.	Field Test		
12. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content area.	Field Test		

After completing sections 1-12, if the percent is greater than 1 percent in either subject area (lines 4, 8 or 12), complete the Justification information. Please submit to Michelle Jackson (Michelle.Jackson@doe.k12.de.us) at the Delaware Department of Education, by **September 14, 2019**.

Districts/Charters who exceed the 1% Cap are placed into one of three categories of support: Level 1 Support; Level 2 Supports or Level 3/Special School Supports.

Category of Support	Criteria
Universal Supports	≤ 1% DeSSA-Alt Participation
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	1.6 % - 2.5% DeSSA-Alt Participation
Level 3/Special School Supports	≥ 2.6% DeSSA-Alt Participation

Justification:	2018-19	2019-20 Projection
<ul style="list-style-type: none"> To be completed if above 1% in any of the content areas in the Spring 2019 administration 		
Category of Support <ul style="list-style-type: none"> Refer to the table above 	<input type="checkbox"/> Universal <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3/Special School	<input type="checkbox"/> Universal <input type="checkbox"/> Level 1 <input type="checkbox"/> Level 2 <input type="checkbox"/> Level 3/Special School
Has your participation rate increased/decreased from the 2018 Spring Administration? <ul style="list-style-type: none"> Please provide rationale in the lines below 	<input type="checkbox"/> Increased <input type="checkbox"/> Decreased <input type="checkbox"/> Remained the same	<input type="checkbox"/> Anticipate increase <input type="checkbox"/> Anticipate decrease <input type="checkbox"/> Anticipate the same
There is a school, community or health program in the district that draws large numbers of students with significant intellectual disabilities.	<input type="checkbox"/>	<input type="checkbox"/>
The total test population is less than 300 and the total number of students participating in DeSSA-Alt is 3 or less.	<input type="checkbox"/>	<input type="checkbox"/>
There is a high incidence of students with disabilities in the district.	<input type="checkbox"/>	<input type="checkbox"/>
*Other (Please elaborate on the lines below)	<input type="checkbox"/>	<input type="checkbox"/>

Justification: _____

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

Signature of Superintendent or Charter School Lead

Notification of One Percent Waiver Request

On November 27, 2017, the Delaware Department of Education (DDOE) posted the 1% Cap notification and draft waiver request for 10 business days, on the *Announcements* webpage of the DDOE website, for public comment. DDOE shared the waiver information with stakeholder groups, such as the Access to General Curriculum committee and the Governor's Advisory Council for Exceptional Citizens (GACEC). DDOE also shared the waiver information with superintendents, special education directors, and district test coordinators. Public comments specifically related to the waiver were positive; comments included, "I don't see any issues with the waiver request. It seems appropriate" and "The waiver looks thorough." In addition, DDOE received feedback related to the Delaware plan; stakeholders are interested in more information about technical assistance for LEAs. Delaware DOE will continue to solicit feedback from stakeholder groups to guide and shape the final plan and timeline. The stakeholder feedback and plan will guide DDOE's commitment to support the appropriate reduction of the number of students participating in the alternate assessments. Delaware respectfully submits this waiver request.

Delaware Department of Education

Public Notice and Comment Period

Waiver Request- Pursuant to 34 C.F.R. §200.6(c)(4)
November 27, 2017

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 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 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 2017 to be at 1.4% for ELA, 1.4% for mathematics, and 1.5% 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



12/12/2018

Delaware Waiver Extension Request

Supporting Documents



Jackson Michelle
DDOE

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Delaware Department of Education

Level 1 Support Checklist

District/Charter: _____

Participation Criteria: What percentage of your eligible students participated in the DeSSA-Alternate assessment? _____

If your participation rate was less than 95%, what action steps will you take to improve participation?

Total % of Students on DeSSA-Alt ELA 2018: _____ Math 2018 _____ Science 2018 N/A (field test)

Target % of Students on DeSSA-Alt ELA 2018: _____ Math 2018 _____ Science 2018 N/A (field test)

Training Needs: Has your staff been trained on the State Guidelines and Participation Criteria?

Training	Total Number of Staff*	Percentage Trained
1. District staff attendance to webinar/workshop on State Guidelines Evidence: Attendance Sheets		
2. Host a Parent Night/Workshop on the DeSSA-Alt Evidence: Attendance Log		
3. District staff will complete the online session on Developing IEPs and completing accommodations Evidence: Course-hour points		
4. Have IEP team leaders attend workshop on the Alternate Assessment Participation Decision Making workshop Evidence: Attendance Sheet		

*District Staff identified as needing training

Based on the information above; what are your anticipated training needs? How will you ensure all your staff are adequately trained?

Data Dive: Are there trends in the Student Population participating in the DeSSA-Alt? Do you recognize higher than expected participation rates in any of the subgroups?

DeSSA-Alt ELA

Participation by Grade Level	3	4	5	6	7	8	10	11	
DeSSA-Alt ELA									
Participation by Ethnic Group	Number	Participation by Ethnic Group				Number			
Hispanic		Asian American							
American Indian		Hawaiian/Pacific Islander							
African American		Multiracial							
White									
Participation by Gender	Number								
Male									
Female									
Participation by Demographics	Number								
Low-Income									
English Learner									
Homeless									
Participation by Primary Disability	Number	Participation by Primary Disability				Number			
Autism		Multiple Disabilities							
Deaf-Blind		Orthopedic Impairment							
Deafness		Other Health Impairment							
Emotional Disturbance		Speech/Language Impairment							
Hearing Impairment		Traumatic Brain Injury							
Intellectual Disability		Visual Impairment							
Learning Disability									

Based on your data findings, are there evidences of any disproportionality in the subgroups for this content area? Do you have any explanation regarding any unexpected high numbers?

DeSSA-Alt Mathematics

Participation by Grade Level		3	4	5	6	7	8	10	11
DeSSA-Alt Mathematics									
Participation by Ethnic Group		Number		Participation by Ethnic Group		Number			
Hispanic				Asian American					
American Indian				Hawaiian/Pacific Islander					
African American				Multiracial					
White									
Participation by Gender		Number							
Male									
Female									
Participation by Demographics		Number							
Low-Income									
English Learner									
Homeless									
Participation by Primary Disability		Number		Participation by Primary Disability		Number			
Autism				Multiple Disabilities					
Deaf-Blind				Orthopedic Impairment					
Deafness				Other Health Impairment					
Emotional Disturbance				Speech/Language Impairment					
Hearing Impairment				Traumatic Brain Injury					
Intellectual Disability				Visual Impairment					
Learning Disability									

Based on your data findings, are there evidences of any disproportionality in the subgroups for this content area? Do you have any explanation regarding any unexpected high numbers?

DeSSA-Alt Science ** field test year – N/A for 2018

Participation by Grade Level		3	4	5	6	7	8	10	11
DeSSA-Alt Science									
Participation by Ethnic Group		Number	Participation by Ethnic Group				Number		
Hispanic			Asian American						
American Indian			Hawaiian/Pacific Islander						
African American			Multiracial						
White									
Participation by Gender		Number							
Male									
Female									
Participation by Demographics		Number							
Low-Income									
English Learner									
Homeless									
Participation by Primary Disability		Number	Participation by Primary Disability		Number				
Autism			Multiple Disabilities						
Deaf-Blind			Orthopedic Impairment						
Deafness			Other Health Impairment						
Emotional Disturbance			Speech/Language Impairment						
Hearing Impairment			Traumatic Brain Injury						
Intellectual Disability			Visual Impairment						
Learning Disability									

Based on your data findings, are there evidences of any disproportionality in the subgroups for this content area? Do you have any explanation regarding any unexpected high numbers?

Complete and submit to Michelle.Jackson@doe.k12.de.us DDOE by **January 25, 2019**

DDOE Representative: _____

Signature: _____

LEA Representative: _____

Signature: _____

Delaware Department of Education

Level 2 Support Plan: Reducing the Participation Rate

District/Charter: _____

Participation Criteria: What percentage of your eligible students participated in the DeSSA-Alternate assessment? _____

If your participation rate was less than 95%, what action steps have you taken to improve participation?

Total % of Students on DeSSA-Alt ELA 2018: _____ Math 2018 _____ Science 2018 N/A

Target % of Students on DeSSA-Alt ELA 2018: _____ Math 2018 _____ Science 2018 N/A

Training Needs: Has your staff been trained on the State Guidelines and Participation Criteria?

Training	Total Number of Staff*	Percentage Trained
5. District staff attendance to webinar/workshop on State Guidelines Evidence: Attendance Sheets		
6. Host a Parent Night/Workshop on the DeSSA-Alt Evidence: Attendance Log		
7. District staff will complete the online session on Developing IEPs and completing accommodations Evidence: Course-hour points		
8. Have IEP team leaders attend workshop on the Alternate Assessment Participation Decision Making workshop Evidence: Attendance Sheet		

*District Staff identified as needing training

Based on the information above and the **Needs Assessment** you completed, what are your anticipated PD/Coaching needs?

Do you have TSI/CSI schools? Please list them here, including levels if applicable:

TSI/Level	CSI/Level

Based on your data review, are there specific schools with higher than usual numbers in any of the subgroups? Please list the school, subgroup and any possible explanation. What strategies will you use to assist them in reducing their numbers?

Data Dive: Are there trends in the Student Population participating in the DeSSA-Alt? Do you recognize higher than expected participation rates in any of the subgroups?

DeSSA-Alt ELA

Participation by Grade Level	3	4	5	6	7	8	10	11
DeSSA-Alt ELA								
Participation by Ethnic Group	Number	Participation by Ethnic Group				Number		
Hispanic		Asian American						
American Indian		Hawaiian/Pacific Islander						
African American		Multiracial						
White								
Participation by Gender	Number							
Male								
Female								
Participation by Demographics	Number							
Low-Income								
English Learner								
Homeless								
Participation by Primary Disability	Number	Participation by Primary Disability				Number		
Autism		Multiple Disabilities						
Deaf-Blind		Orthopedic Impairment						
Deafness		Other Health Impairment						
Emotional Disturbance		Speech/Language Impairment						
Hearing Impairment		Traumatic Brain Injury						
Intellectual Disability		Visual Impairment						
Learning Disability								

Based on your data findings, are there evidences of any disproportionality in the subgroups for this content area? Do you have any explanation regarding any unexpected high numbers?

DeSSA-Alt Mathematics

Participation by Grade Level	3	4	5	6	7	8	10	11	
DeSSA-Alt Mathematics									
Participation by Ethnic Group	Number	Participation by Ethnic Group					Number		
Hispanic		Asian American							
American Indian		Hawaiian/Pacific Islander							
African American		Multiracial							
White									
Participation by Gender	Number								
Male									
Female									
Participation by Demographics	Number								
Low-Income									
English Learner									
Homeless									
Participation by Primary Disability	Number	Participation by Primary Disability					Number		
Autism		Multiple Disabilities							
Deaf-Blind		Orthopedic Impairment							
Deafness		Other Health Impairment							
Emotional Disturbance		Speech/Language Impairment							
Hearing Impairment		Traumatic Brain Injury							
Intellectual Disability		Visual Impairment							
Learning Disability									

Based on your data findings, are there evidences of any disproportionality in the subgroups for this content area? Do you have any explanation regarding any unexpected high numbers?

DeSSA-Alt Science ** field test year – N/A for 2018

Participation by Grade Level		3	4	5	6	7	8	10	11
DeSSA-Alt Science									
Participation by Ethnic Group		Number	Participation by Ethnic Group				Number		
Hispanic			Asian American						
American Indian			Hawaiian/Pacific Islander						
African American			Multiracial						
White									
Participation by Gender		Number							
Male									
Female									
Participation by Demographics		Number							
Low-Income									
English Learner									
Homeless									
Participation by Primary Disability		Number	Participation by Primary Disability		Number				
Autism			Multiple Disabilities						
Deaf-Blind			Orthopedic Impairment						
Deafness			Other Health Impairment						
Emotional Disturbance			Speech/Language Impairment						
Hearing Impairment			Traumatic Brain Injury						
Intellectual Disability			Visual Impairment						
Learning Disability									

Based on your data findings, are there evidences of any disproportionality in the subgroups for this content area? Do you have any explanation regarding any unexpected high numbers?

Action Plan: Use all the information above to develop two SMART goals to reduce the participation rate in your district/charter. For each goal, please provide two targeted activities.

Goal 1:

Targeted Activities

Date: _____ Progress: _____

Date: _____ Progress: _____

Goal 2:

Targeted Activities

Date: _____ Progress: _____

Date: _____ Progress: _____

Complete and submit Plan to Michelle.Jackson@doe.k12.de.us DDOE by **January 25, 2019** (excluding progress dates)

DDOE Representative: _____ Signature: _____

LEA Representative: _____ Signature: _____

Levels of Support			
Universal Supports ≤ 1%	Level 1 Supports 1.1% - 1.5%	Level 2 Supports 1.6% - 2.5%	Special School Supports ≥ 2.6%
<ul style="list-style-type: none"> • Data collection, analyses, and reporting of overall data and subgroup data – September 26, 2018; October 23, 2018 ✓ Clarifying the state definition of “students with the most significant cognitive disabilities” - Done ✓ Updating the State Guidelines, as needed, for participation in alternate assessments (Appendix F-1) • Launching a webinar specific to the State Guidelines - October 2018 • Highlight the updated Accessibility Guidelines manual (attached) and the accompanying training available via Schoology – in Process – October 5, 2018 • 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 <ul style="list-style-type: none"> ○ <i>Access to General Curriculum committee</i> ○ <i>Governor’s Advisory Council for Exceptional Citizens (GACEC) (state advisory council)</i> - Complete/On-going • Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings – on-going ✓ Provide one percent data collection and justification forms to LEAs – August 15, 2018 	<p>At this level, the State will address overall trends and overarching needs by participating in and/or providing the following:</p> <ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 	<ul style="list-style-type: none"> • 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 <ul style="list-style-type: none"> • Focus on disability categories • Appropriateness of participation

One Percent Cap

<ul style="list-style-type: none">Publicly post justification forms, state waiver request, and plan with timeline			
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One Percent Cap

Levels of Support			
Universal Supports ≤ 1%	Level 1 Supports 1.1% - 1.5%	Level 2 Supports 1.6% - 2.5%	Special Schools Supports ≥ 2.6%
<p>Tasks – Across all levels</p> <ol style="list-style-type: none"> 1. Prepare a webinar specific to the State Guidelines 2. Attend AGECE, GAGECE meetings 3. Provide updates to Cadres, Coalitions and Special Education Leadership 4. Parent workshop – about the DeSSA-ALT; the guidelines etc. (One in each county) 5. Prepare a template-planning guide for Reducing the 1% Gap. 6. Prepare a checklist for schools needing Level 1 support – See template 7. Prepare online session on developing IEPs and accommodations for educators who administer the alternate assessment. 8. Prepare a Needs Assessment 9. Prepare workshop on how to prepare the students on the cusp to take the general education assessments with accommodations and supports. 10. Create a Look-fors form that LEAs can use to assist with their observations– Is there one already? 11. Research any district that moved from over 1% to below 1% - Find out their strategies to share with Districts in Level 1. 12. Research districts who moved up from Level 1 to Level 2 – why? 13. Research sub-groups – highlighting trends – making notes for targeted PD/discussions. 	<p>Tasks</p> <ol style="list-style-type: none"> 1. Meet with Leadership to go over the data and Checklist requirement 2. Districts complete the checklist – DDOE/CDS will assist with any further support as needed 	<p>Tasks</p> <ol style="list-style-type: none"> 1. District use a Needs Assessment to determine any PD/Coaching needs that DDOE/CDS can provide 2. Meet with Leadership to go over the data and Level 2 support requirement 3. District Data disaggregation. 4. Meet 1/month as needed/requested by the district – Support provided in the form of IEP support, Parent night assistance, workshops, etc. 	<p>2018</p> <ul style="list-style-type: none"> - All districts at this level will complete the Level 2 supports requirement. <p>Tasks</p> <ol style="list-style-type: none"> 1. District use a Needs Assessment to determine any PD/Coaching needs that DDOE/CDS can provide 2. Meet with Leadership to go over the data and Level 2 support requirement 3. District Data disaggregation. 4. Meet 1/month as needed/requested by the district – Support provided in the form of IEP support, Parent night assistance, workshops, etc <p>2019</p> <p>Data Discussions for Students selected for ALT – use as training tools</p> <p>Looking at students selected to enter the special schools – the decision making process</p>

One Percent Cap

Levels of Support			
Universal Supports ≤ 1%	Level 1 Supports 1.1% - 1.5%	Level 2 Supports 1.6% - 2.5%	Special Schools Supports ≥ 2.6%
District/Charters	District/Charters	District/Charters	District/Charters
Delmar Lake Forest NCCVT Polytech Smyrna Woodbridge DAPSS Design Thinking MOT Charter Newark Odyssey New Castles Providence Creek Sussex	Appoquinimink Brandywine Indian River Milford Red Clay DSCYF Positive Outcomes	Caesar Rodney Colonial Laurel	Cape Henlopen Capital Christina Seaford
CSI (Comprehensive Support and Improvement Schools) TSI (Targeted Support and Improvement) – by subgroup Lake Forest Chipman Middle School (SWD) Lake Forest High School (Hispanic/Latino and Multi-racial) Woodbridge Woodbridge Middle School (SWD)	Red Clay A.I. DuPont Middle School Shortlidge Academy Stanton Middle School Brandywine P.S. DuPont Middle School (SWD) Milford Milford Central Academy (SWD)	Colonial McCollough Middle School Bedford Middle School (SWD)	Christina Bayard Middle School Newark High School Elbert-Palmer Elementary School Stubbs Elementary School Shue-Medill Middle School (SWD, Low-income) Capital William Henry Middle School (SWD, Low-income)
**Kuumba Academy Charter School (did not provide Justification – emailed to get it complete)			

1% Feedback Summaries from AGEC meeting

Definition of “Significant Cognitive Disabilities”	Definition of Significant Cognitive Disabilities
<ul style="list-style-type: none"> • Based on Delaware Guidelines for participation in alternate assessments, “students with the most significant cognitive disabilities”: –Have intellectual skills and adaptive behavior such that extensive modifications are required in order to access the general curriculum, –Require extensive direct instruction and/or extensive supports to accomplish the application and transfer of skills to school, home, work, and community environments, –Require extensively modified instruction focusing on a less complex application of skills in order to access the Delaware Content Standards. 	<ul style="list-style-type: none"> • The decision to include the student in the alternate assessment is not based on <ul style="list-style-type: none"> –existence of an IEP; –specific categorical label; –educational placement; –English language learner status; –socio-economic or cultural differences ; –excessive or extended absences; –disruptive behavior; –student’s reading level; or –the expectation that the student will not perform well on DeSSA Gen Ed assessments.
<p>Defining “Students with the most significant cognitive disabilities.”</p>	
<p>What changes, if any, to the definition do you suggest?</p> <ul style="list-style-type: none"> • More specificity needed • Extensive direct instruction vs. specialized instruction • Defining extensive – Extensive can be subjective • Consider including communication skills • Use DLM definition 	



Individual states set eligibility criteria that helps establish which students are eligible to take the alternate assessment; however, most states include descriptions that clearly indicate that students who take the alternate assessment require extensive, repeated, individualized instruction and support; and they use substantially adapted and modified materials and individualized methods of accessing information in alternate ways to acquire, maintain, generalize, demonstrate and transfer skills across settings. These are the students we intend to participate in the DLM Alternate Assessment.

- Clarify extensive modifications
- Including not being able to attain grade level achievement standards – need to define this
- Seems repetitive
- Less complex application of skills – is this reflective of DLM language?
- Extensive, repeated instruction and modification to achieve standards at less complexities and depth – earning a diploma of alternate achievement standards
- Change wording to “due to intellectual and adaptive behaviors”
- The application piece is important – the application and transfer of skills to home, work, and community
- Change “direct” to specialized instruction
- Not due to lack of educational opportunities
- Only students with extensive modification to curriculum
- How can extensive be quantified?

The decision to include student in the alternate assessment is not based on:

- Add AAC user
- Clarify to special education categorical label
- Students reading level – maybe IEP placement setting
- Educational placement; - setting
- Misunderstanding of accommodation/modified
- Examples/non-examples of students for the alternate assessment
- These students will never achieve the standards

Decreasing the Number

What conversations need to happen at LEAs to help decrease the number of students taking the DeSSa-Alt?

- Clear resources on website – easy to navigate
- Share information as part of the DeSSa-Alt Test administration training
- Parents need a one-pager to explain
- All students must participate in at least one administration of DeSSa before being placed on the DeSSa-Alt
- What types of policies could be in place that could ensure that students are receiving appropriate accommodations and instruction from year to year?
- Review types of assessments used to determine aptitude, achievement and adaptive skills
- Increased work load/demands of classroom teachers – affects the time they are able to spend differentiating and accommodating instruction or scheduling of specialized instruction
- Additional training on guidelines
- Observations and instructional supports prior to moving a students to the alternate assessment (accommodations)
- Emphasize that taking the alternate assessment is a YEARLY decision
- Supporting the teachers
- Any student who isn't on the Alt – observation/instructional practices

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

Feedback on Level 1 Supports

- Training – more specific – what does additional mean.
- Understanding the distinctions of the definition
- Understanding accommodations
- Training for the parents what the new diploma means
- Training should be skill building not just disseminating information

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

Feedback on Level 2 Supports

- Reword “focus on disability categories” - clarify Change the wording under Level 2 description. F
- Fix the sentence, “LEAs will special schools...”
- The word “or” is used 2 times
- More info needed for special schools
- Explain targeted assistance to LEAs – what will that look like? There are many tiers within EDs, admin, teachers etc.
- Provide more trainings, technical assistance
- Provide train the trainer PD for district personnel to use a rubric or other tool to provide teachers/classroom teams more strategies and instructional supports to identify accommodations for students to access rigorous standards and curricula via observation and feedback loops.
- Provide special Ed and gen Ed teachers general UDL and accommodations to support inclusion
- More observations on accommodations in classrooms
- Students on higher level being considered for Smarter

Targeted Assistance to LEAs

- Host district calls/webinars where key stakeholders at the LEAs can hear our components of the waiver plan and our compiled data. District and school data on current participation rates would be shared.
 - Stakeholders would take notes; and then request them to discuss and pose questions to send to the state.
 - Open room for some questions regarding data.
- Have state LEA’s meet in their teams following the district call.
 - Compose questions regarding the identification/determination for Alternate Testing to send.
 - Special Education Associate and/or Department of Education team would compile the questions and then research and collaborated with necessary associates to provide responses.
- Prepare a Technical Assistance Paper with the questions and answers to send to the special administrators for them to disseminate and discuss with their specialists who sit on the determination teams.
 - If necessary, host a district training if the questions indicate a need for deeper understanding.
- Provide technical assistance on when the district would apply for a waiver for a student with significant cognitive disabilities.

- Send out a Needs Assessment to the key stakeholders to see their technical assistance needs, which may lead to a professional development plan/webinars for that district or may be answered in the Technical Assistance paper.
- Professional development on the alternate assessment and who should participate.
- Targeted assistance would be based on the individual district's data. The level of support provided would be based on the district's data and participation percentages.

Study the data of the districts who had less than 1% participation rate. Look at the demographics, the subgroups – see if there are districts with similar subgroups who could share information to assist in meeting the 1% participation guideline
Professional development related to the inclusion of students with cognitive disorders within sending districts and program development.

- What is the alternate assessment and who is the learner that should participate.
- Ensure parents understand that the students who take the alternate assessments may not earn a regular diploma. They need to see a sample of the assessment and what their child will be expected to do.
- Professional development on the state definition of students with cognitive disabilities. Share the state's definition of students with cognitive disabilities and seek recommendations and suggestions to tweak the definition so it is understood what the characteristics of these learners are.
 - "The definition should include the need that students with the most significant cognitive disabilities have for extensive, direct individualized instruction, as well as their need for substantial supports to achieve measurable gains on challenging grade-level academic content standards."
- Professional development on including students with cognitive disorders in the general education classroom.
- Accommodations for students with cognitive disabilities – what tools provide them equal access and success in the classroom and would eliminate/reduce the need for alternate assessment. – Looking at Universal Design principles

Professional development in accordance with identified LEA needs related to eligibility, knowledge, and selection of available and appropriate accommodations.

- Review the eligibility criteria – ensure that the LEA has a clear idea of the characteristics of student the alternate assessment is for.
- Review the participation guidelines – the four criterion – ensure the LEA is using the participation guidelines in making their decision.
- Selecting the appropriate accommodations and accessibility options -

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.

Feedback on Level 3 Supports

- Reword “focus on disability categories.” (clarify)
- Mindshift – all our students
- Can we provide a guidance document for inclusion?
- PD/TA should be addressed = approached using tiers
- Target instruction to specific schools/grades/teachers that have a disproportionate number of students on the Alt Assessment but accessing Gen Ed (RT1-1-3) curricula using UDL & standard accommodation
- Need to address concerns with districts with special schools
- Need to clarify “deeper data dive”
- Focus on disability categories – we don’t want to send the message that a specific disability category equals the Diploma of alternate achievement standards
- Need a parent training/communication capsheet

Target the districts with a higher than 1% documented DeSSA Alternate Assessment to see areas of possible professional development and/or inquiry/assistance. This would also provide potential rationale for the waiver to US DOE. – Submit justification for exceeding the 1%

Districts who rated themselves as needing Level 3 support

- Study their process and see how/why – Does this district have 2 or more special centers for students with cognitive disabilities? This may explain the higher percentage.
- Check on the subgroups within these districts – Is there a possibility of some of the subgroups being over-identified?
- The district would create an implementation plan to reduce their participation rate – include the ways in which the state can help them achieve their goal. Monitor the plan and progress
- Are there students with SLI, LD or OHI who participated in the AA? If so, what accommodations/accessibility options can they receive to move to the regular tests
- Districts must determine on a case-by-case basis the students who will take the alternate assessment. It is individualized, not a one-size-fits-all
- Are there students who scored at a certain level in the alternate assessment who can exit to take the general exam?

One Percent Cap Meeting

AGENDA

September 26, 2018

3:00 – 3:15	Welcome Introductions
3:15	Future Meeting Dates: October 23 at 10 am November 15 at 9 am. Additional dates?
3:20	Review the Justification Data Review the adjusted Delaware Plan – added Universal Supports and % breakdown for each category Feedback/Input:
3:30	Review the Level 1 Checklist Review the Level 2 Plan: Reducing the Participation Rate Discussion on Possible Timeline? Feedback/Input:
3:45 – 4:00	Forms Needed? 1. Needs Assessment Form 2. Observation Form 3. Timeline

One Percent Cap Meeting

AGENDA

October 23, 2018	
9:00 – 10:00	Attendees: Michelle Jackson, Janice Parsons, Theresa Bennett, MaryAnn Mieczowski, Esley Newton
Feedback on the Level 1 and Level 2 Supports	All Level 1 Checklist Level 2 Plan
1% Cap Convening Shareout	Michelle and Janice <ul style="list-style-type: none"> - Adding percentages by disability of students who took the assessment - Definition of LD for comparison - Students who take the alternate assessment must be on the alternate achievement standards – do we add this to the guidelines? - Adding the LCI component as further guidance to the DeSSA-Alt participation
Research Data Shareout	Michelle and Janice
Delaware Waiver Plan - Progress update	Michelle <ul style="list-style-type: none"> - Will have full draft completed by 11/15 - Plan to submit 12/1/2018
Training for Ed Diagnosticians, Spec Ed Leadership December 4, January 17, February 6 at Troop 3	Janice and Michelle <ul style="list-style-type: none"> - Overview of eligibility guidelines - Difference between accommodations vs modifications - Case study – have them determine which assessment and why
Next Meeting: Items to be discussed/reviewed	November 15 at 9 am

One Percent Cap Meeting

AGENDA

November 15, 2018	
9:00	Welcome
9:00-9:15 Michelle	Review the 1% Cap Waiver Request DRAFT <ul style="list-style-type: none"> • Revised Waiver Plan • Revised Timeline Final Draft Read through – Janice and Michelle – Nov. 21 st 11-12
9:15-9:40 Michelle	Review the Level 1 Checklist Review the Level 2 Plan: Reducing the Participation Rate ***Need: Needs Assessment Form and “Look Fors” document DUE: November 30 Proposed Timeline: December 20, 2018 – Inform Special Education Leadership and notify Level 1/Level 2 LEAs Mid-January 2019 – Preliminary meetings with Level 1 and Level 2 Districts/Charters Level 1 – 1 st meeting to Review data and Checklist – DDOE and CDS <ul style="list-style-type: none"> - Final consult – April/May – CDS Level 2 – 1 st meeting to Review data and Draft Plan – DDOE and CDS <ul style="list-style-type: none"> - 2-3 consults as needed - CDS January 17, February 6, March 6 – Ed Leadership trainings Mid-February – Level 2 Supports Plan due May – Level 1 Checklists due
9:40-9:55 Esley	Trainings Update <ul style="list-style-type: none"> – Overview for Training - PD Webinars update PD Slides Review for SpEd Leadership – November 20 th 1-3 (Janice and Michelle)
9:55-10:00	Wrap-Up Questions Next 1% Cap meetings: December 21 @ 2-3 January 7 @ 3

August 15, 2018

TO: Superintendents, Charter School Leaders, and Special Education Administrators

FROM: Theresa Bennett, Director
Office of Assessment
Mary Ann Mieczkowski, Director
Exceptional Children Resources

THROUGH: Monica Gant, Chief Academic Officer
Academic Support Branch

SUBJECT: [1 Percent Cap on Alternate Proficiency Assessments Form](#)

In December 2015, the Elementary and Secondary School Act (ESEA) was reauthorized with the adoption of the *Every Student Succeeds Act* (ESSA), which replaced the *No Child Left Behind Act* (NCLB). As with NCLB, ESSA regulations allow the use of alternate assessments, based on alternate achievement standards, for students with the most significant cognitive disabilities. In Delaware, this alternate assessment is the DeSSA-Alternate.

ESSA requires that no more than 1 percent of the total number of students in the state be administered a combination of the DeSSA-Alternate. Districts are not prohibited from assessing more than 1 percent of their students with these Alternate assessments, but are required to submit justification demonstrating the need to assess more than 1 percent of their students with the DeSSA-Alt.

School officials must complete and submit the attached justification form with local level alternate participation information. If there is greater than 1 percent participation in the DeSSA-Alt assessments, the district or charter must also complete the justification section before submitting the form. Information reported previously by the district or charter school has been populated for consideration and planning purposes.

Additionally, projected counts for participation in the Spring 2018 assessments should also be added to the third column. This information will be needed for submission to USDOE if Delaware needs to apply for a waiver for exceeding the 1% cap.

Specific alternate assessment participation rate calculation guidelines can be found on the form. The Delaware Department of Education (DDOE) will review submitted justification forms. It is also necessary to include students placed in separate public programs in other districts in these calculations.

Completed forms should be submitted via email to Michelle Jackson (Michelle.Jackson@doe.k12.de.us) by **September 13, 2018**.

Numbers of students participating in these alternate assessments is a key area of focus as we strive to ensure only those who fully meet the participation criteria for alternate assessments in Delaware

participate in alternate assessments and that local IEP team decision making meets the individualized state level assessment needs for each student. The 2018-19 Delaware criteria for alternate assessment participation may be found on the state website at <https://www.doe.k12.de.us/Page/3577> .

Your signature on the justification form serves as an assurance that Local Education Agencies (LEAs) are making alternate assessment determination decisions during the Individualized Education Program (IEP) meetings using the required Delaware criteria. After results are finalized for these alternate assessments, DDOE will revisit the criteria and identify LEAs with high alternate participation rates in need of additional attention.

Thank you in advance for your attention to this important process as we strive to support our students and to also confirm that the Delaware accountability system contains the most accurate representation of the results of students with the most significant disabilities. Please direct questions to Theresa Bennett (Theresa.Bennett@doe.k12.de.us).

Attachment:
Delaware Department of Education
Alternate Assessment Justification Form

AGEC Committee Meeting



AGEC
Access to the General Education Curriculum



- Introductions
- 1% waiver overview
- Delaware's Plan
- Break out sessions
- Recap

- ### Introductions
- Name
 - LEA
 - Role

- ### Purpose of AGECE
- Promotion of inclusion for students with disabilities
 - Least Restrictive Environment (LRE)
 - Instructional models
 - Student performance
 - Alternate Assessment
 - Other ideas?



Alternate Assessments

- Alternate assessments are designed for a small number of students with the most significant cognitive disabilities who are unable to participate in regular grade-level state assessments, even with appropriate accommodations (IDEA 1997).

Delaware's Alternate Assessment Eligibility and Participation

- Identified through the IEP team decision-making process
 - Must adhere to the participation guidelines (DeSSA-Alt) criteria
 - If sufficient information to support ALL the criteria, IEP team makes and documents decision as part of student's IEP and everyone signs
- Students who do not meet all the criteria will participate in the DeSSA ELA/Math/SAT general education assessments with/without accommodations

Delaware's Alternate Assessment

- Achievement of students in the alternate assessments is based on alternate achievement standards
 - Lower in complexity and depth to access the standards
 - Students are awarded Diploma of Alternate Achievement Standards beginning 2018-19 school year. (HB287)
- Small population of students with the most significant cognitive disabilities

Delaware's 1% Cap Waiver
2017-2018 School Year



1% Alternate Assessment Participation Cap

New ESSA regulations require

- States not exceed 1% of the total student assessment population participating in the alternate assessment in
 - ELA
 - Mathematics

1% Alternate Assessment Participation Cap

- States anticipating exceeding 1% in one or more of these content areas must request a waiver including
 - Data sets
 - Assurances of Guidelines usage
 - A state plan and timeline

Delaware's Waiver

- Delaware's spring 2017 alternate assessment participation rates
 - ELA and mathematics at 1.4%
 - Science at 1.5%
- Based on Delaware's spring 2017 alternate assessment participation exceeding the 1% cap
 - Delaware will be submitting a waiver request to the United States Department of Education

Waiver Input and Communications

- Notification of waiver submission
 - Advisory groups
 - Access to General Curriculum committee
 - Governor's Advisory Council for Exceptional Citizens
 - Districts
 - Superintendents in Chiefs' Memo
 - Special Education Directors and District Test Coordinators
 - Special Education Leadership
 - Public

1% Waiver Approved

On February 28, 2018, Superintendent Bunting received Waiver Acceptance Letter.

Six Assurances:

- SEA will continue to meet all requirements of ESEA
- SEA assessed 95% of all students and 95% of enrolled SWD

1% Waiver Approved

Six Assurances:

- SEA require LEA to submit justification to assess more than 1%
- SEA will provide oversight to any LEA required to submit justification and make it public.

1% Waiver Approved

Six Assurances:

- SEA will verify that each LEA submit information following state guidelines and address any disproportionate subgroups
- SEA will implement the plan submitted in Delaware's waiver request.

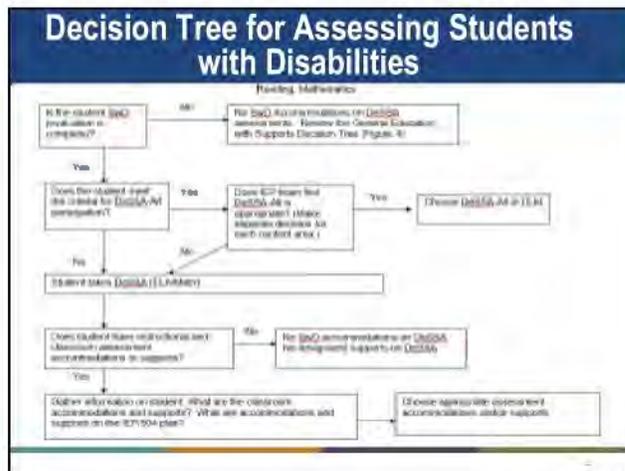
Delaware's Waiver Plan

- 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 to address the reduction of participation in alternate assessments
- Waiver requests must include
 - additional data sets related to participation and subgroup information
 - an assurance that state guidelines were followed for determining participation
 - a state plan, with timeline
 - public notification of waiver request and comment information submissions
 - posting of local justifications for exceeding one percent

Participation Guidelines

IEP team members: My signature below indicates that I agree with the decision to participate in the DDESSA-Alt which is based on alternate achievement standards, because ALL four criteria listed have been met.

_____ (Parent/guardian/)	_____ (Date)
_____ (Student)	_____ (Date)
_____ (Representative/)	_____ (Date)
_____ (Teacher)	_____ (Date)
_____ (Other – please specify name and position)	_____ (Date)
_____ (Other – please specify name and position)	_____ (Date)



Local Level Calculations and Justification

Calculation

Local LEA: _____
 School District: _____
 Program/Component: _____
 District Identification: _____

Criteria for participation in alt	Calculation 9/18/18	All LEAs 10/1/17	Justification for LEA 10/1/17
1. The LEA is a public school district or charter school in the State of Delaware.			
2. The LEA is a public school district or charter school in the State of Delaware.			
3. The LEA is a public school district or charter school in the State of Delaware.			
4. The LEA is a public school district or charter school in the State of Delaware.			
5. The LEA is a public school district or charter school in the State of Delaware.			
6. The LEA is a public school district or charter school in the State of Delaware.			
7. The LEA is a public school district or charter school in the State of Delaware.			
8. The LEA is a public school district or charter school in the State of Delaware.			
9. The LEA is a public school district or charter school in the State of Delaware.			
10. The LEA is a public school district or charter school in the State of Delaware.			

Justification

Justification for participation in alt

Criteria for participation in alt	Calculation 9/18/18	All LEAs 10/1/17	Justification for LEA 10/1/17
1. The LEA is a public school district or charter school in the State of Delaware.			
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9. The LEA is a public school district or charter school in the State of Delaware.			
10. The LEA is a public school district or charter school in the State of Delaware.			

By certifying this application, the applicant certifies that all criteria for participating in the DDESSA-Alt are met and that the program is appropriate for the student's needs.

Signature of Superintendent or School Principal: _____

Delaware's Waiver Request Plan Level 2

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

Delaware's Waiver Request Plan Level 3

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 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 1, 2017-July 1, 2018: Ongoing bi-weekly one percent timeline and plan update meetings
 - December 4, 2017: Communication with superintendents via Chiefs memo regarding waiver request and request for comments
 - December 12, 2017: DDOE submits waiver to USEE, including comments received
 - March 29, 2018: House Bill 287 passed, Students will be awarded a Diploma of Alternate Achievement
- Standards**
- March 12- May 18, 2018 Delaware alternate assessment window
 - June 2018 Begin data review

Breakout #1

Defining "students with the most significant cognitive disabilities"

What changes, if any, to the Definition would you suggest?

Breakout #2

- What conversations need to happen at LEAs to help decrease this number?

Group Discussion

What can we provide LEAs to support the decrease in alternate assessment?

- Feedback on Level 1 Supports
- Feedback on Level 2 Supports
- Feedback on Level 3 Supports

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