



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

**JUN 19 2019**

The Honorable Carey M. Wright, Ed.D.  
State Superintendent of Education  
Mississippi Department of Education  
P.O. Box 771  
Jackson, MS 39205-0771

Dear Superintendent Wright:

I am writing in response to the Mississippi Department of Education's (MDE's) request on April 10, 2019, for an extension of the State's 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. MDE requested this waiver because, based on State data for the 2017-2018 school year, MDE 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 MDE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for the 2018-2019 school year, 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, mathematics and science. Even though MDE did not submit this request at least 90 days prior to the start of the State's assessment window, MDE 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, MDE 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.
- 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

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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 MDE’s waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent cap.

I note that the State demonstrated progress in carrying out the plan submitted when you originally requested this waiver. I also note that MDE made progress in reducing the number and percentage of students taking an AA-AAAS in 2017-2018 compared to 2016-2017.

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.

Finally, in order to help all States support implementation of the 1.0 percent participation threshold for AA-AAAS participation, the U.S. Department of Education is supporting work by the National Center on Educational Outcomes (NCEO) and the Center on Standards and Assessment Implementation to host three Peer Learning Groups (PLGs):

- Digging into Your Data: Building a One Percent Data Analysis and Use Plan
- Guiding and Evaluating District Justifications for Exceeding the One Percent Cap
- Building Capacity of IEP Teams and Parents in Making Decisions about Assessment Participation

If you have questions about any of these PLGs, please contact Susan Hayes, NCEO, at [shayes@wested.org](mailto:shayes@wested.org) or (802) 951-8210.

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 [Mississippi.OESE@ed.gov](mailto:Mississippi.OESE@ed.gov).

Sincerely,



Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

cc: Dr. Margaret Ellmer, Interim State Director of Special Education  
Jackie Sampsell, Director of Assessment



## MISSISSIPPI DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.  
*State Superintendent of Education*

April 10, 2019

Ms. Deborah Spitz  
Education Program Specialist  
U.S. Department of Education  
Office of Elementary and Secondary Education, Office of State Support  
400 Maryland Ave  
Washington, D.C. 20202  
[deborah.spitz@ed.gov](mailto:deborah.spitz@ed.gov)

Josiah L.R. Willey, Ed.D.  
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Dear Ms. Spitz and Dr. Willey:

The Every Student Succeeds Act (ESSA) amended a provision of Title I of the Elementary and Secondary Education Act of 1965 related to students participating in alternate assessments of each State Education Agency's (SEA's) Statewide assessment. The ESSA requires SEAs to submit waiver requests and subsequent extension requests to the United States Department of Education if the SEA anticipates having more than one percent of their students participating in the alternate assessment.

The Mississippi Department of Education (MDE) has conducted an extensive review of data from the Mississippi Student Information System (MSIS) and assessment data files from the school year 2017-2018. The purpose of the review was to determine the participation rates of students being assessed on the Mississippi Academic Achievement Program-Alternate (MAAP-A), which is aligned with the State-adopted alternate academic achievement standards.

The data revealed that approximately 1.45% of Mississippi's students participated in content areas of the MAAP-A in 2017-2018. Table 1 below displays participation rates by subject for

2016-2017 and 2017-2018. While the State did realize a decrease in the percentage of students that participated in content areas of the MAAP-A in 2017-2018, based on these data, the State anticipates exceeding the one percent threshold enacted by the ESSA for school year 2018-2019.

TABLE 1: Participation in Alternate Assessment by Content Area

Content	Number Participating in Alternate Assessment		Number Participating in Statewide Assessment		Percent Participating in Alternate Assessment	
	2016-2017	2017-2018	2016-2017	2017-2018	2016-2017	2017-2018
English/Language Arts	4,113	<b>3,789</b>	261,047	<b>262,403</b>	1.58%	<b>1.44%</b>
Math	4,142	<b>3,934</b>	256,603	<b>260,324</b>	1.61%	<b>1.51%</b>
Science	1,881	<b>1,578</b>	107,986	<b>113,144</b>	1.74%	<b>1.39%</b>

Pursuant to 34 C.F.R. §200.6(c)(4), the Mississippi Department of Education (MDE) is seeking a waiver extension for all subject areas for the 2018-2019 school year from the Secretary for the United States Department of Education.

## Participation and SCD Data Analysis

Mississippi follows the Federal participation requirements for assessment and requires all students enrolled in public K-12 schools be assessed with accommodations, without accommodations, or with an alternate assessment. The only exception to participation for any student is to receive a non-participation due to significant medical emergency waiver. To date, Mississippi has met or exceeded the Federal guidelines set at 95% participation rate of all students, including students with significant cognitive disabilities in the MAAP-A assessment. The table below shows the participation rates for students with disabilities during the 2017-2018 school year.

TABLE 2: 2017-2018 School Year Participation Rate for Students with Disabilities

Math	English Language Arts	Science
98.82%	99.06%	98.76%

Based on a review of data, 124 of 144 LEAs assessed more than one percent of assessed students with an alternate assessment during the 2016-2017 school year. This remained consistent during the 2017-2018 school year with 125 of 148 LEAs assessing more than one percent of assessed students with an alternate assessment in at least one subject.

## MDE Plan of Action

In 2018 the MDE Office of Special Education required written justification and assurances from LEAS with a participation rate greater than one percent. These assurances were created to ensure that all Individual Education program (IEP Committees follow Testing Students with Disabilities Regulations when making assessment participation decisions. The MDE OSE reviewed these justifications and assurances. In 2019, the MDE will continue to require written justification and

assurances from LEAs with a participation rate greater than one percent. These justifications and assurances will be reviewed by the OSE. Upon identification of districts whose justifications are problematic, the OSE will work with the districts to review district data, conduct root cause analysis, and develop an action plan to resolve problematic issues.

Additionally, the MDE will provide extensive Statewide support in the area of professional development around the alternate assessment. Sessions regarding the identification, instruction, and assessment of students identified as having a Significant Cognitive Disability (SCD) will be held at the Making Connections Conference on June 4, 2019; at the Quarterly State Special Education Directors meeting June 25, 2019; and during regional trainings in the Fall of 2019. The topic is also available on the professional development menu of services for individual districts to schedule. SCD determination will be a topic included in annual IEP Institutes held regionally in the Spring of 2019. Administrators including district superintendents and principals will be trained in statewide and regional settings, including the Mississippi Association of School Superintendents (MASS) conference and regional principal trainings. To ensure that all students are appropriately assessed, the MDE has developed and will continue to implement a three-prong approach that involves data analysis, support, and a plan of correction.

## LEA Support

- In 2018, the MDE OSE verified that each LEA followed the State's guidelines, including an analysis of students identified as SCD by IDEA disability eligibility category. In 2019, the MDE OSE will continue to verify that each LEA followed the State's guidelines, including an analysis of students identified as SCD by IDEA disability eligibility category. Additionally, failure to follow the guidelines will require acknowledgement in a programmatic risk-based assessment which informs monitoring decisions;
- In 2018, the MDE OSE provided oversight for LEAs exceeding the one-percent threshold to ensure only students with the most significant cognitive disabilities take the MAAP-A. In 2019 the MDE will increase oversight for LEAs exceeding the one-percent threshold and will require LEAs exceeding the one percent to participate in a webinar series regarding the determination of students with significant cognitive disabilities;
- The MDE will continue to require districts to complete the Learner Characteristic Inventory (LCI) of the MAAP-A prior to the test window;
- The MDE OSE will continue to inform and engage parents and other stakeholders in decision-making regarding programmatic requirements for student SCD determinations and participation in the MAAP-A; and
- The MDE OSE will continue to publicly report Statewide MAAP-A data while maintaining student confidentiality.

## LEA Data Profiles

- The MDE OSE will continue to provide LEA-level District Determination Reports that include assessment data profiles that detail student participation rates, SCD participation

percentages, and numbers of students with disabilities by IDEA disability eligibility category;

- The MDE OSE will continue to identify any disproportionality in the percentage of students taking the MAAP-A at each LEA; and
- The MDE OSE will continue to address disproportionality in the percentage of students in each subgroup participating in the MAAP-A. Additionally, the MDE OSE will conduct regional data analysis meetings to support districts in determining the root cause of disproportionality and developing an LEA action plan.

## Statewide Training

Statewide training will be provided to all LEAs to include teachers as well as school- and district-level administrators in order to fully inform districts of the requirements of SCD determination and to ensure that only students who meet the requirements take the MAAP-A. Training will focus on implementing the requirements set forth in the ESSA, including:

- Use of the SCD Determination Guidance Document (developed by MDE) outlining requirements for SCD determination;
- How to ensure that all students who take the MAAP-A have met the requirements; and
- Understanding implications of student participation in the alternate assessment as it applies to the type of diploma the student earns, as well as the student's postsecondary and career pathway.

The MDE will conduct trainings for special education LEA staff as well as school- and district-level administrators on the State's definition of students with the most significant cognitive disabilities and the *Testing Students with Disabilities Regulations*.

## LEA Plan of Correction

The MDE will provide oversight to each LEA that exceeds the one percent threshold to ensure that only students with the most significant cognitive disabilities participate in the MAAP-A including:

- An annual review of local LEA participation rates in each subject of the alternate assessment. Assessment Data Profiles will be created;
- Additional examination of LEAs with unusual patterns and/or higher participation rates;
- LEAs exceeding the one-percent participation rate will be required to provide MDE with a detailed justification for exceeding the one percent cap;
- The justification must include a plan for how the LEA will lower their participation rate;
- Annual programmatic risk-based-assessment will reflect participation in excess of the one percent cap;
- The MDE Office of Accreditation will be notified of LEA noncompliance with testing requirements, continued noncompliance may result in the recommendation of a loss of accreditation or a withholding of funds.

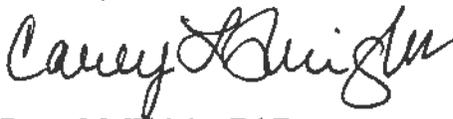
## Summary

The MDE can reduce the percentage of Mississippi students participating in the MAAP-A to the one-percent limit required by the ESSA through its plan of:

- Providing training and technical assistance to LEAs to ensure appropriate identification of students with significant cognitive disabilities, support LEAs in conducting root cause analysis, and to work with LEAs to develop action plans;
- Identifying LEAs with more than one percent of students taking the MAAP-A;
- Requiring LEAs with more than one percent of students participating in the MAAP-A to provide detailed justifications and plans of improvement; and
- Monitoring implementation of the LEA correction plans and providing sanctions as appropriate.

Please contact Dr. Margaret Ellmer at [margaret.ellmer@mdek12.org](mailto:margaret.ellmer@mdek12.org) or via phone at (601) 359-3498 to discuss the content of this waiver extension request or to have any questions addressed.

Sincerely,

A handwritten signature in black ink that reads "Carey M. Wright". The signature is written in a cursive, flowing style.

Carey M. Wright, Ed.D.  
State Superintendent of Education

**2018-2019 Statewide Testing Calendar**

Test Name	Details	Testing Window			Testing Population	
		Start Date	Finish Date	Maximum Duration in Minutes	Grade Levels	Retesters
Kindergarten Readiness Assessment (KRA)	Pretest	8/13/2018	9/21/2018	41	PK-K	No
	Posttest	4/8/2019	5/17/2019	41	PK-K	Yes
3rd Grade MS Academic Assessment Program ELA	Initial	4/15/2019	4/26/2019	113	3	Yes
3rd Grade Reading Alternative Assessment	1st Retest	5/13/2019	5/17/2019	92	3	Yes
3rd Grade Reading Alternative Assessment	2nd Retest	6/24/2019	7/12/2019	92	3	Yes
MS Academic Assessment Program for Biology and U.S. History	Fall	11/26/2018	12/14/2018	Untimed	9-12	Yes
MS Academic Assessment Program for English II & Algebra I		11/26/2018	12/14/2018	207-257	English II, Algebra I	Yes
MS Academic Assessment Program for ELA & Math	Spring	4/15/2019	5/17/2019	207-257	3-8, English II, Algebra I	Yes
MS Academic Assessment Program for Science, Grade 5 and Grade 8		4/15/2019	5/17/2019	180	5 & 8	No
MS Academic Assessment Program for Biology and U.S. History		4/15/2019	5/17/2019	Untimed	9-12	Yes
<b>Special Populations</b>						
MS Academic Assessment Program - Alternate	ELA & Math	3/18/2019	5/17/2019	Untimed	SCD 3-12	No
	Science	3/18/2019	5/17/2019	Untimed	5, 8, 11	No
LAS Links-English Language Proficiency Test		3/4/2019	4/16/2019	120-125	K - 12	No
National Assessment Educational Progress Assessment (NAEP) <i>*This assessment is for a sample population only.</i>		1/28/2019	3/8/2019	60-90	4,8,12	No
ACT	Paper	2/20/2019	2/20/2019	175	11	No
	Online	2/20/2019	2/28/2019	175	11	No
	Paper-only Make-up	4/2/2019	4/2/2019	175	11	No
	Make-up	5/7/2019	5/7/2019	175	11	Yes
MS Career Planning Assessment System, Third Edition <i>*This assessment is for Career and Technical Education students only.</i>	Fall	11/12/2018	11/15/2018	TBD	Secondary	No
	Make-up	11/16/2018	11/16/2018	TBD	Secondary	No
	Performance-Based Assessment	4/1/2019	4/26/2019	TBD	Secondary	No
	National Certifications Testing	4/1/2019	5/10/2019	TBD	Secondary	No
	Spring	4/8/2019	4/26/2019	TBD	Secondary	No
<i>Key: NA = Not Applicable; TBD = To be determined;</i>						
<i>Mardi Gras is March 5, 2019; Easter is April 21, 2019; Spring Break typically will be March 11-15, 2019; Coastal Spring Break is TBD.</i>						
Note: Testing days vary from a minimum of one (1) day to a maximum of three (3) days.						
Note: Please see K-3 Assessment Key Dates document for further information on all dates related to the Literacy-Based Promotion Act. <a href="#">Link to K-3 information</a>						



Mississippi State Department of Education

Office of Special Education

1% Waiver Request Addendum

May 21, 2019

**Number/Percentage of Students by Subgroup Participating in the 2017-2018 AA-AAAS**

		2017-2018		
		ELA	Math	Science
All Students	Count	3789	3934	1578
	Percent	1.44%	1.51%	1.39%
American Indian / Alaskan Native	Count	(b)(6)		
	Percent	(b)(6)		
Asian	Count	21	25	12
	Percent	0.75%	0.93%	0.99%
Black	Count	2225	2317	936
	Percent	1.72%	1.80%	1.66%
Hispanic	Count	116	123	43
	Percent	1.13%	1.19%	0.99%
Multi-racial	Count	72	68	20
	Percent	1.39%	1.31%	1.08%
White	Count	1342	1388	561
	Percent	1.18%	1.23%	1.15%
Pacific Islander	Count	(b)(6)		
	Percent	(b)(6)		
Economically Disadvantaged	Count	3061	3202	1273
	Percent	1.69%	1.77%	1.66%
English Learners	Count	71	79	28
	Percent	0.94%	1.05%	0.99%