



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAR 22 2019

The Honorable Ken Wagner
Commissioner
Rhode Island Department of Education
255 Westminister Street
Providence, RI 02903

Dear Commissioner Wagner:

I am writing in response to the Rhode Island Department of Education (RIDE) request on January 11, 2019, for a 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 reading/language arts, mathematics and science. RIDE requested this waiver because, based on State data for the 2017-2018 school year, RIDE 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 Rhode Island'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.

As part of this waiver, RIDE 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 at least 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 universal

400 MARYLAND AVE., SW, WASHINGTON, DC 20202
<http://www.ed.gov/>

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

design) and will address any subgroup disproportionality in the percentage of students taking an AA-AAAS.

- Will implement, consistent with the plan submitted in Rhode Island’s waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0 percent cap.

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 RIDE’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 RIDE did not meet the requirement in 34 CFR §200.6(c)(4)(ii)(B) 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, RIDE assessed less than 95 percent of children with disabilities on the science assessment.

If the data RIDE previously reported are erroneous and RIDE can demonstrate that it assessed at least 95 percent of all students and 95 percent of students with disabilities on the science assessments, RIDE 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 RIDE decides to resubmit, it must do so no later than 60 days from the date of this letter.

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.RhodeIsland@ed.gov.

Sincerely,



Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

cc: Phyllis Lynch, Director, Office of Curriculum, Instruction, and Assessment
Rhode Island Department of Education

R.I. DEPARTMENT OF ELEMENTARY & SECONDARY EDUCATION

Shepard Building
255 Westminster Street
Providence, Rhode Island 02903-3400



RIDE Rhode Island
Department
of Education

January 11, 2019

Office of State Support
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C., 20202

RE: Rhode Island "One Percent" ESSA Waiver Request

To Whom It May Concern:

The Rhode Island Department of Education (RIDE) is formally requesting a waiver, pursuant to 34 C.F.R. §200.6(c)(4) of the Every Student Succeeds Act (ESSA), from the following statutory provision:

34 C.F.R. 200.6(c)(2): 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.

During the 2017-18 school year, Rhode Island assessed 996 (1.3%) students using the alternate assessments in English language arts and 997 (1.3%) students in mathematics. Rhode Island has met the federal requirements for participation for all students (98% for ELA and 98.2% for mathematics) as well as for students assessed using the alternate assessment (95.1% for ELA and 95.2% for mathematics).

Also during the 2017-18 school year, Rhode Island field-tested a new general education science assessment in grades 5, 8, and 11. Because this administration was a field test and not an operational administration, the data required to calculate student participation and assessment rates are not yet ready. However, given that the requirements for students to participate are the same in both mathematics and science, we feel confident that the participation rates and the one percent threshold rates would be very similar for both tests. We are requesting a waiver for English language arts, mathematics, and science.

Prior to submitting this waiver request, RIDE prepared and disseminated its waiver application and Q and A document. A communication sharing these documents were included in the Commissioner Weekly Field Memo, posted on the RIDE website, and distributed via email to various stakeholder groups. The document was posted for public comment for 25 days and a survey tool was utilized to collect public comment on the waiver request. These approaches provided everyone with ample opportunity to comment on this waiver request. The public feedback received during this comment period is attached.

Attached, you will find that our waiver demonstrates RIDE's efforts at ensuring the following:

- Annual training, provided by RIDE, to ensure all LEAs understand and apply the eligibility criteria accurately and fairly to all students under consideration;
- all LEAs over the 1% to develop and submit action plans to RIDE outlining activities designed to reduce the number of students assessed using the alternate assessment;
- all parents are notified that their child's achievement will be measured using alternate achievement standards, that participation in the alternate assessment may affect their ability to fulfill graduation requirements; and
- annual analysis of state and LEA data to identify areas over identification for the alternate assessment.

I look forward to your consideration of our request for a waiver of the ESSA One Percent Cap. Please contact Phyllis Lynch, Director, Office of Curriculum, Instruction, and Assessment (Phyllis.lynch@ride.ri.gov or 401-222-4693) with any questions you may have.

Thank you,



Ken Wagner
Commissioner, Rhode Island Department of Education

RHODE ISLAND

ESSA waiver for 2018-19 regarding the 1% threshold
on assessing students using the alternate assessment



RIDE Rhode Island
Department
of Education

Rhode Island: Initial Waiver Request

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

	Examples of Evidence
<p>The State indicated the dates of its alternate assessment testing window, and confirmed that the waiver request was being submitted 90 days prior to the beginning of the testing window.</p> <p><i>For multiple testing windows during the year:</i> The State indicated the testing window that is considered to be its summative assessment, and then confirmed that the waiver request was being submitted 90 days prior to the summative assessment testing window.</p>	<p>Rhode Island’s assessment window for the Alternate Assessment for Students with Significant Cognitive Disabilities is from April 24, 2019 through May 13, 2019.</p> <p>Ninety days prior to the start of Rhode Island’s testing window (January 23, 2019), RIDE will submit a waiver request to the United States Department of Education for English language arts and mathematics.</p>

Requirement 2 (A) - (§200.6(c)(4)(ii)(A)): Provide State-level data from the current or previous year that shows the number and percent in each subgroup who took the alternate assessment in the subject area.

	Examples of Evidence
<p>The State provided detailed data on alternate assessment participation for all ESSA required subgroups.</p>	<p>Tables 1 and 2 below provide the number and percent of students overall in each subgroup and for students who were assessed using the alternate assessment for English language arts and mathematics for the 2017-18 school year as well as the percent of students who were assessed using the alternate assessment in English language arts and mathematics.</p> <p>The data required for calculating the number and percent of students by subgroup for science are not yet ready. However, we believe that results for science would be similar to those provided in Table 1 for mathematics.</p>

Table 1: Percent of students who took the alternate assessment overall and by subgroup, mathematics, 2017-18

Subgroup	Total number of students assessed in grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed using the alternate assessment (DLM)	% of students assessed using the alternate assessment
STATE	75,171	997	1.3
Female	36,653	308	0.8
Male	38,518	689	1.8
Students with Disabilities	11,490	997	8.7
Low Income	36,484	525	1.4
Migrant	(b)(6)		
English Language Learners	6,767	76	1.1
American Indian	532	12	2.3
Asian	2,426	25	1.0
Black or African American	6,459	110	1.7
Hispanic or Latino	19,497	230	1.2
Pacific Islander	(b)(6)		
White	42,925	574	1.3
Two or More Races	3,200	45	1.4

Table 2: Percent of students who took the alternate assessment overall and by subgroup, English language arts, 2017-18

Subgroup	Total number of students assessed in grades 3-8, 11 (RICAS, SAT, DLM)	Total number of students assessed using the alternate assessment (DLM)	% of students assessed using the alternate assessment
STATE	74,377	996	1.3
Female	36,277	307	0.8
Male	38,100	689	1.8
Students with Disabilities	11,436	996	8.7
Low Income	35,916	524	1.5
Migrant	(b)(6)		
English Language Learners	6,046	75	1.2
American Indian	528	12	2.3
Asian	2,386	25	1.0
Black or African American	6,351	110	1.7
Hispanic or Latino	18,995	229	1.2
Pacific Islander	(b)(6)		
White	42,808	574	1.3
Two or More Races	3,181	45	1.4

Requirement 2 (B) - (§200.6(c)(4)(ii)(B)): Provide State-level data from the current or previous year on the overall assessment participation rate for all students and for students with disabilities.

	Examples of Evidence
The State provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that 95% of all students and 95% of students with disabilities participated in state assessments.	<p>Table 3 below shows Rhode Island has met or exceeded the federal guideline of 95% participation rate for all students. For the 2017-18 school year Rhode Island’s participation rate for students with disabilities was 95.2 % in English language arts and 95.1% in mathematics.</p> <p>The data required for calculating the participation rate for science are not yet ready. However, we believe that results for science would be similar to those provided in Table 3 for mathematics.</p>

Table 3: State participation rates for all students and for students with disabilities (2017-18)

Content Area	Total Number of students	Number of students assessed	% Participation: all students	Number of students with disabilities	Number of students with disabilities assessed	% Participation: students with disabilities
Math	76,570	75,171	98.2%	12,067	11,490	95.2%
ELA	75,882	74,377	98.0%	12,031	11,436	95.1%

Requirement 3 (A) – (§200.6(c)(4)(iii)(A)): Provide assurance that districts over 1.0 percent participation in the alternate assessment followed the state’s participation guidelines.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment followed the state’s guidelines for participation.	<p>RIDE identified 27 out of 58 LEAs that exceeded the 1% threshold for either English language arts or mathematics.* RIDE notified each LEA over the 1% individually and required all LEAs receiving this notification to sign and return the LEA Assurances Form that included the following assurances:</p> <ul style="list-style-type: none"> • IEP teams are trained by the LEA on the Rhode Island Eligibility Criteria for the alternate assessments. • IEP teams correctly identified students with the most significant cognitive disabilities following state criteria and participation guidelines found in the <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i>. • the LEA has informed parents of students with the most significant cognitive disabilities that the student will participate in the DLM and has informed parents of the implications of participation in the DLM as outlined in the IEP Team Assurances Form. • the LEA has included the signed IEP Assurances Form in the student’s records. • the LEA will measure the achievement of at least 95 percent of all students, including students with disabilities, in all grades for which a state assessment is required.

	* The data required for us to determine which LEAs exceeded the one percent threshold for science are not yet ready. However, we believe that any LEA that exceeded the threshold for mathematics also would also exceed the threshold for science.
--	---

Requirement 3 (B) – (§200.6(c)(4)(iii)(B)): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

	Examples of Evidence
The state provided an assurance that it has verified that each district with more than 1.0% participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.	<p>Beginning in 2018-19, LEAs are required to address disproportionality among subgroups. LEAs must provide proof of their analysis in the Action Plan LEAs are required to submit to RIDE by February, 2019.</p> <p>RIDE will continue to address disproportionality in the percentage of students in any subgroup taking the alternate assessments through multiple activities as described in the tiered support system below. In particular, the following steps address disproportionality concerns:</p> <ul style="list-style-type: none"> • Identifying subgroups over-represented in the alternate assessment participation counts at the state level. • Providing technical assistance and training to LEA teams in the following areas: <ul style="list-style-type: none"> • understanding and applying eligibility criteria correctly • using and identifying evidence to make accurate eligibility determinations • developing action plans • analyzing LEA data to identify areas of disproportionality • Improving the accuracy of enrollment and special education census data • Analyzing subgroup data over time to identify trends in subgroup participation. • Providing and posting the <i>IEP Team Guidance on Eligibility for the Alternate Assessments</i>. • Maintaining and updating alternate assessments resources (www.ride.ri.gov/riaa). • Reporting assessment and participation data publicly.

Requirement 4 (A) – (§200.6(c)(4)(iv)(A)): Submit a plan and timeline by which the State will improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities” in future school years.

	Evidence
The state provided a plan and timeline for future school years for improving its guidelines, including its definition of students with the most significant cognitive disabilities.	<p>Below is Rhode Island’s definition of a student with significant cognitive disabilities as it is found in our <i>IEP Team Guidance on Eligibility for the Alternate Assessment</i> documentation. This definition has been in place in Rhode Island since 2015-16.</p> <p>The term “significant cognitive disability” is not a separate category of disability. It is a designation given to a small number of students with disabilities for purposes of their participation in the statewide student assessment program. For a student to be considered as having a</p>

	<p>significant cognitive disability for purposes of participation in the alternate assessment, ALL of the criteria found on page 9 of this document must be true as determined by the evidence collected and considered by all members of the student’s IEP team. <i>(IEP Team Guidance on Eligibility for Alternate Assessments, page 3)</i></p> <p>Rhode Island requires that students who take the alternate assessments meet three criteria. The second of these criteria was revised this year to strengthen alignment between evidence, descriptions of the student’s present levels of performance, and the alternate achievement standards. This revised criteria was officially introduced on November 16, 2018 and posted publically at www.ride.ri.gov/riaa. See Attachment 1 for eligibility criteria.</p> <p>Rhode Island’s Plan and Timeline to Improve the Implementation of Participation Guidelines:</p> <p>January – February, 2019: LEA team training workshops will be provided to address the following:</p> <ul style="list-style-type: none"> • Understanding the eligibility criteria • Using appropriate evidence such as psychological assessments, behavioral assessments, learning inventories, etc., to make accurate eligibility decisions. • Using the Documentation of Evidence Form to ensure alignment between evidence, the IEP, and instructional goals. <p>March – April: Upon submission of LEA action plans, RIDE will develop a monitoring plan in conjunction with the LEA to ensure that appropriate support and oversight is provided.</p> <p>April – June: Active monitoring of LEAs and alternate assessment data.</p> <p>August – September: Annual LEA team training workshops that address the topics above and any other relevant topics.</p>
--	---

Requirement 4 (B) – (§200.6(c)(4)(iv)(B)): Submit a plan and timeline by which the State will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment

	Examples of Evidence
<p>The state provided a plan and timeline for additional steps it will take to support and provide appropriate oversight of districts expected to assess more than 1.0%.</p>	<p>RIDE will take the following steps to support and provide monitoring for each LEA that exceeds the one percent cap:</p> <ul style="list-style-type: none"> • Any LEAs that exceeds the one percent cap will be required to complete and submit an Action Plan to RIDE by February 28, 2019. • RIDE will use data from the annual monitoring of alternate assessment data and the LEA’s action plan to develop monitoring and technical assistance options for the LEA. • RIDE will provide training for LEA IEP team members on the eligibility criteria for the alternate assessment in January/February, 2019.

Requirement 4 (C) – (§200.6(c)(4)(iv)(C)): Submit a plan and timeline by which the State will address any disproportionality in the percentage of students taking the alternate assessment

	Examples of Evidence
<p>The state provided a plan and timeline for addressing any disproportionality.</p>	<p>LEAs who are significantly over the 1% cap will be required to analyze the data by subgroup to determine whether disproportionality exists for students participating in the alternate assessment. LEAs will provide this analysis as part of the action plan required by RIDE.</p> <p>Analysis will consist of reviewing current and previous years' alternate assessment participation rates to determine if assessment decisions are consistently made regardless of race, gender, economic status, English Learner status. RIDE will also require LEAs to provide analysis by disability category as a way to identify students who may not meet the eligibility criteria.</p> <p>RIDE will analyze past years' alternate assessment data participation rates, overall and by subgroup to determine whether disproportionality exists for students participating in the alternate assessment and to identify patterns within LEAs.</p> <p>For LEAs who are significantly over the 1% threshold and whose data indicate disproportionate representation, more intense monitoring and/or technical assistance will be provided.</p> <ul style="list-style-type: none"> • RIDE will provide training during the 2018-2019 school year regarding eligibility criteria for LEA IEP Team members. • RIDE will monitor activities as outlined in the action plan submitted by the LEA related to disproportionate representation during the 2018-2019 school year.

Attachment 1: Rhode Island Eligibility Criteria for Alternate Assessment

The following is an excerpt from the *IEP Team Guidance on Eligibility for Alternate Assessments* (page 6)

The following three eligibility criteria must be met before a student can participate in the alternate assessments:

1. **Student has a disability, or disabilities, that significantly impacts cognitive function and adaptive behavior.** Review of student records and other evidence indicate a disability or multiple disabilities that prevent the student from meaningful participation in the standard academic core curriculum or achievement of the standards at their enrolled grade level. Additionally, the student's disability causes dependence on others for many, and sometimes all, daily living needs, and the student is expected to require extensive, ongoing support in adulthood.
2. **As documented in the IEP, the student's present levels of academic achievement indicate their ability to make progress through the alternate achievement standards (EEs) and the short term objectives include skills and concepts reflected in the steps found in the alternate achievement standard (EEs) learning maps, and the annual academic goals are closely aligned to grade-level alternate achievement standards.** IEP teams should review the student's present levels of performance, short-term goals and objectives, and the performance targets for the student to ensure that the concepts and skills the student is working on not only reflect the skills and concepts in the EEs but that the short-term goals closely align with the learning maps that will lead to grade-level performance targets.
 - a) The **present levels of performance** described in the IEP:
 - What are the levels of support required by the student in order to make progress through the alternate achievement standards?
 - b) The **short-terms goals and objectives** reflect the skills and concepts contained in the learning map steps.
 - c) The **annual academic goals** are closely aligned to the alternate achievement standards for the student's current grade level.
3. **The student is unable to apply academic, life, and job skills in home, school, and community without intensive, frequent, and individualized instruction and supports in multiple settings.** The student's demonstrated cognitive functioning and adaptive behavior across these settings is significantly below age expectations, even with program modifications, adaptations, and accommodations. This covers the three aspects of learning:
 - a) *What the student needs in order to learn.* In other words, the student **requires** extensive, repeated, individualized instruction and supports from teachers and other professionals.
 - b) *The types of materials required in order for the student to learn.* Materials are significantly modified, customized, and adapted in order to facilitate understanding.
 - c) *How the student demonstrates their learning.* His or her need for substantial supports to achieve gains in the grade-and-age-appropriate curriculum requires substantially adapted materials and customized methods of accessing information in alternative ways to acquire, maintain, generalize, demonstrate, and transfer skills across multiple settings.



Rhode Island seeks waiver from the U.S. Department of Education to exceed alternate assessment 1% Cap

Ken Wagner, Ph.D.
Commissioner

What are the alternate assessments?

The alternate assessments are part of the Rhode Islands' state assessment system. The alternate assessments are designed for students with significant cognitive disabilities. The structure of the alternate assessments are designed around the student's physical and cognitive disabilities in a way that allows them to answer test questions and participate in the test as independently as possible. Students eligible for the alternate assessment take the Dynamic Learning Maps alternate assessment in lieu of RICAS, SAT, or the RI NGSA. More information on the criteria a student must meet in order to be eligible for the alternate assessments can be found at www.ride.ri.gov/riaa.

What is Rhode Island seeking a waiver for from the U.S. Department of Education?

The Rhode Island Department of Education (RIDE) is formally requesting a waiver, pursuant to 34 C.F.R. §200.6(c)(4) of the Every Student Succeeds Act (ESSA), from the following statutory provision in English language arts, mathematics, and science:

34 C.F.R. 200.6(c)(2): 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.

Why is Rhode Island requesting a waiver?

During the 2017-18 school year, Rhode Island assessed 996 (1.3%) students using the alternate assessments in English language arts and 997 (1.3%) students in mathematics. Rhode Island has met the federal requirements for participation for all students (98% for ELA and 98.2% for mathematics) as well as for students assessed using the alternate assessment (95.1% for ELA and 95.2% for mathematics).

Receiving this flexibility will allow RIDE and LEAs to continue to review and refine procedures regarding eligibility for the alternate assessment specifically examining areas of disproportionality.

How can I find out what Rhode Island's plan is to meet the 1% cap on students participating in the alternate assessment?

- More information on the alternate assessment and Rhode Island's plan to address the 1% cap can be found at www.ride.ri.gov/InstructionAssessment/Assessment/OnePercentRule.aspx

How can I give feedback on this flexibility request?

- Enter your feedback on this short survey (surveymonkey.com/r/One_Percent) or email assessment@ride.ri.gov by December 31, 2018.

Alternate Assessments: One Percent Waiver Feedback Form

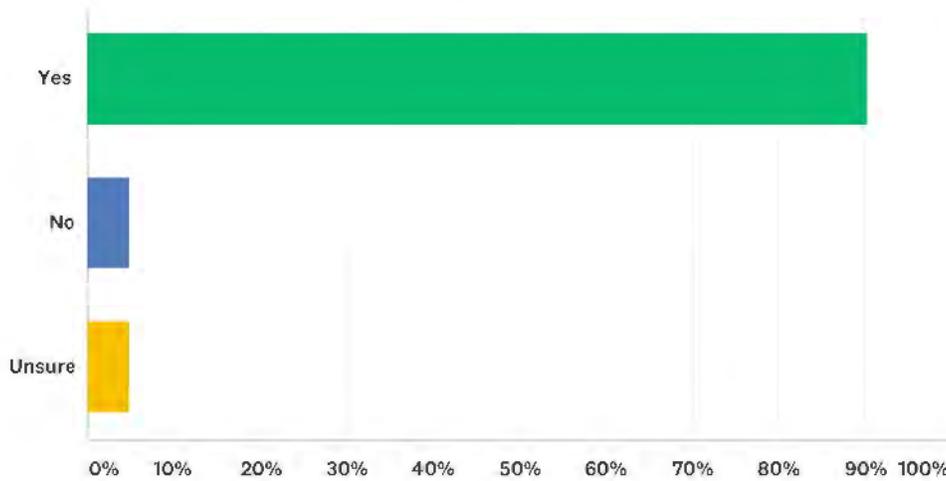
Q1 District/LEA name:

Answered: 21 Skipped: 0

#	RESPONSES	DATE
1	Cumberland	1/3/2019 11:27 AM
2	Pawtucket	1/2/2019 10:09 PM
3	Lincoln	12/27/2018 6:13 PM
4	Pawtucket	12/27/2018 3:31 PM
5	Phefferke	12/19/2018 5:40 PM
6	Portsmouth	12/19/2018 2:37 PM
7	North Providence	12/19/2018 2:19 PM
8	Jamestown	12/19/2018 2:02 PM
9	Westerly	12/19/2018 11:09 AM
10	Westerly	12/19/2018 9:13 AM
11	North Kingstown	12/19/2018 8:45 AM
12	Cheryl Mercurio	12/19/2018 12:42 AM
13	Chariho	12/18/2018 3:41 PM
14	North Providence	12/18/2018 2:44 PM
15	East Greenwich	12/18/2018 1:56 PM
16	providence	12/18/2018 1:23 PM
17	Westerly	12/18/2018 1:08 PM
18	Westerly	12/18/2018 1:02 PM
19	Cranston Public Schools	12/18/2018 12:49 PM
20	Foster/Glocester	12/18/2018 11:26 AM
21	Chariho Regional School District	12/17/2018 2:01 PM

Q3 Do you agree with the waiver that Rhode Island is seeking for exceeding the one percent threshold for English language arts, mathematics, and science DLM alternate assessments?

Answered: 21 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	90.48%	19
No	4.76%	1
Unsure	4.76%	1
TOTAL		21

Q4 Additional comments:

Answered: 8 Skipped: 13

#	RESPONSES	DATE
1	I agree with the updated language to Eligibility Criteria #2, the new documentation form and the updated forms. However, it is still challenging for IEP teams to determine what level of support to adapt learned skills in the home and community makes a student eligible. Could examples of student profiles who meet the criteria be provided as guidance? Will there be support provided for special educators to access the CCSS for students who were previously eligible for alternate assessment?	12/27/2018 6:13 PM
2	NA	12/27/2018 3:31 PM
3	All five of my caseload qualify for Alternate Assessment. They are significantly cognitively impaired.	12/19/2018 5:40 PM
4	This request is critical for our most challenged students. I appreciate RIDE's efforts to request the waiver.	12/19/2018 8:45 AM
5	There should not be a cap on students who are give alternate assessments. These decisions should be made on an individual basis based on the students present levels of performance. I believe it is a gross misinterpretation to adhere to a rigid guideline of 1%, as individual students with diverse needs make up every school and district. Each school/district will have different needs as fare as alternate assessment is concerned.	12/18/2018 3:41 PM
6	This one percent rule is absolutely ridiculous! I have a classroom of students with intellectual disabilities. In addition, there are other schools in my district that have classrooms designed to provide services for students with intellectual disabilities. If our students QUALIFY for the DLM then how can we possibly stay in the one percent? This is very unfair. I have to add that it does not improve our teaching when our students fail the RICAS. The DLM is appropriate for students who qualify, and it can help us improve our teaching when we can see where these particular students are performing. The skills on the DLM reflect classroom teaching like mine. The RICAS does NOT support students with intellectual disabilities. The one percent rule is unfair and needs to be changed!	12/18/2018 2:44 PM
7	The district is already testing too many students through alternate assessment. The number needs to remain at 1% because they are over identifying this population.	12/18/2018 1:23 PM
8	Reasonable request!	12/18/2018 11:26 AM

Table 2a: Percent of students who took the alternate assessment overall and by subgroup, Science, 2017-18

Subgroup	Total number of students assessed in grades 5, 8, 11 (Science, DLM)	Total number of students assessed using the alternate assessment (DLM)	% of students assessed using the alternate assessment
STATE	31390	402	1.3
Female	15318	116	.8
Male	16072	286	1.8
Students with Disabilities	4634	402	8.7
Low Income	14588	212	1.5
Migrant	(b)(6)		
English Language Learners	2398	23	1.0
American Indian	(b)(6)		
Asian	(b)(6)		
Black or African American	2716	45	1.7
Hispanic or Latino	7899	88	1.1
Pacific Islander	(b)(6)		
White	18290	239	1.3
Two or More Races	1221	17	1.4

Table 3b: State participation rates for all students and for students with disabilities (2017-18)

Content Area	Total Number of students	Number of students assessed	% Participation: all students	Number of students with disabilities	Number of students with disabilities assessed	% Participation: students with disabilities
Math	76,570	75,171	98.2%	12,067	11,490	95.2%
ELA	75,882	74,377	98.0%	12,031	11,436	95.1%
Science	32,799	31,390	95.7%	5,040	4,634	91.9%

Rhode Island Special Education Advisory Committee

Patti Hien
Chairperson

María Silvestri-Golotto
Vice Chairperson

Sheryl Reedy, Corresponding Secretary
Lori Wilbur and Susan Donovan, Recording Secretaries

December 27, 2018

Dr. Phyllis Lynch
Director
Office of Instruction, Assessment and Curriculum
Rhode Island Department of Education
255 Westminster St.
Providence, RI 02903
phyllis.lynch@ride.ri.gov

Dear Dr. Lynch,

On behalf of the Rhode Island Special Education Advisory Committee (RISEAC), I would like to express to you our support for the state's request for a waiver pursuant to 34 C.F.R. §200.6(c)(4) of the Every Student Succeeds Act (ESSA) from the following statutory provision in English Language Arts, Mathematics, and Science:

34 C.F.R. §200.6(c)(2): For each student 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.

We agree that the waiver will provide the flexibility to allow RIDE and LEAs to continue to review and refine procedures regarding eligibility for the alternate assessment specifically examining areas of disproportionality and will provide time to train IEP teams in new procedures, the refined language in Criteria #2 of the Eligibility Criteria, the updated *IEP Team Assurances Form* and *Participation Criteria for Alternate Assessments Form* as well as the new *Documentation of Evidence Form* for 2018-2019.

Sincerely,

Patti Hien, Chair
RI Special Education Advisory Committee

Cc: J. David Sienko, Director, Office of Student, Community and Academic Supports, RI Department of Elementary and Secondary Education

The Rhode Island Special Education Advisory Committee is an active voice in advocating that all students receive superior educational services enabling each student to achieve optimum success throughout the school years and into the world of adulthood.

The Rhode Island Special Education Advisory Committee is an active voice in advocating that all students receive superior educational services enabling each student to achieve optimum success throughout the school years and into the world of adulthood.