



# 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**

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#### **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**

<b>Content Area</b>	<b>Total Number of Students Eligible 2018</b>	<b>Number of Students Participating in the Alternate Assessment 2018</b>	<b>Percentage of Students Participating in the Alternate Assessment 2018</b>
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	281	7	2.49	294	4	1.36
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	92	2	2.17	97	2	2.06
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	282	7	2.48	294	4	1.36
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	94	2	2.13	98	2	2.04
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	125	4	3.20	137	1	0.73
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	32	0	0.00	37	1	2.70
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	937	5	0.53	1043	8	0.77
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	<b>Submit new Waiver and Evidences to USED</b>
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 +/-
<b>Districts</b>								
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
<b>Charters</b>								
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"> <li>- Will provide information to Special Education Leaders Dec. 20, 2018</li> <li>- Contracted with Center for Disability Studies to provide supports to LEAs as needed.</li> <li>- Share information with Special Education leaders as we begin rolling out the supports</li> </ul> <p>Creation of PD for IEP team leaders.</p> <p style="text-align: center;"><b>Title: Alternate Assessment Participation Decision Making workshop</b></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: <b>DeSSA-Alternate State Guidelines and Participation Criteria Overview</b></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: <b>DeSSA-Alternate State Guidelines and Participation Criteria Overview</b></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.

<b>Justification:</b> (to be completed if above 1% in any column above)	<b>2016-2017</b>	<b>2017-2018</b>	<b>2018-2019 Projection</b>
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)

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**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 <b>ELA/Literacy</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20 Projection</b>
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 <b>Mathematics</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20 Projection</b>
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 <b>Science</b>	<b>2017-18</b>	<b>2018-19</b>	<b>2019-20 Projection</b>
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"> <li>To be completed if above 1% in any of the content areas in the Spring 2019 administration</li> </ul>		
Category of Support <ul style="list-style-type: none"> <li>Refer to the table above</li> </ul>	<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"> <li>Please provide rationale in the lines below</li> </ul>	<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](http://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