

NOTICE OF INTENT TO APPLY FOR A WAIVER OF FEDERAL REQUIREMENT RELATED TO THE PERCENT OF STUDENTS WHO PARTICIPATE IN STATEWIDE ALTERNATE ASSESSMENTS AND OPPORTUNITY FOR PUBLIC COMMENT

Under the requirements of the Every Student Succeeds Act (ESSA), Louisiana must limit the total number of students who are assessed statewide on alternate assessments to 1.0 percent of the total number of students in the State who are required to participate in statewide assessments. The Louisiana Department of Education (LDOE) intends to seek a waiver extension for the 2020-2021 school year of this federal requirement that would limit the number of students in the State who participate in alternate assessments. The purpose of this notice is to provide the public with an opportunity to comment on this intended waiver request.

The aim of this federal legislation is to ensure that only the students with the most significant disabilities take the alternate assessment, since participation in an alternate assessment may limit the access of students with disabilities to the full range of academic content standards and traditional opportunities. Although prevalence rates of disabilities may vary across states, ESSA applies the 1.0 percent limit on alternate assessment participation uniformly across all states. In the 2018-2019 school year, Louisiana assessed approximately 1.6 percent of its eligible students on alternate assessments. In the 2019-2020 school year, Louisiana assessed approximately 1.5 percent of its eligible students on alternate assessments, however this number is an estimate due to the fact that regular assessments were not administered due to COVID-19. LDOE will continue to work with school systems across the state to ensure only students with the most significant cognitive disabilities participate in the alternate assessment by providing monitoring and technical assistance with compliance around federal and state requirements.

LDOE submitted a request for a waiver for the 2018-2019 school year, which was approved. LDOE submitted a request to extend the waiver for the 2019-2020 school year but was denied due to a miscalculation in the data. Since regular assessments were not administered in the spring of 2020, the U.S. Department of Education is recommending that for the 2020-2021 school year, LDOE apply to extend the approved 2018-2019 waiver with the corrected data from the previous waiver application and estimates from the 2019-2020 school year. This's waiver will include:

- State-level data that shows the number and percentage of students in each subgroup of students who were registered to take the alternate assessment;
- State-level data that shows that in years past, LDOE has measured the achievements of at least 95 percent of all students and 95 percent of students in the children with disabilities subgroup who are enrolled in grades for which the assessment is required;
- Assurance from LDOE that it has verified that each school system that anticipates the need to assess more than 1.0 percent of its assessed students in any subject using an alternate assessment:
 - Followed the LDOE's guidelines for participation in the alternate assessment; and
 - Will address any disproportionality in the percentage of students in any subgroup taking an alternate assessment;
- An update to the LDOE's plan and timeline by which:
 - LDOE will monitor the implementation of its updated guidelines for participation in the alternate assessment;
 - LDOE will take additional steps to support and provide oversight and technical assistance to each school system that anticipates exceeding the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an alternate assessment;
 - LDOE will describe how it will monitor and regularly evaluate each school system to ensure that the school system provides sufficient training such that school staff who participate as members of an IEP team or other placement team understand and implement the guidelines established by the State for participation in alternate assessments so that all students are appropriately assessed; and

- LDOE will address any disproportionality in the percentage of students taking an alternate assessment as identified through the data provided.

The waiver extension, if granted, will permit LDOE to gradually reduce the number of students participating in alternate assessments while continuing to provide support to schools and districts to assist IEP teams to make informed assessment decisions for students with disabilities.

LDOE welcomes your comments regarding the intent to apply for an extension of the waiver of the federal requirement limiting alternate assessment participation at 1.0 percent. Comments may be submitted via email at specialeducation@la.gov by October 24, 2020. If you wish to provide comment, please include your full name, organization (if applicable), and contact information. LDOE will include copies of verifiable comments received from school systems in response to this notice in the waiver request. All comments are subject to public records requests.