



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

November 21, 2019

The Honorable Richard Woods
Superintendent of Education
Georgia Department of Education
205 Jesse Hill Jr. Dr. SE
Atlanta, GA 30334

Dear Superintendent Woods:

I am writing in response to two requests the Georgia Department of Education (GaDOE) submitted to the U.S. Department of Education (Department) on August 23, 2019. GaDOE requested a waiver under section 8401 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESEA), related to GaDOE's calculation of the adjusted cohort graduation rate (ACGR). GaDOE also requested a related amendment to its approved ESEA consolidated State plan. Prior to implementing any revisions to its approved ESEA consolidated State plan, a State must submit its proposed amendments to the Department for review and approval.

Waiver

GaDOE requested a waiver to permit the State to include in the ACGR students with the most significant cognitive disabilities who take an alternate assessment based on alternate achievement standards (AA-AAAS) and who otherwise would meet the definition for a State-defined alternate diploma, even though the State currently awards the student a regular diploma. The diploma received by these students does not correspond with the ESEA definition of a regular high school diploma in ESEA section 8101(43). GaDOE may not count these students in the ACGR absent a waiver. Under ESEA sections 8101(23)(A)(ii) and 8101(25)(A)(ii), a State may only include in the numerator the sum of: (1) the number of students in the cohort who earn a regular high school diploma and (2) students with the most significant cognitive disabilities in the cohort who are assessed using an alternate assessment aligned to alternate academic achievement standards (AA-AAAS) under section 1111(b)(2)(D) and awarded a State-defined alternate diploma.

As part of its request, GaDOE noted that, during the 2019-2020 school year, the State Board of Education will adopt a State-defined alternate diploma that meets the requirements in ESEA sections 8101(23)(A)(ii)(I)(bb) and 8101(25)(A)(ii)(I)(bb). The alternate diploma will be: (1) standards based, (2) aligned with the State requirements for the regular high school diploma, and (3) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act. This option will be available to students with the most significant cognitive

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disabilities who take Georgia’s AA-AAAS and who enter high school in the 2020-2021 school year, with the first class of students eligible to graduate earning a State-defined alternate diploma in 2024.

After reviewing GaDOE’s request, I find that the waiver will advance student academic achievement in Georgia, so I am approving a one-year waiver, for reporting the 2019 ACGR based on the 2018-2019 school year, of ESEA sections 8101(23)(A)(ii)(I)(bb) and 8101(25)(A)(ii)(I)(bb). This will permit GaDOE to include in the numerator for the four-year and extended-year ACGR any student with the most significant cognitive disabilities who takes Georgia’s AA-AAAS and receives a regular high school diploma, as defined in Georgia. This waiver is granted to provide consistency in the graduation rate data reported publicly during this transition period. Future consideration to extend this waiver is contingent upon Georgia adopting a State-defined alternate diploma for the entering 9th grade class in the 2020-2021 school year.

Please be aware that GaDOE is still expected to submit the Individuals with Disabilities Education Act (IDEA) Section 618 Part B Exiting data based on the reporting instructions provided in the EDFacts file specification 009. This will include appropriately applying the Part B Exiting definitions for reporting children with disabilities who graduate with a regular high school diploma; children with disabilities who receive a certificate; and children with disabilities who graduate with an alternate diploma.

Amendment

GaDOE is amending its calculation of the four-year and extended-year ACGR as part of its Graduation Rate indicator. Specifically, Georgia amended its plan to note that it will develop and implement a State-defined alternate diploma that is standards-based and aligned with the State’s requirements for the regular high school diploma, consistent with the requirements in ESEA sections 8101(23)(A)(ii)(I)(bb) and 8101(25)(A)(ii)(I)(bb). Georgia’s State-defined alternate diploma will only be available to students with the most significant cognitive disabilities who are assessed with the State’s AA-AAAS. When GaDOE implements the State-defined alternate diploma, which it plans to begin with the cohort of ninth grade students entering high school in 2020-2021, the State will calculate its four-year and extended-year adjusted cohort graduation rate to include students who receive the State-defined alternate diploma as well as those who receive a regular high school diploma as defined in ESEA section 8101(43), beginning with the ACGR published following the 2023-2024 school year.

In addition, GaDOE amended its dispute resolution process for the McKinney-Vento Homeless Education Program. Specifically, GaDOE clarified that each LEA is required to have a written process that allows for an additional appeal at the LEA-level regarding the eligibility, school selection, or enrollment of the homeless child or youth. The written process must also allow the parent, guardian, or unaccompanied youth to submit a written request to the GaDOE for review of the decision by the GaDOE’s Federal Programs director or his or her designee.

I have determined that the amended request meets the requirements in the ESEA and, for this reason, I am approving Georgia’s amended State plan. This letter, as well as Georgia’s revised

consolidated State plan, will be posted on the Department’s website. Any further requests to amend Georgia’s consolidated State plan must be submitted to the Department for review and approval.

Please be aware that approval of this amendment to Georgia’s consolidated State plan is not a determination that all the information and data included in the amended State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act. It is Georgia’s responsibility to comply with these civil rights requirements.

Thank you for all of the work that GaDOE has put into its consolidated State plan under the ESEA. If you need any assistance regarding the implementation of your ESEA consolidated State plan, please contact the Office of School Support and Accountability at: OESE.TitleI-a@ed.gov.

Sincerely,

/s/

Frank T. Brogan
Assistant Secretary for
Elementary and Secondary Education

cc: Matt Cardoza, Assistant Director of Policy, Georgia Department of Education