UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JAN 0 2 2020

The Honorable Kevin Brown
Interim Commissioner of Education
Kentucky Department of Education
300 Sower Boulevard
Frankfort, KY 40601

Dear Interim Commissioner Brown:

I am writing in response to the Kentucky Department of Education's (KDE) request on August 6, 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. KDE requested this waiver because, based on State data for the 2018-2019 school year, KDE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in the 2019-2020 school year.

After reviewing KDE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2019-2020, 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. KDE has demonstrated substantial progress in carrying out the plan that was submitted when the State initially requested this waiver two years ago and has made progress in reducing the rates of AA-AAAS participation in reading/language arts and mathematics.

As part of this waiver, KDE 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 (2018-2019) 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

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 KDE'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 Kentucky made progress in reducing the percentage of students taking an AA-AAAS in reading/language arts and mathematics but not science. I am granting this extension despite the fact that Kentucky has yet to demonstrate progress in reducing the percentage of students taking an AA-AAAS in science. Given the significant work underway, I expect to see the results of these efforts in the 2019-2020 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students taking the AA-AAAS in all tested subjects.

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 Department is supporting work by the National Center on Educational Outcomes (NCEO). I note that Kentucky has participated in some of these efforts and encourage your State's continued involvement. In 2019, NCEO has published several resources that may be helpful to stakeholders in your State. They may be found online at https://nceo.info/Assessments/alternate_assessments.

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 ESEA.Assessment@ed.gov.

Sincerely,

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

cc: Gretta Hylton, Director, Division of Learning Services, Office of Teaching and Learning

Matthew G. Bevin
Governor

Derrick Ramsey
Secretary
Education and Workforce
Development Cabinet

Wayne D. Lewis, Ph.D.
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

August 6, 2019

Ms. Millie Bentley-Memon, Ph.D.
Office of State Support, OESE, USDE
400 Maryland Ave., SW
Washington, DC 20202
202-401-1427
Millicent.Bentley-Memon@ed.gov

Mr. Curtis J. Kinnard, Ed.D
U.S Department of Education
Office of Special Education Programs
400 Maryland Ave., SW
Washington, DC 20202
202-245-7472
Curtis.Kinnard@ed.gov

Dear Ms. Bentley-Memon and Mr. Kinnard:

The *Every Student Succeeds Act* (ESSA) amended a provision of Title 1 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 to the United States Department of Education in the event they have more than 1.0 percent of their students participating in the alternate assessment. Kentucky was granted a waiver for school year 2018-2019 for all subject areas. The approval letter Kentucky received from the U.S. Department of Education is available on the Kentucky Alternate Assessment Participation Waiver page.

Pursuant to 34 C.F.R. §200.6(c)(4), the Kentucky Department of Education (KDE) is seeking to extend its waiver for all subject areas for the 2019-2020 school year from the Secretary for the United States Department of Education in anticipation of exceeding 1.0 percent participation in the alternate assessment in at least one subject based on preliminary assessment data.

The Kentucky request to extend its waiver will provide evidence showing:

- The state continues to meet the requirements set forth in 34 CFR §200.6(c)(4)(i) – (iv).
- The state provides updated information on each requirement in the previous year's submission.
- The state has achieved substantial progress toward each component of the prior year's plan and timeline including:

  a) how the State improved the implementation of its guidelines for participation in the alternate assessments aligned with alternate academic achievement standards (AA-AAAS), revised its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)),
  b) how the State monitored and regularly evaluated each Local Education Agency (LEA) to ensure that the school staff who participate as members of an Individualized Education Plan (IEP) team or other placement team understand and implement the guidelines established by the State for participation in the AA-AAAS so that all students are appropriately assessed; and
  c) how the State continues to address any disproportionality in the percentage of students taking the AA-AAAS as identified through the data provided.

The KDE expects the efforts outlined in the waiver plan attached will continue to reduce the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.

Please contact Gretta Hylton at gretta.hylton@education.ky.gov or via phone at (502) 564-4970 to discuss the content of this request to extend Kentucky's participation waiver or to address questions. We look forward to working with the U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,

Wayne D. Lewis, Ph.D.
Commissioner of Education, Kentucky Department of Education

Kentucky 1.0 Percent Waiver Request for
Reading, Mathematics, Science, Social Studies and Writing
ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to U.S. Department of Education
August 6, 2019

In accordance with 34 CFR 200.6(c)(4), Kentucky is providing evidence of all requirements in this request to extend Kentucky's waiver.

Requirement 1 – 34 CFR §200.6(c)(4)(i): Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

Kentucky's first of two assessment windows for the alternate assessment for students with significant cognitive disabilities begins November 4, 2019. The KDE is submitting, ninety days prior to the start of Kentucky's testing window (August 6, 2019), a request to the United States Department of Education to extend its waiver in reading, mathematics, science, social studies and writing.

Evidence of Progress

The KDE sought public comment for an extension of the 1.0 percent waiver. The KDE issued a news release on July 16, 2019. It was posted on KDE's website, shared on list serves for district assessment coordinators and directors of special education and disseminated via e-mail to other advisory groups and stakeholders. The public comment posting followed KDE protocol and was open for two weeks. During the public comment period, the KDE received three written comments. Documents related to the public comment period are included in *SECTION 1: Requirement 1* (34 CFR §200.6(c)(4)(i)) of the *Appendix A: Documentation of Evidence*.

Requirement 2 –34 CFR §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) Data on participation in AA-AAAS in subject area by subgroup

The KDE has conducted a review of preliminary data[1] from Kentucky's statewide assessment – the Kentucky Performance Rating for Educational Progress (K-PREP) – for school year 2018-2019. The purpose of this review was to determine the participation rates of students taking the AA-AAAS. Table one includes the preliminary data with the number and percent of Kentucky students participating in statewide assessments, including participation in AA-AAAS.

The participation rates revealed just over 1.0 percent of Kentucky students participated in each of the subject areas included in the AA-AAAS in 2018-2019. Based on the preliminary data, the state anticipates exceeding the 1.0 percent threshold set forth in the ESSA for the 2019-2020

[1] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

school year. Table one below displays preliminary participation rates by subject for the 2018-2019 AA-AAAS. The final assessment data will be publicly available on the Open House website and the Kentucky School Report Card in October 2019.

Kentucky's state assessment window for the AA-AAAS begins November 4, 2019. Due to the requirement that states submit a waiver at least 90 days prior to the assessment window, there was insufficient time to analyze final participation data for the 2018-2019 assessment before the deadline for submission of the waiver request. Table one below includes the preliminary assessment data for the 2018-2019 school year. When the final assessment data are available in October 2019, the KDE will review, analyze and submit the final data and results of this analysis to the U.S. Department of Education no later than November 1, 2019.

Table 1*: 2018-2019 Alternate Assessment Participation by Subject (preliminary data)*

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT (2018-2019 SY)*	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*
Reading (elem/middle/high)	4,023	351,037	1.15%
Mathematics (elem/middle/high)	4,030	351,044	1.15%
Science (elem/middle/high)	1,786	147,236	1.21%
Social Studies[2] (elem/middle)	1,137	101,795	1.12%
Writing (elem, middle, high)	1,720	147,218	1.17%

* Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

The final assessment data will be made publicly available by October 2019 on the KDE Open House website and the Kentucky School Report Card.

[2] Social Studies was not assessed in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Evidence of Progress

The KDE compared and analyzed a variety of sources to measure progress made in both the data and waiver plan. The KDE data analysis of participation by subject area revealed the percent of students participating in the AA-AAAS decreased in two subject areas for all grade levels assessed. Table two demonstrates the year-to-year change in percent of students participating in the AA-AAAS. Based on previous year changes from preliminary data to final data, the KDE anticipates additional decreases in the final assessment results.

Table 2: ***Comparison of SY 2016-2017, SY 2017-2018 and SY 2018-2019 Alternate Assessment Participation by Subject***

SUBJECT	SY 2016-2017 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2017-2018 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2018-2019 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	PERCENT CHANGE BETWEEN SY 2017-2018 & 2018-2019
Reading (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Mathematics (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Science (elem/middle/high)	N/A	1.12%	1.21%	+ 0.09%
Social Studies[3] (elem/middle)	1.28%	1.17%	1.12%	- 0.05%
Writing (elem/middle/high)	1.27%	1.24%	1.17%	- 0.07%

Although the participation by subject area does not demonstrate 1.0 percent or lower in the percentage of students tested using the AA-AAAS, the KDE analysis of data has found a decrease in eligibility determinations for the AA-AAAS as well as a reduction in the overall statewide percent of student participation in the AA-AAAS for all subject areas. Table three demonstrates the reduction in the overall statewide percent of students participating in alternate assessment by 0.06 percent. Table four demonstrates a reduction of 0.12 percent in the overall statewide percentage of students eligible for the alternate assessment.

[3] Social Studies were not assessed with the AA-AAAS in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Table 3: ***Overall Statewide Participation (not by subject)***

School Year	Number of Students Participating in Alternate Assessment	Number of Students Participating in General Assessments	Percent of Students Participating in Alternate Assessment
2018-2019[4]	5,190	453,509	⬇ 1.14%
2017-2018	5,439	455,063	1.20%
2016-2017	5,387	454,119	1.19%

Table 4: ***Overall statewide percentage of students eligible to participate in the alternate assessment***

School Year	Number of Students Eligible to Participate in Alternate Assessment	Number of Students (all)	Percentage of Students Eligible to Participate in Alternate Assessment
2018-2019	5,505	654,068	⬇ 0.84%
2017-2018	6,242	648,369	⬇ 0.96%
2016-2017	6,380	656,588	0.97%

Additionally, the KDE reported 170 of the 173 districts in Kentucky assessed more than 1.0 percent of their students using an AA-AAAS in one or more subjects during the 2016-2017 school year. The 2017-2018 final assessment data indicated a reduction to 142 out of 173 districts assessing more than 1.0 percent of their students using an AA-AAAS in one or more subjects. The KDE anticipates the reduction in districts to continue with the full implementation of the new participation guidelines, additional training and oversight.

(B) Data showing at least 95% participation overall and for students with disabilities subgroup

To date, Kentucky has met or exceeded the federal guidelines set at 95 percent participation for all students, including students with disabilities in the K-PREP assessment. Table five demonstrates the state has assessed the achievement of at least 95 percent of all students and 95 percent of students with disabilities (SWD).

[4] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

Table 5: ***2018-2019 Overall Statewide Assessed by Subject (preliminary data)***

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts (R/LA) - All Students Total Grades 3 - 8 and High School (HS)	306,072	303,744	99.24%
Reading/Language Arts - Students with Disabilities (SWD) Total Grades 3 - 8 and HS	47,929	47,293	98.67%
Mathematics - All Students Total Grades 3 - 8 and HS	306,072	303,744	99.24%
Mathematics - SWD Total Grades 3 - 8 and HS	47,942	47,300	98.66%
Writing - All Students Total Grades 3 - 8 and HS	130,986	129,627	98.66%
Writing - SWD Total Grades 3 - 8 and HS	17,914	17,591	98.2%
Social Studies - All Students Total Grades 3 - 8 and HS	88,952	88,399	99.38%
Social Studies - SWD Total Grades 3 - 8 and HS	13,567	13,396	98.74%
Science - All Students Total Grades 3 - 8 and HS	129,967	128,618	98.96%
Science - SWD Total Grades 3 - 8 and HS	18,915	18,618	98.43%

Requirement 3 (34 CFR §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.

(A) Assurance that districts over 1.0 percent followed the state's participation guidelines

In anticipation of a considerable number of districts expected to exceed the 1.0 percent threshold for the 2019-2020 school year, the KDE required written assurances from all districts that each local Individual Education Program (IEP) team, known in Kentucky as the Admissions and Release Committee (ARC), is following the *Alternate Assessment Participation Guidelines* when making assessment participation decisions. The request for written assurances is included in Attachment 1.

When final assessment data for the 2018-2019 school year are available to the KDE, the department will reach out to all districts who exceed the 1.0 percent participation rate. In addition, those districts will be required to provide KDE with a detailed justification for exceeding the 1.0 percent threshold.

Evidence of Progress

With the release of the 2017-2018 final data, districts who assessed more than 1.0 percent of its assessed students in any subject were sent data along with instructions on completing a justification process. The Justification Requirement Form was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. Results from the justification requirement form are publicly available on the Kentucky Alternate Assessment Participation Waiver website.

To assist districts in completing the justification requirements, the KDE provided district data on students who are eligible to participate in the alternate assessment by disability category and participation rates for each district by subject area.

The justification requirement form required districts to report and document assurances including;

- Description of any factors justifying the district exceeding 1.0 percent participation.
- All ARC members are not only using, but are confident in the application of the alternate assessment participation criteria.
- Description of appropriate training, support and oversight provided to ARC members.
- Data and analysis of anticipated alternate assessment participation for the 2018-2019 school year.
- Descriptions of monitoring process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance, support and oversight to all districts who exceed or anticipate exceeding the 1.0 percent threshold to ensure only students with the most significant cognitive disabilities participate in the AA-AAAS. More information on the KDE plan for guidance and oversight are provided in *Requirement 4*—34 CFR *§200.6(c)(4)(iv)* below.

B) Assurance that districts over 1.0 percent will address any disproportionality in the students taking the AA-AAAS.

The Justification Requirement Form was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. The justification required districts to provide descriptions of the process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and End of Year Training. The KDE will review and include guidance in the regional capacity training plan being developed.

The KDE will continue to provide districts and regional cooperatives with statewide and district-level data based on a risk ratio calculation to ensure districts are able to address any disproportionality in the students taking the AA-AAAS.

Evidence of Progress

The KDE examined district-level disproportionality data by subgroup and subject area for the 2017-2018 school year. The KDE determined whether subgroups had disproportionate participation in the AA-AAAS by using a disproportionality rate comparison. For the analysis the KDE uses a rate comparison without a threshold. The comparison identifies when the data for any group is disproportionate from others not in the measured group. Any disproportionality greater than 1.0 means the examined group is identified that many times more likely than those not in that group. If the disproportionality of the measures group is less than 1.0 that means the group is less likely to be identified than those not in the group. High rates (rate of 2.0 or greater) of disproportionality were found to be in all subject areas among those students eligible for free or reduced lunch. Additionally, disproportionality rates for male students in middle school and high school and Pacific Islander students in high school exceeded a 2.0 rate.

The KDE, in collaboration with districts, addressed disproportionality in subgroups taking the AA-AAAS through multiple activities including:

- Provided calculation and analysis of subgroup participation rates and disproportionality rate comparisons in each subject area
- Identification of subgroup overrepresentation in the AA-AAAS participation
- Districts in collaboration with special education regional cooperatives completed record reviews for students eligible for the alternate assessment using the Alternate Assessment Participation Guidelines Record Review Document.
- New guidance and tools were developed and disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE website. For more information on specific guidance are resources provided, see *Appendix A: Documentation of Evidence.*

The KDE provided guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and

End of Year Training. Information and training on disproportionality were provided to districts, regional training centers and regional special education cooperatives.

Requirement 4—34 CFR §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 guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed; and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

(A) Plan and timeline for improving the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities

The KDE, in collaboration with the Alternate Assessment and Diploma Advisory Group (AADAG), continue to meet and focus on data analysis, training development, and guidance to reduce the percentage of students participating in the alternate assessment. The KDE will continue to work with technical assistance centers, such as National Center on Educational Outcomes (NCEO) and the IDEA Data Center to support our ongoing work around students with significant disabilities. The KDE will continue to participate in the NCEO 1.0 percent cap Community of Practice webinar meetings and the state-sponsored convening's to improve our ongoing work with students with significant cognitive disabilities participation in alternate assessments. The KDE will continue to seek feedback from stakeholders to review and revise, if necessary, its guidelines for participation in the AA-AAAS and its definition of students with the most significant cognitive disabilities (including English Learners).

The KDE will ensure ARC decisions about alternate assessment participation are appropriately made, the possible implications of participating understood and will encourage ongoing communication on improving outcomes for students with a significant cognitive disability.

Evidence of Progress

Based on feedback from districts and special education regional cooperative consultants, the state has reviewed and revised all alternate assessment guidance and training. New guidance and tools developed were disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE website. To improve the understanding and implementation of its participation guidelines, the KDE, in collaboration with the AADAG, revised all current 1.0 percent Training Modules and created a new Annual Review for ARC Members Module on how to prepare and complete the *Participation Guidelines*. The KDE and

AADAG also revised the Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment 2018-2019 document to include:

- Guiding Questions for the ARC
- Resources specific to each participation criteria requirement
- Appendices including examples and comparisons specific to each participation criteria requirement
- Data Analysis & Reflection Worksheet for use in ARC meetings
- Resources specific to English Learners with significant cognitive disabilities

The previous state plan included developing improved parent resources and public reporting of both statewide AA-AAAS data and district justification responses. New guidance and tools were developed and disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE website. Based on feedback from districts and stakeholder groups, the KDE in collaboration with the AADAG have developed new resources for parents to be disseminated in the 2019-2020 school year including a new training module for parents, an updated *Parent Guide: Kentucky Alternate Assessment* and a new alternate assessment information flyer for parents.

For more information on specific guidance and resources provided, see Requirement 4 (A) – 34 CFR §200.6(c)(4)(iv)(A) of *Appendix A: Documentation of Evidence.*

(B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed;

To meet the 90 day submission requirement, Kentucky's request to extend the waiver is being submitted on August 6, 2019; which is several months before the final 2018-2019 state and district level assessment data will be available. This early submission required Kentucky to acquire Local Educational Agency (LEA) assurances without current district-level data. In an attempt to meet the waiver requirements the KDE focused on districts that anticipated exceeding 1.0 percent and districts who have exceeded 1.0 percent participation in the previous school year. On June 15, 2019, the KDE requested a District Assurance Form from 142 districts. The district assurances included verification the ARC is following the updated *Kentucky Alternate Assessment Participation Guidelines* when making assessment participation decisions for students, ARC chairpersons have completed the required alternate assessment participation training modules and the district is currently or will address any disproportionality in the percentage of students in any subgroup taking the alternate assessment.

Districts who assessed more than 1.0 percent of their students using AA-AAAS during the 2017-2018 school year submitted a justification requirement form to ensure that only students with the most significant cognitive disabilities are found eligible and to ensure ARC members have completed the required training modules and have been provided sufficient training by the district or through the regional cooperatives. To identify specific supports and oversight needed statewide, regionally and by district, the KDE reviewed and analyzed submissions from districts and feedback from regional consultants. The KDE found common themes as to why districts have more than 1.0 percent of their students who were assessed with an AA-AAAS. As part of the scale-up plan, the KDE, in collaboration with the AADAG, will develop a new regional capacity training plan to address needs identified by the data.

As part of the scale-up plan, the KDE and the AADAG have revised the targeted monitoring process in order to determine if ARCs made IDEA eligibility decisions for alternate assessment participation that were consistent with federal and state laws and regulations pursuant to 34 CFR 300.320(a)(6)(ii) and 707 KAR 1:320, Section 5.

State Monitoring Plan (revised April 2019)

The KDE Division of IDEA Monitoring and Results (DIMR) will pull a sampling of records from the statewide information system known as Infinite Campus (IC) for students found eligible to participate in the alternate assessment. The sample of students' records will be reviewed by the DIMR team using the 2018-2019 Participation Guidelines for the Kentucky Alternate Assessment Record Review Document.

During the review, the DIMR will monitor whether the students were appropriately identified as a student who meets all eligibility criteria to participate in the alternate assessment. The DIMR will also verify whether the district followed the Kentucky Alternate Assessment Participation Guidelines Documentation Form for participation in the AA-AAAS and documented all ARC decisions (707 KAR 1:320, Section 5 (11)).

The KDE selects districts to be monitored based on the analysis of several data-based factors including (but not limited to):

- Districts over 1.0 percent participation in 2017-2018 assessment data
- Districts under 1.0 percent participation in 2017-2018 assessment data
- 2018-2019 statewide and district-level disproportionality ratios based on students eligible to participate in the alternate assessment
- Districts with alternate assessment participants in disability categories not identified as a cognitive disability
- Districts assessing over 3% of students on alternate assessment
- District justification responses
- District *Learner Characteristics Inventory* data
- Proficiency level of alternate assessment participants

Districts will be provided a *Data Verification Report* and a conference with the Director of Special Education (DoSE) and regional cooperative consultant to walk them through the process and answer general questions about the report. The conference will also include a root cause analysis to identify what technical assistance is needed and how to best provide assistance to the district.

The Data Verification Reports include:

- Summary of findings
- District feedback from desk review including strengths and opportunities for growth
- Suggestions to improve the process used to determine how a student participates in state testing.
- Resources

The KDE, in collaboration with its AADAG and regional special education cooperatives, developed a plan in 2017 for extensive statewide training, coaching, and support. This training plan is known as the Participation for Alternate Assessment (P4AA) Project. To ensure districts are providing sufficient training such that ARC members understand and implement the guidelines efficiently, the KDE collaborated with the University of Kentucky Human Development Institute to improve the learning management system (LMS) that provides the alternate assessment training modules. The new system allows the KDE, regional cooperative trainers and district administrators the ability to monitor and manage training participation, completion and feedback. The KDE will continue to monitor and support training participation using the LMS. The KDE will continue to provide technical support to all stakeholders through phone support and the dedicated email address KDEAltAssessment@education.ky.gov.

Evidence of Progress

The KDE revised, trained and implemented a targeted monitoring process, described in the *State Monitoring Plan* above. Based on the 2017-2018 monitoring results, the KDE and AADAG made several revisions to the waiver plan and timeline. The group completed additional guidance and revisions including:

- Revisions to existing training modules and a new annual review training module
- Updated Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment.
- New Participation Guidelines for the Kentucky Alternate Assessment Review Document that includes an informative description of district processes to review and monitor the identification of students taking the alternate assessment
- Updated the State Monitoring Plan to include:
  - a three pronged monitoring approach;
  - review of a higher number of districts and student files;

- improved monitoring *Data Verification Report* process to identify and correct process, policies and procedures noncompliance at the individual student and systems levels; and
- selected districts to be monitored based on the analysis of several data-based factors.

Out of 173 districts, the KDE reviewed a sample of student files from 10 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to ensure a more accurate representation of student sampling. After a year of intensive training, support, and oversight, the 2018-2019 desk review included a sample of student files from 39 districts.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided all districts with a Data Verification Report including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the Kentucky Alternate Assessment Participation Guidelines to determine if the student was identified for the appropriate state assessment. Feedback from the DoSE and cooperative consultants was very positive in reference to the P4AA plan provided over the past two school years and with the new monitoring process and report.

(C) State will address any disproportionality in the percentage of students taking the AA-AAAS.

The KDE will continue to address any disproportionality identified in the percentage of students in any subgroup taking the AA-AAAS through a variety of activities including:

- Calculating and analyzing alternate assessment participation rates among subgroups at the state and district levels;
- Comparing subgroup data for multiple school years to identify any trends in subgroup participation;
- Calculating and analyzing statewide and district-level data using a disproportionality rate comparison;
- Improving and implementing the scale-up plan to include an updated targeted monitoring process to determine whether the disproportionate representation of students in subgroups is due to inappropriate identification under the IDEA;
- Reviewing individual records of students identified for special education to determine if ARCs made IDEA eligibility decisions that used appropriate district approved policies, procedures and practices which were consistent with federal and state laws and regulations;

- Reviewing district justifications to identify district-level processes in place to address disproportionality, specific support and guidance needed for districts and any unusual patterns in the data;
- Engaging with stakeholder groups to address disproportionality to ensure only students with the most significant cognitive disabilities are participating in the alternate assessments;
- Maintaining and updating guidance and training resources on the KDE website; and
- Making assessment data publicly available.

The State Advisory Council for Exceptional Children (SACEC) provides policy guidance to the KDE with respect to special education and related services for children with disabilities in Kentucky. In the second half of 2017, the newly-formed SACEC devoted its energy to discussing significant disproportionality, participating in advisory council training and developing priorities for 2018. The SACEC will continue to meet to provide KDE with valuable input and feedback to assist in setting future goals to address disproportionality. The KDE will continue to provide guidance and regional training, specific to calculating and addressing disproportionality.

Evidence of Progress

The KDE implemented a targeted monitoring process, described on page 4 of the August 7, 2018 Kentucky waiver request. Based on the 2017-2018 monitoring results described in the State Monitoring Plan under Requirement 4 (B)(a) above, the KDE and AADAG made several revisions to the waiver plan and timeline.

As stated above, KDE reviewed a sample of student files from 10 districts out of 173 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to 39 districts. This larger sample ensures a more accurate representation of student files.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided districts with a *Data Verification Report* including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the *Kentucky Alternate Assessment Participation Guidelines* to determine if the student was identified for the appropriate state assessment.

The KDE compared school years 2016-2017 and 2017-2018 participation data among subgroups to identify any trends in subgroup participation. In 2016-2017 the subgroup with risk ratios above 2.0 in every subject area were students eligible for free or reduced price meals. According to the 2017-2018 school year data, the statewide disproportionality risk ratios for that subgroup decreased in all subject areas at the elementary and middle school levels and decreased for high school students in the subject areas of writing, mathematics and social studies. The statewide

disproportionality data also indicated a decrease in the risk ratio for 50% of the subgroup categories.

Due to an increase in the risk ratio for high school students in the subgroup of Pacific Islander students, the KDE reviewed alternate assessment participation for all students in this subgroup. Through record reviews, the KDE found ARCs made alternate assessment eligibility decisions using appropriate district approved policies, procedures and practices which were consistent with alternate assessment *Participation Guidelines* requirements.

Requirement 5 34 CFR §200.6(c)(4)(v) Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv) and demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4(C).

As described in this waiver request, the KDE has met all requirements of 34 CFR §200.6(c)(4)(i) through (c)(4)(iv) and provided evidence demonstrating substantial progress and completion toward each component of the prior year's plan and timeline. Documentation of evidence is provided in *Appendix A*. The KDE has also included revisions to its plan and timeline to continue to make progress in reducing the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.

Appendix A: Documentation of Evidence

SECTION 1: INITIAL WAIVER REQUEST REQUIREMENTS

Requirement 1 – 34 CFR §200.6(c)(4)(i): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

State Response	Supporting Evidence
Kentucky 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.	• Dates of first alternate assessment testing window for 2019-2020 school year: November 4, 2019 – December 13, 2019 • Date that is 90 days prior to the start date for the first alternate assessment testing window: August 6, 2019 • Attachment 2: Documentation that defines proposed alternate assessment testing windows for 2019-2020 school year. Documents related to the public comment period: • Attachment 3: includes KDE's news release of the public notice and comment period. • Attachment 4: includes the public notice of waiver request posted for public comment. • Attachment 5 (a-g): includes the e-mails shared with various stakeholders soliciting feedback. • Attachment 6 (a-c): includes the public comment received by the KDE. • Attachment 7: includes the KDE's response to the public comment.

Requirement 2 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided detailed data on alternate assessment participation in 2017-2018 school year, for all ESSA required subgroups. Kentucky also provided preliminary assessment	• Attachment 8: Participation of Kentucky Students in Statewide Assessment for School Year 2017-2018- By Sub-Group. • Attachment 9: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019.

State Response	Supporting Evidence
participation data for 2018-2019 school year.	

Requirement 2 (B) - 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that at least 95% of all students and at least 95% of students with disabilities participated in state assessments.	• Attachment 10: 2018-2019 Overall Statewide Assessed by Content Area (see Table 5). • KDE School Report Card 2017-2018 School Year – Assessment and Performance Data.

Requirement 3 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment followed the state's guidelines for participation.	• Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its IEP teams (known as Admission and Release Committee (ARC) in Kentucky): o followed the state's guidelines for participation in the alternate assessment, o informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment, and o disproportionality in the percentage of students in any subgroup taking the alternate assessment, or that it is currently or has plans to address any disproportionality. • 1.0 percent CAP on Alternate Assessment Participation District Assurance Form.

State Response	Supporting Evidence
	• 1.0 percent CAP on Alternate Assessment Participation District Assurance Form Responses. • 2018-2019 District Alternate Assessment Participation Justification Requirement Form. • 2018-2019 District Alternate Assessment Participation Justification Summary. • 2017-2018 District Alternate Assessment Participation Justification Summary.

Requirement 3 (B) – 34 CFR §200.6(c)(4)(iii)(B): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.	• Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its ARCs followed the state's guidelines for participation in the alternate assessment, informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment and have addressed disproportionality in the percentage of students in any subgroup taking the alternate assessment. o 1.0 percent CAP on Alternate Assessment Participation District Assurance Form. o 1.0 percent CAP on Alternate Assessment Participation District Assurance Form Responses. o 2018-2019 District Alternate Assessment Participation Justification Requirement Form. o 2018-2019 District Alternate Assessment Participation Justification Summary. o 2017-2018 District Alternate Assessment Participation Justification Summary. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Public reporting of percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

State Response	Supporting Evidence

	• Attachment 11: Information on how disproportionality is calculated by the state.
	• Stakeholder group discussion and input on ways to address disproportionality in alternate assessment participation:
	  o Attachment 12: AADAG Meeting Agenda.
	  o Attachment 13: KDE Data Manager presentation to AADAG on disproportionality risk ratio.
	  o Attachment 14: KDE presentation to the State Advisory Council for Exceptional Children (SACEC) on Significant Disproportionality.
	  o Attachment 15: KDE presentation to LEAs, Regional Training Centers and Regional Special Education Cooperatives.
	  o Attachment 16: End of Year Training and Beginning of Year Training for LEAs; presented by KDE Data Manager.
	• See Requirement 4 (B) and (C) in waiver request for documentation of state monitoring based on disproportionality rate comparison.

Requirement 4 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided a plan and timeline for improving its guidelines, including it definition of students with the most significant cognitive disabilities.	• Kentucky Waiver submitted August 6, 2019 includes an outline of the steps the state took to improve implementation of its participation guidelines. • Attachment 17: 2017-2018 Waiver Work Timeline. • Attachment 18: 2018-2019 Waiver Work Timeline. • Attachment 19: 2019-2020 Waiver Work Timeline Draft. • Attachment 20: P4AA universal training module outline – A series of five universal training modules are required for all ARC members and are located on the University of Kentucky Human Development Institute (HDI) Learning Management System (LMS). The purpose of these training modules was to implement the requirements set

State Response	Supporting Evidence
	forth in the ESSA and support districts in the implementation of the Kentucky Alternate Assessment Participation Guidelines. o Attachment 21: Instructions for registering for training modules. • Kentucky 1.0 percent waiver information, guidance, training and other resources are available on the new Kentucky Alternate Assessment Participation Waiver page of the KDE website. • *Parent Guide: Kentucky Alternate Assessment (revised).* • Attachment 22: Parent info sheet draft– to be used in an ARC meeting discussing state assessment participation. • Guidance for ARCs on Participation Decisions for the Kentucky Alternate Assessment 2018-2019. • Student Data Analysis Reflection Worksheet – Provided to LEAs to assist in data analysis to complete *Participation Guidelines*. • Attachment 23: Guidance on the Participation in the Kentucky Alternate for Parents module – Draft.

Requirement 4 (B) – 34 CFR §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

State Response	Supporting Evidence
Kentucky provided a plan and timeline for additional steps it is has taken to support and provide appropriate oversight of districts expected to assess more than 1.0 percent.	• Requirement 3 and Requirement 4 of the Kentucky waiver submitted August 6, 2019 that includes an outline of the steps the state took to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment. • See Examples of Evidence in Requirement 4 (A) –34 CFR §200.6(c)(4)(iv)(A) above. • Attachment 17: 2017-2018 Waiver Work Timeline. • Attachment 18: 2018-2019 Waiver Work Timeline. • Attachment 19: 2019-2020 Waiver Work Timeline Draft. • 2018-2019 District Alternate Assessment Participation Justification Summary – KDE reviewed and analyzed

State Response	Supporting Evidence
	responses and feedback from districts to determine district specific training and supports needed. • Updated and Ongoing P4AA plan – New Annual Review Training Module on determining alternate assessment participation.

Requirement 4 (C) – 34 CFR §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

State Response	Supporting Evidence
Kentucky provided a plan and timeline for addressing any disproportionality.	• See Examples of Evidence in Requirement 3 (B) –34 CFR §200.6(c)(4)(iii)(B) above. • Requirement 4 (C) of the Kentucky waiver submitted August 6, 2019 includes an outline of the steps the state took to address any disproportionality in the percentage of students taking the alternate assessment. • Attachment 24: A timeline that includes dates for when data on subgroup participation in the alternate assessment and how to address disproportionality were discussed and examined. • Attachment 25: 2017-2018 – Statewide Disproportionality of Students Participating in AA-AAAS. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Attachment 26: Data Verification Report template – report provided to districts who were monitored through the alternate assessment participation state monitoring process.

SECTION 2: WAIVER CONTINUATION REQUESTS

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv)

State Response	Supporting Evidence
The state showed that it met each of the requirements 1-4.	• Kentucky continues to meet requirements for requesting a waiver as documented in the Kentucky waiver submitted August 6, 2019. • SECTION 1 of the 2019-2020 Kentucky Waiver Requirements Evidence Table above documents completion of Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C). • Table 2 - Documentation of changes in participation rates in alternate assessment in each subject area. • Attachment 9: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019 (See Table 1).

Requirement 5 – 34 CFR §200.6(c)(4)(v): Demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4 (C)

State Response	Supporting Evidence
The state showed that it made progress toward its prior year's plan and timeline.	Evidence to support this requirement includes: • Kentucky has documented progress and completion of each component of the prior year's plan and timeline as "Evidence of Progress" in the Kentucky waiver submitted August 6, 2019. • Table 2: Overall Statewide Change in Participation and Eligibility in the Kentucky AA-AAAS. • District Alternate Assessment Participation: Documentation of districts exceeding 1.0 percent participation.

Pursuant to the Kentucky waiver request submitted to the U.S Department of Education on August 6, 2019, the Kentucky Department of Education (KDE) is submitting an addendum to the original waiver extension request.

Because the KDE already submitted a request to extend the wavier for all subject areas for the 2019-2020 school year prior to the release of the final assessment participation data, this addendum is intended to provide final assessment participation data for the 2018-2019 school year.

Requirement 2 –34 CFR §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;

Since the release of the final assessment data from Kentucky's statewide assessment, the Kentucky Performance Rating for Education Progress (K-PREP) for school year 2018-2019, the KDE determined the participation rates of students taking the AA-AAAS was just over 1.0% in each of the subject areas. **Table 1** displays participation rates by subject area for the 2018-2019 AA-AAAS.

The 2018-2019 final public release data is available on the Kentucky School Report Card.

Table 1: *2018-2019 Alternate Assessment Participation by Subject*

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT
Reading (elem/middle/high)	3,950	349,913	1.13 %
Math (elem/middle/high)	3,953	349,916	1.13 %
Writing (elem, middle, high)	1,738	147,032	1.18 %
Social Studies (elem/middle)	1,123	101,742	1.10 %
Science (elem/middle)	1,683	147,128	1.14 %

Table 2 demonstrates the year-to-year change in percent of students participating in the AA-AAAS.

Table 2: *Comparison of SY 2017-2018 and SY 2018-2019 Alternate Assessment Participation by Subject*

SUBJECT	SY 2017-2018 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2018-2019 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	PERCENT CHANGE
Reading (elem/middle high)	1.13%	1.13%	0.00%
Math (elem/middle/high)	1.13%	1.13%	0.00%
Writing (elem/middle)	1.24%	1.18%	-0.06%
Social Studies (elem/middle)	1.17%	1.10%	-0.07%
Science (elem/middle/high)	1.12%	1.14%	+0.02%

The KDE data analysis of participation by subject area revealed the percent of students participating in the AA-AAAS decreased in the subject areas of social studies and writing. In the subject areas of reading and math the percent of student participating in the AA-AAAS remained the same as the previous year.

Although the participation by subject area does not demonstrate less than 1.0% participation, the KDE analysis of data found a reduction in both overall statewide percent of student participation (not by subject area) in the AA-AAAS and in eligibility determinations for the AA-AAAS. This data indicates fewer students are being found eligible to participate in the alternate assessment and are instead participating in the general statewide assessment with accommodations.

Table 3 demonstrates the reduction in the overall statewide percent of students participating in alternate assessment by 0.10%.

Table 4 demonstrates a significant reduction in overall statewide percentage of students eligible for the alternate assessment.

Table 3: *Overall Statewide Participation (not by subject)*

School Year	Number of Students *Participating* in Alternate Assessment	Number of Students *Participating* in Statewide General Assessments	Percent of Students *Participating* in Alternate Assessment
2018-2019	4,918	496,407	⇩ 1.00%
2017-2018	5,477	496,074	⇩ 1.10%
2016-2017	5,911	499,674	1.18%

Table 4: *Overall statewide percentage of students eligible to participate in the alternate assessment*

School Year	Number of Students *Eligible to Participate* in the Alternate Assessment	Number of Students (all)	Percentage of Students *Eligible to Participate* in the Alternate Assessment
2018-2019	5,505	654,068	⇩ 0.84%
2017-2018	6,242	648,369	⇩ 0.96%
2016-2017	6,380	656,588	0.97%

Statewide data indicates 132 of the 172 districts in Kentucky assessed more than 1.0% of their students using an AA-AAAS in one or more subjects during the 2018-2019 school year. A three year data trend indicates a steady decrease in the number of students found eligible to participate in the alternate assessment and the number of districts who are assessing over 1.0% of students on an alternate assessment. Compared to 2017-2018 school year, the 2018-2019 data indicates a reduction of 12 districts assessing more than 1.0% of their students using an AA-AAAS in one or more subjects. This data supports the ongoing efforts the state, regional cooperatives, districts and other stakeholders continue to make to be responsive to the individual needs of students with significant disabilities.

On October 1, 2019, the KDE publicly reported preliminary assessment data for the school year 2018-2019. However, per state regulation 703 KAR 5:240, Section 7, districts had 10 days after the official release to request adjustments to or appeal their data. The KDE required time to review the requested appeals and adjustments in order to validate the data for a final public release.

The number and percentage of students overall and from each subgroup of students who took the AA-AAAS in 2018-2019 by subject area is included as *Attachment 1*.

Requirement 2 –34 CFR §200.6(c)(4)(ii): Provide state-level data, from the current or previous year, to show: (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.

Table 5 demonstrates the state assessed the achievement of at least 95% of all students and 95% of students with disabilities (SWD).

Table 5: *2018-2019 Overall Statewide Assessed by Subject*

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts (RLA) - All Students Total Grades 3 - 8 and High School (HS)	353,995	351,764	99.4%
Reading/Language Arts - Students with Disabilities (SWD) Total Grades 3 - 8 and HS	47,969	47,433	98.9%
Math - All Students Total Grades 3 - 8 and HS	354,009	351,771	99.4%
Math - SWD Total Grades 3 - 8 and HS	47,983	47,440	98.9%
Writing - All Students Total Grades 3 - 8 and HS	149,044	148,060	99.3%
Writing - SWD Total Grades 3 - 8 and HS	17,953	17,726	98.7%
Social Studies - All Students Total Grades 3 - 8 and HS	102,534	101,822	99.3%
Social Studies - SWD Total Grades 3 - 8 and HS	13,571	13,404	98.8%
Science - All Students Total Grades 3 - 8 and HS	148,917	147,976	99.4%
Science - SWD Total Grades 3 - 8 and HS	18,927	18,712	98.9%

Requirement 4—34 CFR §200.6(c)(4)(iv) Submit a plan and timeline by which the following will be accomplished: (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

The KDE calculated and analyzed the statewide level of disproportionality of students participating in the alternate assessment by subgroup and subject area for the 2018-2019 school year to identify the subgroups with disproportionality (*Attachment 2*).

The subgroup identified by the OS with disproportionality are those eligible for free or reduced price meal in all subject areas. The KDE will provide guidance and training to local education agencies on calculating, identifying and addressing disproportionality in alternate assessment participation through a webinar. Additionally, the KDE will review and include guidance through a regional capacity training plan which is currently being developed.

The KDE will continue to provide districts and regional cooperatives with statewide and district-level data based on a risk ratio calculation to ensure districts are able to address any disproportionality in the students taking the AA-AAAS. The KDE will use 2018-2019 data to continue to address disproportionality, by subgroup, in the percentage of students taking an AA-AAAS through statewide data analysis, district level data analysis and the targeted monitoring process described on page 14 of the August 6, 2019 waiver request.

From:	Sharp, Tania - Division of IDEA Monitoring and Results
To:	"superintendent email"
Cc:	Starkey, Sylvia - KDE Division Director; Morrison, Carol - Division of IDEA Monitoring and Results; Meacham, Robert - OSEEL Division of IDEA Monitoring and Results
Subject:	Action Needed: 1.0 Percent Cap on Alternate Assessment Participation - District Assurance Required
Date:	Monday, July 15, 2019 12:13:00 PM

Dear Superintendent,

As you may have seen in the KDE News Release dated July 15, 2019, the KDE is seeking to extend the 1% alternate assessment participation cap waiver for the 2019-20 school year previously received from the Secretary for the United States Department of Education based on the requirements set forth at 34 C.F.R. 200.6 (c)(2) limiting the total number of students in the state participating in the alternate assessment. As part of that waiver, the state is required to:

> "take steps to support and provide appropriate oversight to each LEA that the State anticipates will assess more than 1.0 percent of its assessed students in a given subject in a school year using an alternate assessment aligned with alternate academic achievement standards to ensure that only students with the most significant cognitive disabilities take an alternate assessment aligned with alternate academic achievement standards."

According to 2017-18 data, School District has been identified as assessing more than 1.0 percent of assessed students using an alternate assessment aligned with alternate academic achievement standards during the 2017-18 school year. Data for the 2018-19 school year will be available in November and the KDE will update this information and send justification surveys to those districts exceeding 1.0 percent in any subject area.

To assist KDE with the waiver request, please complete the **1% CAP on Alternate Assessment Participation Assurance Form** **by no later than Friday, July 26, 2019.** This verifies Admission and Release Committees (ARC) in your district are following the *Alternate Assessment Participation Guidelines* when making assessment participation decisions, all ARC Chairpersons have completed the required alternate assessment participation training modules, parents of students with the most significant cognitive disabilities have been informed of the implications of participation in the alternate assessment, and your district will address any disproportionality in the percentage of students in any subgroup taking the alternate assessment.

As we continue moving forward with implementation of the Every Student Succeeds Act (ESSA) as it applies to students with disabilities, the KDE will continue working closely with the special education division of your regional cooperative, local districts, and other partners to ensure the full understanding and implementation of the following requirements:

- using the Participation Guidelines to make assessment participation decisions
- selecting, implementing, and evaluating accessibility features and accommodations available for the instruction and assessments
- differentiating instruction and providing better access to academic content

- having high expectations for all students regardless of the category of their disability,
- addressing 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
- developing a process to address any disproportionality in the percentage of students in any subgroup participating in the alternate assessment
- developing a process for the district to provide justification to the state for exceeding the 1.0 percent cap

If you have any questions about this process, please contact me at (502) 564-4970 ext. 4124 or at tania.sharp@education.ky.gov.

Reading Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State ELA AA AAAS Gr. 3-8 and HS	% Taking State ELA AA AAAS Gr. 3-8 and HS
All Students	349,913	3,950	1.13%
White	265,918	3,030	1.14%
African American	36,930	487	1.32%
Hispanic/Latino	25,310	209	0.83%
Asian	6,178	72	1.17%
American Indian/ Alaska Native			%
Pacific Islander			%
Two or More Races	14,640	135	0.92%
Econ. Disadv.	213,043	3,292	1.55%
English Learner	13,4217	212	1.58%
Migrant	1,620	19	1.17%
Homeless	10,960	167	1.52%

Math Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State Math AA AAAS Gr. 3-8 and HS	% Taking State Math AA AAAS Gr. 3-8 and HS
All Students	349,916	3,953	1.13%
White	265,930	3,042	1.14%
Black	36,921	478	1.29%
Hispanic/Latino	25,319	218	0.86%
Asian	6,171	65	1.05%
American Indian/ Alaska Native			%
Pacific Islander			%
Two or More Races	14,639	134	0.92%
Econ. Disadv.	213,047	3,296	1.55%
English Learner	13,421	216	1.61%
Migrant	1,619	18	1.11%
Homeless	10,964	171	1.56%

Writing Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State Writing AA AAAS Gr. 3-8 and HS	% Taking State Writing AA AAAS Gr. 3-8 and HS
All Students	147,128	1,683	1.14%
White	112,914	1,315	1.16%
Black	15,518	211	1.36%
Hispanic/Latino	10,133	79	0.78%
Asian	2,667	20	0.75%
Indian/Alaska Native			%
Pacific Islander			%
Two or More Races	5,492	53	0.97%
Econ. Disadv.	86,217	1,379	1.60%
English Learner	4,575	85	1.86%
Migrant			%
Homeless	4,149	78	1.88%

Social Studies Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State Social Studies AA AAAS Gr. 3-8 and HS	% Taking State Social Studies AA AAAS Gr. 3-8 and HS
All Students	101,742	1,123	1.10%
White	77,321	870	1.13%
Black	10,802	139	1.29%
Hispanic/Latino	7,359	55	0.75%
Asian	1,755	16	0.91%
Indian/Alaska Native			%
Pacific Islander			%
Two or More Races	4,228	39	0.92%
Econ. Disadv.	62,072	942	1.52%
English Learner	3,306	63	1.91%
Migrant			
Homeless	3,161	55	1.74%

Science Grades 3 - 8 and High School (HS)			
Group	*Total Grades 3-8 and HS*	*# Taking State Science AA AAAS Gr. 3-8 and HS*	*% Taking State Science AA AAAS Gr. 3-8 and HS*
All Students	*147,032*	*1,738*	*1.18%*
White	*112,587*	*1,342*	*1.19%*
Black	*15,367*	*222*	*1.44%*
Hispanic/Latino	*10,315*	*87*	*0.84%*
Asian	*2,640*	*29*	*1.10%*
Indian/Alaska Native	*192*	*3*	*1.56%*
Pacific Islander			*%*
Two or More Races	*5,735*	*52*	*0.91%*
Econ. Disadv.	*87,262*	*1,423*	*1.63%*
English Learner	*5,482*	*88*	*1.61%*
Migrant	*654*	*12*	*1.83%*
Homeless	*4,318*	*68*	*1.57%*

Disproportionality of Students Participating in Alternate Assessment against Alternate Academic Standards (AA-AAAS)
By Subgroup and Content Area

Sub-Group Disproportonality	Reading (Elem/Middle/High)	Math (Elem/Middle/High)	Writing (Elem/Middle/High)	Science (Elem/Middle/High)	Social Studies (Elem/Middle)
White Students Participating in Alternate Assessment	1.04	0.60	1.08	1.03	1.10
African American Students Participating in Alternate Assessment	1.21	1.18	1.23	1.28	1.19
Hispanic Students Participating in Alternate Assessment	0.71	0.74	0.67	0.77	0.66
Asian Students Participating in Alternate Assessment	1.02	0.92	0.62	0.93	0.78
American Indian/Alaskan Native Students Participating in Alternate Assessment	0.83	0.83	0.98	1.35	0.76
Pacific Islander Students Participating in Alternate Assessment	0.57	0.57	0.00	0.96	0.00
Students of Two or More Races Participating in Alternate Assessment	0.83	0.82	0.85	0.77	0.84
Free or Reduced Eligible Students Participating in Alternate Assessment	3.20	3.20	3.18	3.09	3.27
English Learners Students Participating in Alternate Assessment	1.39	1.38	1.69	1.31	1.81
Migrant Students Participating in Alternate Assessment	1.00	0.94	1.35	1.50	1.22
Homeless Students Participating in Alternate Assessment	0.55	1.33	1.70	1.29	1.62
Male Students Participating in Alternate Assessment	1.93	1.96	1.93	1.80	2.00
Female Students Participating in Alternate Assessment	0.52	0.51	0.52	0.54	0.50

ALTERNATE K-PREP 2019-2020 CALENDAR

August 26	Alternate K-PREP Overview and Attainment Tasks Combined Training Released
September 30	Transition Attainment Record (TAR) Training Begins
September 30	TAR Administration Begins
October 21-25	Materials ship for Test Window 1
November 1	Alternate K-PREP Overview and Attainment Tasks Combined Training Closes
November 4	Test Window 1 officially opens
November 4	Student Registration Database (SRD Opens for score entry Window 1 and TAR)
December 13	Test Window 1 officially closes
December 20	Last day to enter scores in SRD for Test Window 1 (TAR will remain open)
March 23-27 or March 30- April 3	Materials ship for Test Window 2
April 13	Test Window 2 officially opens
April 13	Student Registration Database (SRD Opens for score entry)
May 29	Test Window 2 officially closes (last day to administer tasks)
May 29	TAR Administration Ends
June 5	Last day to enter scores in SRD (Test Window 2 and TAR)

NOTE: Some dates may change due to situations beyond the control of KDE.

DRAFT

From: Kentucky Department of Education
To: Sharp, Tania - Division of IDEA Monitoring and Results
Subject: Public comment sought on proposed alternate assessment waiver
Date: Tuesday, July 16, 2019 9:28:28 AM

Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher
Chief Communications Officer
Office: (502) 564-2000, ext. 4611
Cell: (502) 229-1915
Jessica.Fletcher@education.ky.gov
R19-102

July 16, 2019

Public comment sought on proposed alternate assessment waiver

(FRANKFORT, KY) – The Kentucky Department of Education (KDE) is seeking public comment through July 30 on its request to the U.S. Department of Education to extend its waiver on the number of students who can be tested using an alternate assessment on the annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA), section 1111(b)(2)(D) and its corresponding regulation 34 CFR 200.6(c) and (d), contain requirements for students with the most significant cognitive disabilities to participate in statewide testing through the use of alternate assessments aligned with alternate academic achievement standards. The federal law requires that no more than 1 percent of the total number of students participating in a statewide assessment such as K-PREP may take the alternate assessment in each subject area tested.

The most recent preliminary data from the 2018-2019 school year shows that slightly more than 1 percent of Kentucky's students took alternate assessments. Preliminary data for the 2018-2019 school year is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level.

In accordance with 34 C.F.R. §200.6(c)(4), if a state anticipates that it will exceed the cap with respect to any subject for which assessments are administered in any school year, the state may request that the secretary of education waive the cap for the relevant subject for one year. The KDE plans to submit a waiver request to the U.S. Department of Education (USED) in the areas of reading, mathematics, writing, science and social studies.

To receive a waiver, the KDE must gather data on the characteristics of students participating in the alternate assessment to determine whether students who do not have significant cognitive disabilities are participating. Also, the KDE must monitor alternate assessment data and request justification from all districts exceeding 1 percent participation in any subject. The department will address any disproportionality in the percentage of students taking the alternate assessment.

As a result of Kentucky's waiver approval for the 2018-2019 school year, KDE, regional special education cooperatives and school districts have worked in collaboration to develop and implement guidance, training and monitoring to ensure only the students with the most significant cognitive disabilities are participating in the alternate assessment. The substantial progress made is cited in the proposed waiver for alternate assessment participation the KDE will submit to the USED.

The proposed waiver is available on the KDE website. General information on Kentucky's Alternate Assessment is available on KDE's Alternate K-Prep webpage.

Send written comments on the proposed waiver to Sylvia Starkey, Director, Division

of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Blvd., Fifth Floor, Sower Building, Frankfort, KY 40601. Comments also may be submitted by email to Sylvia.Starkey@education.ky.gov, by telephone at (502) 564-4970, or by fax at (502) 564-4124.

Kentucky Department of Education

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Kentucky Department of Education · 300 Sower Blvd., 5th Floor · Frankfort, KY 40601

KENTUCKY DEPARTMENT OF EDUCATION
PUBLIC NOTICE AND COMMENT PERIOD
WAIVER REQUEST PURSUANT TO 34 C.F.R. §200.6(c)(4)

JULY 16, 2019

Pursuant to 34 C.F.R. §200.6(c)(4), the Kentucky Department of Education (KDE) will seek to extend a waiver for the 2019-2020 school year from the Secretary for the United States Department of Education. The regulation in question, found at 34 C.F.R. 200.6(c)(2), requires State Education Agencies such as the KDE to limit the total number of students assessed in a subject area using an alternate assessment. The limit on the percentage of students assessed by the alternate assessment is set by the federal regulation, stating the total number of students assessed with the alternate assessment per subject area shall not exceed 1.0 percent.

Specifically, 34 C.F.R. 200.6(c)(2) provides:

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.

NOTICE OF PUBLIC COMMENT PERIOD: Any individual or organization may submit written comments on the proposed waiver pursuant to 34 C.F.R. §200.6(c)(4). Written comments shall be accepted through July 30, 2019.

You may send written comments on the proposed waiver to: Sylvia Starkey, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Boulevard, Fifth Floor, Sower Building, Frankfort, KY 40601. Comments may also be submitted electronically mailed to Sylvia.Starkey@education.ky.gov. Also, comments may be submitted by telephone at (502) 564-4970, or by fax at (502) 564-4124.

The requirements for a State Education Agency to seek a waiver are set forth at 34 C.F.R §200.6(c)(4) and are reproduced below. The KDE is requesting to extend a waiver previously granted by the United States Department of Education in response to the requirements set forth at 34 C.F.R. §200.6(c)(4) because its most recent data (2018-2019 preliminary data[1]) on the percentage of students taking Kentucky's alternate assessments in all subject areas stands at over 1.0 percent *(see Table 1)*.

The waiver requirements are in bold lettering below.

[1] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

Requirement 1 – 34 CFR §200.6(c)(4)(i): Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

Kentucky's first of two assessment windows for the alternate assessment for students with significant cognitive disabilities begins November 4, 2019. Ninety days prior to the start of Kentucky's testing window (August 6, 2019), the KDE will submit a request to the United States Department of Education to extend its waiver in Reading, Mathematics, Science, Social Studies and Writing.

Evidence of Progress

The KDE is seeking public comment for an extension of the 1.0 percent waiver. The KDE issued a news release on July 16, 2019. It was posted on KDE's website, shared on list serves for district assessment coordinators and directors of special education and disseminated via e-mail to other advisory groups and stakeholders. The public comment posting is following KDE protocol and will be open for two weeks.

Requirement 2 –34 CFR §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) Data on participation in AA-AAAS in subject area by subgroup

The KDE has conducted a review of preliminary data[2] from Kentucky's statewide assessment – the Kentucky Performance Rating for Educational Progress (K-PREP) – for school year 2018-2019. The purpose of this review was to determine the participation rates of students taking the AA-AAAS. Table one includes the preliminary data with the number and percent of Kentucky students participating in statewide assessments, including participation in AA-AAAS.

The participation rates revealed just over 1.0 percent of Kentucky students participated in each of the subject areas included in the AA-AAAS in 2018-2019. Based on the preliminary data, the state anticipates exceeding the 1.0 percent threshold set forth in the ESSA for the 2019-2020 school year. Table one below displays preliminary participation rates by subject for the 2018-2019 AA-AAAS. The final assessment data will be publicly available on the Open House webpage and the Kentucky School Report Card in October 2019.

Kentucky's state assessment window for the AA-AAAS begins November 4, 2019. Due to the requirement that states submit a waiver at least 90 days prior to the assessment window, there was insufficient time to analyze final participation data for the 2018-2019 assessment before the deadline for submission of the waiver request. Table one below includes the preliminary

[2] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

assessment data for the 2018-2019 school year. When the final assessment data are available in October 2019, the KDE will review, analyze and submit the final data and results of this analysis to the U.S. Department of Education no later than November 1, 2019.

Table 1*: 2018-2019 Alternate Assessment Participation by Subject (preliminary data)*

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT (2018-2019 SY)*	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*
Reading (elem/middle/high)	4,023	351,037	1.15%
Mathematics (elem/middle/high)	4,030	351,044	1.15%
Science (elem/middle/high)	1,786	147,236	1.21%
Social Studies[3] (elem/middle)	1,137	101,795	1.12%
Writing (elem, middle, high)	1,720	147,218	1.17%

* Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

The final assessment data will be made publicly available in October 2019 on the KDE Open House webpage and the Kentucky School Report Card.

Evidence of Progress

The KDE compared and analyzed a variety of sources to measure progress made in both the data and waiver plan. The KDE data analysis of participation by subject area revealed the percent of students participating in the AA-AAAS decreased in two subject areas for all grade levels assessed. Table two demonstrates the year-to-year change in percent of students participating in the AA-AAAS. Based on previous year changes from preliminary data to final data, the KDE anticipates additional decreases in the final assessment results.

[3] Social Studies was not assessed in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Table 2: ***Comparison of SY 2016-2017, SY 2017-2018 and SY 2018-2019 Alternate Assessment Participation by Subject***

SUBJECT	SY 2016-2017 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2017-2018 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2018-2019 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	PERCENT CHANGE BETWEEN SY 2017-2018 & 2018-2019
Reading (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Mathematics (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Science (elem/middle/high)	N/A	1.12%	1.21%	+ 0.09%
Social Studies[4] (elem/middle)	1.28%	1.17%	1.12%	- 0.05%
Writing (elem,middle, high)	1.27%	1.24%	1.17%	- 0.07%

Although the participation by subject area does not demonstrate 1.0 percent or lower in the percentage of students tested using the AA-AAAS, the KDE analysis of data has found a decrease in eligibility determinations for the AA-AAAS as well as a reduction in the overall statewide percent of student participation in the AA-AAAS for all subject areas. Table three demonstrates the reduction in the overall statewide percent of students participating in alternate assessment by 0.06 percent. Table four demonstrates a reduction of 0.12 percent in the overall statewide percentage of students eligible for the alternate assessment.

[4] Social Studies were not assessed with the AA-AAAS in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Table 3: ***Overall Statewide Participation (not by subject)***

School Year	Number of Students Participating in Alternate Assessment	Number of Students Participating in General Assessments	Percent of Students Participating in Alternate Assessment
2018-2019[5]	5,190	453,509	⬇ 1.14%
2017-2018	5,439	455,063	1.20%
2016-2017	5,387	454,119	1.19%

Table 4: ***Overall statewide percentage of students eligible to participate in the alternate assessment***

School Year	Number of Students Eligible to Participate in Alternate Assessment	Number of Students (all)	Percentage of Students Eligible to Participate in Alternate Assessment
2018-2019	5,505	654,068	⬇ 0.84%
2017-2018	6,242	648,369	⬇ 0.96%
2016-2017	6,380	656,588	0.97%

Additionally, the KDE reported 170 of the 173 districts in Kentucky assessed more than 1.0 percent of their students using an AA-AAAS in one or more subjects during the 2016-2017 school year. The 2017-2018 final assessment data indicated a reduction to 142 out of 173 districts assessing more than 1.0 percent of their students using an AA-AAAS in one or more subjects. The KDE anticipates the reduction in districts to continue with the full implementation of the new participation guidelines, additional training and oversight.

(B) Data showing at least 95 percent participation overall and for students with disabilities subgroup

To date, Kentucky has met or exceeded the federal guidelines set at 95 percent participation for all students, including students with disabilities in the K-PREP assessment. Table five demonstrates the state has assessed the achievement of at least 95 percent of all students and 95 percent of students with disabilities (SWD).

[5] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

Table 5: ***2018-2019 Overall Statewide Assessed by Subject (preliminary data)***

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts (R/LA) - All Students Total Grades 3 - 8 and High School (HS)	306,072	303,744	99.24%
Reading/Language Arts - Students with Disabilities (SWD) Total Grades 3 - 8 and HS	47,929	47,293	98.67%
Mathematics - All Students Total Grades 3 - 8 and HS	306,072	303,744	99.24%
Mathematics - SWD Total Grades 3 - 8 and HS	47,942	47,300	98.66%
Writing - All Students Total Grades 3 - 8 and HS	130,986	129,627	98.66%
Writing - SWD Total Grades 3 - 8 and HS	17,914	17,591	98.2%
Social Studies - All Students Total Grades 3 - 8 and HS	88,952	88,399	99.38%
Social Studies - SWD Total Grades 3 - 8 and HS	13,567	13,396	98.74%
Science - All Students Total Grades 3 - 8 and HS	129,967	128,618	98.96%
Science - SWD Total Grades 3 - 8 and HS	18,915	18,618	98.43%

Requirement 3 (34 CFR §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.

(A) Assurance that districts over 1.0 percent followed the state's participation guidelines

In anticipation of a considerable number of districts expected to exceed the 1.0 percent threshold for the 2019-2020 school year, the KDE required written assurances from all districts that each local Individual Education Program (IEP) team, known in Kentucky as the Admissions and Release Committee (ARC), is following the *Alternate Assessment Participation Guidelines* when making assessment participation decisions. The request for written assurances is included in Attachment 1.

When final assessment data for the 2018-2019 school year are available to the KDE, the department will reach out to all districts who exceed the 1.0 percent participation rate. In addition, those districts will be required to provide KDE with a detailed justification for exceeding the 1.0 percent threshold.

Evidence of Progress

With the release of the 2017-2018 final data, districts who assessed more than 1.0 percent of its assessed students in any subject were sent data along with instructions on completing a justification process. The Justification Requirement Form was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. Results from the justification requirement form are publicly available on the Kentucky Alternate Assessment Participation Waiver website.

To assist districts in completing the justification requirements, the KDE provided district data on students who are eligible to participate in the alternate assessment by disability category and participation rates for each district by subject area.

The justification requirement form required districts to report and document assurances including;

- Description of any factors justifying the district exceeding 1.0 percent participation.
- All ARC members are not only using, but are confident in the application of the alternate assessment participation criteria.
- Description of appropriate training, support and oversight provided to ARC members.
- Data and analysis of anticipated alternate assessment participation for the 2018-2019 school year.
- Descriptions of monitoring process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance, support and oversight to all districts who exceed or anticipate exceeding the 1.0 percent threshold to ensure only students with the most significant cognitive disabilities participate in the AA-AAAS. More information on the KDE plan for guidance and oversight are provided in *Requirement 4*—34 CFR *§200.6(c)(4)(iv)* below.

B) Assurance that districts over 1.0 percent will address any disproportionality in the students taking the AA-AAAS.

The Justification Requirement Form was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. The justification required districts to provide descriptions of the process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and End of Year Training. The KDE will review and include guidance in the regional capacity training plan being developed.

The KDE will continue to provide districts and regional cooperatives with statewide and district-level data based on a risk ratio calculation to ensure districts are able to address any disproportionality in the students taking the AA-AAAS.

Evidence of Progress

The KDE examined district-level disproportionality data by subgroup and subject area for the 2017-2018 school year. The KDE determined whether subgroups had disproportionate participation in the AA-AAAS by using a disproportionality rate comparison. For the analysis the KDE uses a rate comparison without a threshold. The comparison identifies when the data for any group is disproportionate from others not in the measured group. Any disproportionality greater than 1.0 means the examined group is identified that many times more likely than those not in that group. If the disproportionality of the measures group is less than 1.0 that means the group is less likely to be identified than those not in the group. High rates (rate of 2.0 or greater) of disproportionality were found to be in all subject areas among those students eligible for free or reduced lunch. Additionally, disproportionality rates for male students in middle school and high school and Pacific Islander students in high school exceeded a 2.0 rate.

The KDE, in collaboration with districts, addressed disproportionality in subgroups taking the AA-AAAS through multiple activities including:

- Provided calculation and analysis of subgroup participation rates and disproportionality rate comparisons in each subject area
- Identification of subgroup overrepresentation in the AA-AAAS participation

- Districts in collaboration with special education regional cooperatives completed record reviews for students eligible for the alternate assessment using the Alternate Assessment Participation Guidelines Record Review Document.
- New guidance and tools were developed and disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE webpage. For more information on specific guidance are resources provided, see *Appendix A: Documentation of Evidence.*

The KDE provided guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and End of Year Training. Information and training on disproportionality were provided to districts, regional training centers and regional special education cooperatives.

Requirement 4—34 CFR §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 guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed; and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

(A) Plan and timeline for improving the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities

The KDE, in collaboration with the Alternate Assessment and Diploma Advisory Group (AADAG), continue to meet and focus on data analysis, training development, and guidance to reduce the percentage of students participating in the alternate assessment. The KDE will continue to work with technical assistance centers, such as National Center on Educational Outcomes (NCEO) and the IDEA Data Center to support our ongoing work around students with significant disabilities. The KDE will continue to participate in the NCEO 1.0 percent cap Community of Practice webinar meetings and the state-sponsored convening's to improve our ongoing work with students with significant cognitive disabilities participation in alternate assessments. The KDE will continue to seek feedback from stakeholders to review and revise, if necessary, its guidelines for participation in the AA-AAAS and its definition of students with the most significant cognitive disabilities (including English Learners).

The KDE will ensure ARC decisions about alternate assessment participation are appropriately made, the possible implications of participating understood and will encourage ongoing communication on improving outcomes for students with a significant cognitive disability.

Evidence of Progress

Based on feedback from districts and special education regional cooperative consultants, the state has reviewed and revised all alternate assessment guidance and training. New guidance and tools developed were disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE webpage. To improve the understanding and implementation of its participation guidelines, the KDE, in collaboration with the AADAG, revised all current 1.0 percent Training Modules and created a new Annual Review for ARC Members Module on how to prepare and complete the *Participation Guidelines*. The KDE and AADAG also revised the Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment 2018-2019 document to include:

- Guiding Questions for the ARC
- Resources specific to each participation criteria requirement
- Appendices including examples and comparisons specific to each participation criteria requirement
- Data Analysis & Reflection Worksheet for use in ARC meetings
- Resources specific to English Learners with significant cognitive disabilities

The previous state plan included developing improved parent resources and public reporting of both statewide AA-AAAS data and district justification responses. New guidance and tools were developed and disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE webpage. Based on feedback from districts and stakeholder groups, the KDE in collaboration with the AADAG have developed new resources for parents to be disseminated in the 2019-2020 school year including a new training module for parents, an updated *Parent Guide: Kentucky Alternate Assessment* and a new alternate assessment information flyer for parents.

For more information on specific guidance and resources provided, see Requirement 4 (A) – 34 CFR §200.6(c)(4)(iv)(A) of *Appendix A: Documentation of Evidence.*

(B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed;

To meet the 90 day submission requirement, Kentucky's request to extend the waiver will be submitted on August 6, 2019; which is several months before the final 2018-2019 state and district level assessment data will be available. This early submission required Kentucky to acquire Local Educational Agency (LEA) assurances without current district-level data. In an attempt to meet the waiver requirements the KDE focused on districts that anticipated exceeding 1.0 percent and districts who have exceeded 1.0 percent participation in the previous school year. On June 15, 2019, the KDE requested a District Assurance Form from 142 districts. The district assurances included verification the ARC is following the updated *Kentucky Alternate Assessment Participation Guidelines* when making assessment participation decisions for students, ARC chairpersons have completed the required alternate assessment participation training modules and the district is currently or will address any disproportionality in the percentage of students in any subgroup taking the alternate assessment.

Districts who assessed more than 1.0 percent of their students using AA-AAAS during the 2017-2018 school year submitted a justification requirement form to ensure that only students with the most significant cognitive disabilities are found eligible and to ensure ARC members have completed the required training modules and have been provided sufficient training by the district or through the regional cooperatives. To identify specific supports and oversight needed statewide, regionally and by district, the KDE reviewed and analyzed submissions from districts and feedback from regional consultants. The KDE found common themes as to why districts have more than 1.0 percent of their students who were assessed with an AA-AAAS. As part of the scale-up plan, the KDE, in collaboration with the AADAG, will develop a new regional capacity training plan to address needs identified by the data.

As part of the scale-up plan, the KDE and the AADAG have revised the targeted monitoring process in order to determine if ARCs made IDEA eligibility decisions for alternate assessment participation that were consistent with federal and state laws and regulations pursuant to 34 CFR 300.320(a)(6)(ii) and 707 KAR 1:320, Section 5.

State Monitoring Plan (revised April 2019)

The KDE Division of IDEA Monitoring and Results (DIMR) will pull a sampling of records from the statewide information system known as Infinite Campus (IC) for students found eligible to participate in the alternate assessment. The sample of students' records will be reviewed by the DIMR team using the 2018-2019 Participation Guidelines for the Kentucky Alternate Assessment Record Review Document.

During the review, the DIMR will monitor whether the students were appropriately identified as a student who meets all eligibility criteria to participate in the alternate assessment. The DIMR will also verify whether the district followed the Kentucky Alternate Assessment Participation Guidelines Documentation Form for participation in the AA-AAAS and documented all ARC decisions (707 KAR 1:320, Section 5 (11)).

The KDE selects districts to be monitored based on the analysis of several data-based factors including (but not limited to):

- Districts over 1.0 percent participation in 2017-2018 assessment data
- Districts under 1.0 percent participation in 2017-2018 assessment data
- 2018-2019 statewide and district-level disproportionality ratios based on students eligible to participate in the alternate assessment
- Districts with alternate assessment participants in disability categories not identified as a cognitive disability
- Districts assessing over 3% of students on alternate assessment
- District justification responses
- District *Learner Characteristics Inventory* data
- Proficiency level of alternate assessment participants

Districts will be provided a *Data Verification Report* and a conference with the Director of Special Education (DoSE) and regional cooperative consultant to walk them through the process and answer general questions about the report. The conference will also include a root cause analysis to identify what technical assistance is needed and how to best provide assistance to the district.

The Data Verification Reports include:

- Summary of findings
- District feedback from desk review including strengths and opportunities for growth
- Suggestions to improve the process used to determine how a student participates in state testing.
- Resources

The KDE, in collaboration with its AADAG and regional special education cooperatives, developed a plan in 2017 for extensive statewide training, coaching, and support. This training plan is known as the Participation for Alternate Assessment (P4AA) Project. To ensure districts are providing sufficient training such that ARC members understand and implement the guidelines efficiently, the KDE collaborated with the University of Kentucky Human Development Institute to improve the learning management system (LMS) that provides the alternate assessment training modules. The new system allows the KDE, regional cooperative trainers and district administrators the ability to monitor and manage training participation, completion and feedback. The KDE will continue to monitor and support training participation using the LMS. The KDE will continue to provide technical support to all stakeholders through phone support and the dedicated email address KDEAltAssessment@education.ky.gov.

Evidence of Progress

The KDE revised, trained and implemented a targeted monitoring process, described in the *State Monitoring Plan* above. Based on the 2017-2018 monitoring results, the KDE and AADAG made several revisions to the waiver plan and timeline. The group completed additional guidance and revisions including:

- Revisions to existing training modules and a new annual review training module
- Updated Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment.
- New Participation Guidelines for the Kentucky Alternate Assessment Review Document that includes an informative description of district processes to review and monitor the identification of students taking the alternate assessment
- Updated the State Monitoring Plan to include:
    - a three pronged monitoring approach;
    - review of a higher number of districts and student files;
    - improved monitoring *Data Verification Report* process to identify and correct process, policies and procedures noncompliance at the individual student and systems levels; and
    - selected districts to be monitored based on the analysis of several data-based factors.

Out of 173 districts, the KDE reviewed a sample of student files from 10 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to ensure a more accurate representation of student sampling. After a year of intensive training, support, and oversight, the 2018-2019 desk review included a sample of student files from 39 districts.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided all districts with a Data Verification Report including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the Kentucky Alternate Assessment Participation Guidelines to determine if the student was identified for the appropriate state assessment. Feedback from the DoSE and cooperative consultants was very positive in reference to the P4AA plan provided over the past two school years and with the new monitoring process and report.

(C) State will address any disproportionality in the percentage of students taking the AA-AAAS.

The KDE will continue to address any disproportionality identified in the percentage of students in any subgroup taking the AA-AAAS through a variety of activities including:

- Calculating and analyzing alternate assessment participation rates among subgroups at the state and district levels;
- Comparing subgroup data for multiple school years to identify any trends in subgroup participation;
- Calculating and analyzing statewide and district-level data using a disproportionality rate comparison;
- Improving and implementing the scale-up plan to include an updated targeted monitoring process to determine whether the disproportionate representation of students in subgroups is due to inappropriate identification under the IDEA;
- Reviewing individual records of students identified for special education to determine if ARCs made IDEA eligibility decisions that used appropriate district approved policies, procedures and practices which were consistent with federal and state laws and regulations;
- Reviewing district justifications to identify district-level processes in place to address disproportionality, specific support and guidance needed for districts and any unusual patterns in the data;
- Engaging with stakeholder groups to address disproportionality to ensure only students with the most significant cognitive disabilities are participating in the alternate assessments;
- Maintaining and updating guidance and training resources on the KDE website; and
- Making assessment data publicly available.

The State Advisory Council for Exceptional Children (SACEC) provides policy guidance to the KDE with respect to special education and related services for children with disabilities in Kentucky. In the second half of 2017, the newly-formed SACEC devoted its energy to discussing significant disproportionality, participating in advisory council training and developing priorities for 2018. The SACEC will continue to meet to provide KDE with valuable input and feedback to assist in setting future goals to address disproportionality. The KDE will continue to provide guidance and regional training, specific to calculating and addressing disproportionality.

Evidence of Progress

The KDE implemented a targeted monitoring process, described on page 4 of the August 7, 2018 Kentucky waiver request. Based on the 2017-2018 monitoring results described in the State Monitoring Plan under Requirement 4 (B)(a) above, the KDE and AADAG made several revisions to the waiver plan and timeline.

As stated above, KDE reviewed a sample of student files from 10 districts out of 173 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to 39 districts. This larger sample ensures a more accurate representation of student files.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided districts with a *Data Verification Report* including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the *Kentucky Alternate Assessment Participation Guidelines* to determine if the student was identified for the appropriate state assessment.

The KDE compared school years 2016-2017 and 2017-2018 participation data among subgroups to identify any trends in subgroup participation. In 2016-2017 the subgroup with risk ratios above 2.0 in every subject area were students eligible for free or reduced price meals. According to the 2017-2018 school year data, the statewide disproportionality risk ratios for that subgroup decreased in all subject areas at the elementary and middle school levels and decreased for high school students in the subject areas of writing, mathematics and social studies. The statewide disproportionality data also indicated a decrease in the risk ratio for 50% of the subgroup categories.

Due to an increase in the risk ratio for high school students in the subgroup of Pacific Islander students, the KDE reviewed alternate assessment participation for all students in this subgroup. Through record reviews, the KDE found ARCs made alternate assessment eligibility decisions using appropriate district approved policies, procedures and practices which were consistent with alternate assessment *Participation Guidelines* requirements.

Requirement 5 34 CFR §200.6(c)(4)(v) Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv) and demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4(C).

As described in this waiver request, the KDE has met all requirements of 34 CFR §200.6(c)(4)(i) through (c)(4)(iv) and provided evidence demonstrating substantial progress and completion toward each component of the prior year's plan and timeline. Documentation of evidence is provided in *Appendix A*. The KDE has also included revisions to its plan and timeline to continue to make progress in reducing the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.

Appendix A: Documentation of Evidence

SECTION 1: INITIAL WAIVER REQUEST REQUIREMENTS

Requirement 1 – 34 CFR §200.6(c)(4)(i): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

State Response	Supporting Evidence
Kentucky 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.	• Dates of first alternate assessment testing window for 2019-2020 school year: November 4, 2019 – December 13, 2019 • Date that is 90 days prior to the start date for the first alternate assessment testing window: August 6, 2019 • Attachment 2: Documentation that defines proposed alternate assessment testing windows for 2019-2020 school year.

Requirement 2 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided detailed data on alternate assessment participation in 2017-2018 school year, for all ESSA required subgroups. Kentucky also provided preliminary assessment participation data for 2018-2019 school year.	• Attachment 3: Participation of Kentucky Students in Statewide Assessment for School Year 2017-2018- By Sub-Group. • Attachment 4: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019.

Requirement 2 (B) - 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that at least 95% of all students and at least 95% of students with disabilities participated in state assessments.	• Attachment 5: Overall Statewide Assessed by Content Area (see Table 5). • KDE School Report Card 2017-2018 School Year – Assessment and Performance Data.

Requirement 3 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment followed the state's guidelines for participation.	• Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its IEP teams (known as Admission and Release Committee (ARC) in Kentucky): o followed the state's guidelines for participation in the alternate assessment, o informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment, and o disproportionality in the percentage of students in any subgroup taking the alternate assessment, or that it is currently or has plans to address any disproportionality. • 1.0 percent CAP on Alternate Assessment Participation District Assurance Form. • 2018-2019 District Alternate Assessment Participation Justification Requirement Form. • 2018-2019 District Alternate Assessment Participation Justification Summary.

State Response	Supporting Evidence
	• 2017-2018 District Alternate Assessment Participation Justification Summary.

Requirement 3 (B) – 34 CFR §200.6(c)(4)(iii)(B): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.	• Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its ARCs followed the state's guidelines for participation in the alternate assessment, informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment and have addressed disproportionality in the percentage of students in any subgroup taking the alternate assessment. o 1.0 percent CAP on Alternate Assessment Participation District Assurance Form. o 2018-2019 District Alternate Assessment Participation Justification Requirement Form. o 2018-2019 District Alternate Assessment Participation Justification Summary. o 2017-2018 District Alternate Assessment Participation Justification Summary. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Public reporting of percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification. • Attachment 6: Information on how disproportionality is calculated by the state. • Stakeholder group discussion and input on ways to address disproportionality in alternate assessment participation: o Attachment 7: Alternate Assessment and Diploma Advisory Group (AADAG) Meeting Agenda.

State Response	Supporting Evidence
	o Attachment 8: KDE Data Manager presentation to AADAG on disproportionality risk ratio. o Attachment 9: KDE presentation to the State Advisory Council for Exceptional Children (SACEC) on Significant Disproportionality. o Attachment 10: KDE presentation to LEAs, Regional Training Centers and Regional Special Education Cooperatives. o Attachment 11: End of Year Training and Beginning of Year Training for LEAs; presented by KDE Data Manager. • See Requirement 4 (B) and (C) in waiver request for documentation of state monitoring based on disproportionality rate comparison.

Requirement 4 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided a plan and timeline for improving its guidelines, including it definition of students with the most significant cognitive disabilities.	• Kentucky Waiver submitted August 6, 2019 includes an outline of the steps the state took to improve implementation of its participation guidelines. • Attachment 12: 2017-2018 Waiver Work Timeline. • Attachment 13: 2018-2019 Waiver Work Timeline. • Attachment 14: 2019-2020 Waiver Work Timeline Draft. • Attachment 15: Participation for Alternate Assessment (P4AA) universal training module outline – A series of five universal training modules are required for all ARC members and are located on the University of Kentucky Human Development Institute (HDI) Learning Management System (LMS). The purpose of these training modules was to implement the requirements set forth in the ESSA and support districts in the implementation of the Kentucky Alternate Assessment Participation Guidelines. o Attachment 16: Instructions for registering for training modules.

State Response	Supporting Evidence
	• Kentucky 1.0 percent waiver information, guidance, training and other resources are available on the new Kentucky Alternate Assessment Participation Waiver page of the KDE website. • *Parent Guide: Kentucky Alternate Assessment (revised).* • Attachment 17: Parent info sheet draft– to be used in an ARC meeting discussing state assessment participation. • Guidance for ARCs on Participation Decisions for the Kentucky Alternate Assessment 2018-2019. • Student Data Analysis Reflection Worksheet – Provided to LEAs to assist in data analysis to complete *Participation Guidelines*. • Attachment 18: Guidance on the Participation in the Kentucky Alternate for Parents module – Draft.

Requirement 4 (B) – 34 CFR §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

State Response	Supporting Evidence
Kentucky provided a plan and timeline for additional steps it is has taken to support and provide appropriate oversight of districts expected to assess more than 1.0 percent.	• Requirement 3 and Requirement 4 of the Kentucky waiver submitted August 6, 2019 that includes an outline of the steps the state took to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment. • See Examples of Evidence in Requirement 4 (A) –34 CFR §200.6(c)(4)(iv)(A) above. • Attachment 12: 2017-2018 Waiver Work Timeline. • Attachment 13: 2018-2019 Waiver Work Timeline. • Attachment 14: 2019-2020 Waiver Work Timeline Draft. • 2018-2019 District Alternate Assessment Participation Justification Summary – KDE reviewed and analyzed responses and feedback from districts to determine district specific training and supports needed. • Updated and Ongoing Participation for Alternate Assessment (P4AA) plan – New Annual Review Training Module on determining alternate assessment participation.

Requirement 4 (C) – 34 CFR §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

State Response	Supporting Evidence
Kentucky provided a plan and timeline for addressing any disproportionality.	• See Examples of Evidence in Requirement 3 (B) –34 CFR §200.6(c)(4)(iii)(B) above. • Requirement 4 (C) of the Kentucky waiver submitted August 6, 2019 includes an outline of the steps the state took to address any disproportionality in the percentage of students taking the alternate assessment. • Attachment 19: A timeline that includes dates for when data on subgroup participation in the alternate assessment and how to address disproportionality were discussed and examined. • Attachment 20: 2017-2018 – Statewide Disproportionality of Students Participating in AA-AAAS. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Attachment 21: Data Verification Report template – report provided to districts who were monitored through the alternate assessment participation state monitoring process.

SECTION 2: WAIVER CONTINUATION REQUESTS

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv)

State Response	Supporting Evidence
The state showed that it met each of the requirements 1-4.	• Kentucky continues to meet requirements for requesting a waiver as documented in the Kentucky waiver submitted August 6, 2019. • SECTION 1 of the 2019-2020 Kentucky Waiver Requirements Evidence Table above documents completion of Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C). • Table 2 - Documentation of changes in participation rates in alternate assessment in each subject area. • Attachment 4: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019 (See Table 1).

Requirement 5 – 34 CFR §200.6(c)(4)(v): Demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4 (C)

State Response	Supporting Evidence
The state showed that it made progress toward its prior year's plan and timeline.	Evidence to support this requirement includes: • Kentucky has documented progress and completion of each component of the prior year's plan and timeline as Evidence of Progress in the Kentucky waiver submitted August 6, 2019. • Table 2: Overall Statewide Change in Participation and Eligibility in the Kentucky AA-AAAS. • District Alternate Assessment Participation: Documentation of districts exceeding 1.0 percent participation.

From:	O"Hair, Kevin - Division of Assessment and Accountability Support
To:	All State District Assessment Coordinators; Allan, David; Brewer, Bridget; Brown, Debbie; Bryant, Jennifer NBCT; Caldwell, Donna F; Congleton, Wendy; Creekmore, Kim; Daniel, Sue; Dyer, Brenda; Fannin, Julie; Galloway, Carey; Godsey, Janet; Griffin, Tracy; Hawkins, Michelle; Hayslett, Esther - Mercer; Hinton, Kimberly; Kapp, Kristen; King, Anita; Koutsunis, Angela; Latimer, Melissa; Lockwood, Rhonda; Lyons, Jessica N; McCormick, Abby; McCoy, Charlotte; McMillen, Jennifer; Miller, Connie; Parrott, Robin; Petett, Angie; Purchis, Jessica; Rice, Danielle; Rice, Kristina; Shouse, Kristen; Sigler, Ruth; Stamper, Sharon; Sutton, Amye; Thomas, Lorraine; Weaver, Vicki; Weber, Kim; Whitfield, Sarah - Assistive Technology; Williams, Debbie
Cc:	Norman, Jacqueline; Guettler, Karen; Mattingly, Francis; Ervin, Roger - Office of Standards Assessment and Accountability; Henderson, Michael - Division of Accountability Data and Analysis; Hill, Kevin - KDE Division Director; Howard, Jason - Division of Assessment and Accountability Support; Hylton, Gretta - KDE Associate Commissioner; O"Hair, Kevin - Division of Assessment and Accountability Support; Powers, Pamela - Division of Assessment and Accountability Support; Sharp, Tania - Division of IDEA Monitoring and Results; Stafford, Jennifer - KDE Division Director; Wickizer, John - Division of Accountability Data and Analysis
Subject:	Special Alternate Assessment E-Mail for July 18, 2019
Date:	Thursday, July 18, 2019 11:37:24 AM

Special Alternate Assessment E-Mail

July 18, 2019
ALTERNATE ASSESSMENT WAIVER

The news release from the Kentucky Department of Education (KDE) was shared with the media, superintendents and others, concerning the public comment period for the alternate assessment waiver. The information below may be of interest to District Assessment Coordinators (DACs), Directors of Special Education (DoSE) and teachers.

Public comment sought on proposed alternate assessment waiver

(FRANKFORT, KY) – The Kentucky Department of Education (KDE) is seeking public comment through July 30 on its request to the U.S. Department of Education to extend its waiver on the number of students who can be tested using an alternate assessment on the annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA), section 1111(b)(2)(D) and its corresponding regulation 34 CFR 200.6(c) and (d), contain requirements for students with the most significant cognitive disabilities to participate in statewide testing through the use of alternate assessments aligned with alternate academic achievement standards. The federal law requires that no more than 1 percent of the total number of students participating in a statewide assessment such as K-PREP may take the alternate assessment in each subject area tested.

The most recent preliminary data from the 2018-2019 school year shows that slightly

more than 1 percent of Kentucky's students took alternate assessments. Preliminary data for the 2018-2019 school year is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level.

In accordance with 34 C.F.R. §200.6(c)(4), if a state anticipates that it will exceed the cap with respect to any subject for which assessments are administered in any school year, the state may request that the secretary of education waive the cap for the relevant subject for one year. The KDE plans to submit a waiver request to the U.S. Department of Education (USED) in the areas of reading, mathematics, writing, science and social studies.

To receive a waiver, the KDE must gather data on the characteristics of students participating in the alternate assessment to determine whether students who do not have significant cognitive disabilities are participating. Also, the KDE must monitor alternate assessment data and request justification from all districts exceeding 1 percent participation in any subject. The department will address any disproportionality in the percentage of students taking the alternate assessment.

As a result of Kentucky's waiver approval for the 2018-2019 school year, KDE, regional special education cooperatives and school districts have worked in collaboration to develop and implement guidance, training and monitoring to ensure only the students with the most significant cognitive disabilities are participating in the alternate assessment. The substantial progress made is cited in the proposed waiver for alternate assessment participation the KDE will submit to the USED.

The proposed waiver is available on the KDE website. General information on Kentucky's Alternate Assessment is available on KDE's Alternate K-Prep webpage.

Send written comments on the proposed waiver to Sylvia Starkey, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Blvd., Fifth Floor, Sower Building, Frankfort, KY 40601. Comments also may be submitted by email to Sylvia.Starkey@education.ky.gov, by telephone at (502) 564-4970, or by fax at (502) 564-4124.

From: Starkey, Sylvia - KDE Division Director
To: kjone@uky.edu; Abell, Michael; White, Jeff (BHDID/Frankfort); jacqueline.kearns@uky.edu
Cc: Sharp, Tania - Division of IDEA Monitoring and Results; Hylton, Gretta - KDE Associate Commissioner
Subject: FW: Public comment sought on proposed alternate assessment waiver
Date: Thursday, July 18, 2019 11:08:42 AM
Attachments: image002.png

Good Morning,

Below please find information on the Kentucky Department of Education's proposed waiver request regarding alternate assessments. Please note the deadline for submitting public comments is July 30, 2019.

Please share as appropriate.

Sylvia M. Starkey
Director
Division of IDEA Monitoring and Results
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-4970, ext. 4118
Email: sylvia.starkey@education.ky.gov

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From: Kentucky Department of Education [mailto:KYDE@public.govdelivery.com]
Sent: Tuesday, July 16, 2019 9:28 AM
To: Starkey, Sylvia - KDE Division Director <sylvia.starkey@education.ky.gov>
Subject: Public comment sought on proposed alternate assessment waiver

Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher
Chief Communications Officer

Office: (502) 564-2000, ext. 4611
Cell: (502) 229-1915
Jessica.Fletcher@education.ky.gov
R19-102

July 16, 2019

Public comment sought on proposed alternate assessment waiver

(FRANKFORT, KY) – The Kentucky Department of Education (KDE) is seeking public comment through July 30 on its request to the U.S. Department of Education to extend its waiver on the number of students who can be tested using an alternate assessment on the annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA), section 1111(b)(2)(D) and its corresponding regulation 34 CFR 200.6(c) and (d), contain requirements for students with the most significant cognitive disabilities to participate in statewide testing through the use of alternate assessments aligned with alternate academic achievement standards. The federal law requires that no more than 1 percent of the total number of students participating in a statewide assessment such as K-PREP may take the alternate assessment in each subject area tested.

The most recent preliminary data from the 2018-2019 school year shows that slightly more than 1 percent of Kentucky's students took alternate assessments. Preliminary data for the 2018-2019 school year is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level.

In accordance with 34 C.F.R. §200.6(c)(4), if a state anticipates that it will exceed the cap with respect to any subject for which assessments are administered in any school year, the state may request that the secretary of education waive the cap for the relevant subject for one year. The KDE plans to submit a waiver request to the U.S. Department of Education (USED) in the areas of reading, mathematics, writing, science and social studies.

To receive a waiver, the KDE must gather data on the characteristics of students participating in the alternate assessment to determine whether students who do not have significant cognitive disabilities are participating. Also, the KDE must monitor alternate assessment data and request justification from all districts exceeding 1 percent participation in any subject. The department will address any disproportionality in the percentage of students taking the alternate assessment.

As a result of Kentucky's waiver approval for the 2018-2019 school year, KDE, regional special education cooperatives and school districts have worked in collaboration to develop and implement guidance, training and monitoring to ensure only the students with the most significant cognitive disabilities are participating in

the alternate assessment. The substantial progress made is cited in the proposed waiver for alternate assessment participation the KDE will submit to the USED.

The proposed waiver is available on the KDE website. General information on Kentucky's Alternate Assessment is available on KDE's Alternate K-Prep webpage.

Send written comments on the proposed waiver to Sylvia Starkey, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Blvd., Fifth Floor, Sower Building, Frankfort, KY 40601. Comments also may be submitted by email to Sylvia.Starkey@education.ky.gov, by telephone at (502) 564-4970, or by fax at (502) 564-4124.

Kentucky Department of Education

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From: Starkey, Sylvia - KDE Division Director
To: Barnes, Amber (OVR-FK); bdhutchinson@hindmansettlement.org; behitz2@gmail.com; bill.greer@atmosenergy.com; Johnson, Chris G (Gov Office); dannyhughes12@yahoo.com; Dowd, Anita (KCDHH); eumstead@murraystate.edu; Folker, Amy (PPC); Duenas, Jessica; Lee, Barry; leisa.hutchison@wku.edu; libbysuttles@msn.com; Light, Anna; melissaknight@fnblebanon.com; Rubemeyer, Julie - Dayton HS Teacher; Sims, Ravonne L (DOC); triciashawn@yahoo.com; Debolt, Raymond F (DJJ); Chevalier, Kimberly A.
Cc: Hylton, Gretta - KDE Associate Commissioner; McCowan, Joseph - Office of Special Education and Early Learning; Sharp, Tania - Division of IDEA Monitoring and Results; Herman, Tracy Goff - Office of Special Education and Early Learning
Subject: FW: Public comment sought on proposed alternate assessment waiver
Date: Thursday, July 18, 2019 10:58:23 AM
Attachments: image002.png

Dear SACEC members,

Good morning! Below please find information on the Kentucky Department of Education's proposed waiver request regarding alternate assessments. Please note the deadline for submitting public comments is July 30, 2019.

Please share as appropriate.

Sylvia M. Starkey
Director
Division of IDEA Monitoring and Results
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-4970, ext. 4118
Email: sylvia.starkey@education.ky.gov

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From: Kentucky Department of Education [mailto:KYDE@public.govdelivery.com]
Sent: Tuesday, July 16, 2019 9:28 AM
To: Starkey, Sylvia - KDE Division Director <sylvia.starkey@education.ky.gov>
Subject: Public comment sought on proposed alternate assessment waiver

Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher
Chief Communications Officer
Office: (502) 564-2000, ext. 4611
Cell: (502) 229-1915
Jessica.Fletcher@education.ky.gov
R19-102

July 16, 2019

Public comment sought on proposed alternate assessment waiver

(FRANKFORT, KY) – The Kentucky Department of Education (KDE) is seeking public comment through July 30 on its request to the U.S. Department of Education to extend its waiver on the number of students who can be tested using an alternate assessment on the annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

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The proposed waiver is available on the KDE website. General information on Kentucky's Alternate Assessment is available on KDE's Alternate K-Prep webpage.

Send written comments on the proposed waiver to Sylvia Starkey, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Blvd., Fifth Floor, Sower Building, Frankfort, KY 40601. Comments also may be submitted by email to Sylvia.Starkey@education.ky.gov, by telephone at (502) 564-4970, or by fax at (502) 564-4124.

Kentucky Department of Education

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From: Sharp, Tania - Division of IDEA Monitoring and Results
To: abruce (abruce@ovec.org); Annie Conner SESC; Cheryl Mathis (cheryl.mathis@hazard.kyschools.us); Laura Clarke - NKCES; Deb - Myers (GRREC) (deb.myers@grrec.org); Gentry, Sherida - WKEC; Katie cooper - GLECC; John Winslow (John.winslow@nkces.org); Louann Craft (louann.craft@sesccoop.org); mandy.carter (Mandy.Carter@KEDC.org); Miracle, Sally; Therese Vali; Diane Hatfield - NKCES
Subject: FW: Public comment sought on proposed alternate assessment waiver
Date: Tuesday, July 16, 2019 10:00:00 AM
Attachments: image002.png

Good Morning Consultants,

Below please find information on the Kentucky Department of Education's proposed waiver request regarding alternate assessments. Please note that the deadline for submitting comments is July 30, 2019. Please share as appropriate.

Thanks,

Tania M. Sharp
Exceptional Child Consultant
Individual Programming Branch
Division of IDEA Monitoring & Results
Office of Special Education & Early Learning

Kentucky Department of Education
300 Sower Blvd., 5th Floor
Frankfort, KY 40601
(502) 564-4970, ext. 4124 | Fax (502) 564-6470
Email: tania.sharp@education.ky.gov

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From: Kentucky Department of Education [mailto:KYDE@public.govdelivery.com]
Sent: Tuesday, July 16, 2019 9:28 AM
To: Sharp, Tania - Division of IDEA Monitoring and Results <tania.sharp@education.ky.gov>
Subject: Public comment sought on proposed alternate assessment waiver

Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher
Chief Communications Officer
Office: (502) 564-2000, ext. 4611
Cell: (502) 229-1915
Jessica.Fletcher@education.ky.gov
R19-102

July 16, 2019

Public comment sought on proposed alternate assessment waiver

(FRANKFORT, KY) – The Kentucky Department of Education (KDE) is seeking public comment through July 30 on its request to the U.S. Department of Education to extend its waiver on the number of students who can be tested using an alternate assessment on the annual statewide Kentucky Performance Rating for Educational Progress (K-PREP) tests.

The Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA), section 1111(b)(2)(D) and its corresponding regulation 34 CFR 200.6(c) and (d), contain requirements for students with the most significant cognitive disabilities to participate in statewide testing through the use of alternate assessments aligned with alternate academic achievement standards. The federal law requires that no more than 1 percent of the total number of students participating in a statewide assessment such as K-PREP may take the alternate assessment in each subject area tested.

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In accordance with 34 C.F.R. §200.6(c)(4), if a state anticipates that it will exceed the cap with respect to any subject for which assessments are administered in any school year, the state may request that the secretary of education waive the cap for the relevant subject for one year. The KDE plans to submit a waiver request to the U.S. Department of Education (USED) in the areas of reading, mathematics, writing, science and social studies.

To receive a waiver, the KDE must gather data on the characteristics of students participating in the alternate assessment to determine whether students who do not have significant cognitive disabilities are participating. Also, the KDE must monitor alternate assessment data and request justification from all districts exceeding 1 percent participation in any subject. The department will address any disproportionality in the percentage of students taking the alternate assessment.

As a result of Kentucky's waiver approval for the 2018-2019 school year, KDE,

regional special education cooperatives and school districts have worked in collaboration to develop and implement guidance, training and monitoring to ensure only the students with the most significant cognitive disabilities are participating in the alternate assessment. The substantial progress made is cited in the proposed waiver for alternate assessment participation the KDE will submit to the USED.

The proposed waiver is available on the KDE website. General information on Kentucky's Alternate Assessment is available on KDE's Alternate K-Prep webpage.

Send written comments on the proposed waiver to Sylvia Starkey, Director, Division of IDEA Monitoring and Results, Office of Special Education and Early Learning, Kentucky Department of Education, 300 Sower Blvd., Fifth Floor, Sower Building, Frankfort, KY 40601. Comments also may be submitted by email to Sylvia.Starkey@education.ky.gov, by telephone at (502) 564-4970, or by fax at (502) 564-4124.

Kentucky Department of Education

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From: Sharp, Tania - Division of IDEA Monitoring and Results
To: Harold Kleinert (hklein@uky.edu); Kearns, Jacqueline; Griffiths, Jill; Cook, Jill; mandy.carter (Mandy.Carter@KEDC.org); Gentry, Sherida - WKEC; barry.goley@logan.kyschools.us; Hensley, Shasta - Division of IDEA Implementation and Preschool; O"Hair, Kevin - Division of Assessment and Accountability Support
Subject: FW: Public comment sought on proposed alternate assessment waiver
Date: Tuesday, July 16, 2019 9:58:00 AM
Attachments: image002.png

Good Morning Advisory Group Members,

Below please find information on the Kentucky Department of Education's proposed waiver request regarding alternate assessments. Please note that the deadline for submitting comments is July 30, 2019. Please share as appropriate.

Thanks,

Tania M. Sharp
Exceptional Child Consultant
Individual Programming Branch
Division of IDEA Monitoring & Results
Office of Special Education & Early Learning

Kentucky Department of Education
300 Sower Blvd., 5th Floor
Frankfort, KY 40601
(502) 564-4970, ext. 4124 | Fax (502) 564-6470
Email: tania.sharp@education.ky.gov

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From: Kentucky Department of Education [mailto:KYDE@public.govdelivery.com]
Sent: Tuesday, July 16, 2019 9:28 AM
To: Sharp, Tania - Division of IDEA Monitoring and Results <tania.sharp@education.ky.gov>
Subject: Public comment sought on proposed alternate assessment waiver

Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher

Chief Communications Officer
Office: (502) 564-2000, ext. 4611
Cell: (502) 229-1915
Jessica.Fletcher@education.ky.gov
R19-102

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Kentucky Department of Education

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From: Starkey, Sylvia - KDE Division Director
To: kydose@lsv.uky.edu
Cc: Sharp, Tania - Division of IDEA Monitoring and Results
Subject: FW: Public comment sought on proposed alternate assessment waiver
Date: Thursday, July 18, 2019 10:47:23 AM
Attachments: image001.png

Good Morning,

Below please find information on the Kentucky Department of Education's proposed waiver request regarding alternate assessments. Please note the deadline for submitting public comments is July 30, 2019.

Please share as appropriate.

Sylvia M. Starkey
Director
Division of IDEA Monitoring and Results
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-4970, ext. 4118
Email: sylvia.starkey@education.ky.gov

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From: Kentucky Department of Education [mailto:KYDE@public.govdelivery.com]
Sent: Tuesday, July 16, 2019 9:28 AM
To: Starkey, Sylvia - KDE Division Director <sylvia.starkey@education.ky.gov>
Subject: Public comment sought on proposed alternate assessment waiver

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Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher
Chief Communications Officer

Office: (502) 564-2000, ext. 4611
Cell: (502) 229-1915
Jessica.Fletcher@education.ky.gov
R19-102

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Kentucky Department of Education

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From: Starkey, Sylvia - KDE Division Director
To: Nixon, Rebecca; becky.nixon@nkces.org; Christel Bogar; Bates, Dionne; Davis, Kelly - (GRREC); Reynolds, Melissa -SESC Coop; Grable, Patty - WKEC; Karsner, Ramona; stephanie.little@kedc.org; Bronger, Latricia
Cc: Sharp, Tania - Division of IDEA Monitoring and Results; Hylton, Gretta - KDE Associate Commissioner
Subject: FW: Public comment sought on proposed alternate assessment waiver
Date: Thursday, July 18, 2019 11:11:42 AM
Attachments: image002.png

Good Morning,

Below please find information on the Kentucky Department of Education's proposed waiver request regarding alternate assessments. Please note the deadline for submitting public comments is July 30, 2019.

Please share as appropriate.

Sylvia M. Starkey
Director
Division of IDEA Monitoring and Results
Office of Special Education and Early Learning

Kentucky Department of Education
300 Sower Blvd. – 5th floor
Frankfort, KY 40601
(502) 564-4970, ext. 4118
Email: sylvia.starkey@education.ky.gov

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From: Kentucky Department of Education [mailto:KYDE@public.govdelivery.com]
Sent: Tuesday, July 16, 2019 9:28 AM
To: Starkey, Sylvia - KDE Division Director <sylvia.starkey@education.ky.gov>
Subject: Public comment sought on proposed alternate assessment waiver

Kentucky Department of Education

News Release

Media Contact: Jessica Fletcher

Chief Communications Officer
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R19-102

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Kentucky Department of Education

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From: _____
To: Starkey, Sylvia - KDE Division Director
Subject: Increase waiver
Date: Thursday, July 18, 2019 5:41:07 PM

I agree that the number of waiver recipients should exceed the 1% because we are living in an age of more and more babies impacted by the use alcohol and drugs by their mothers. There may have been a time when 1% of the population had some sort of severe birth defects, but those days are long gone. Younger mothers, lack of appropriate health care, and use of drugs and/or alcohol have a severe impact on many births today.

Special Services teacher
Tamarack Elementary

From: _____
To: Starkey, Sylvia - KDE Division Director
Subject: Limited waiver numbers
Date: Monday, July 22, 2019 11:04:15 AM

Limiting numbers based on a perceived governmental formula is a disservice to students with cognitive impairments. I understand that the limit provides a kind of check and balance system of over identification that would as an end result pad district test scores. However, what the limit does is limit services to students in need. I am just glad the the government has not decided to use a formula that caps the number of individuals that can be diagnosed and treated with breast cancer or diabetes at the same time. We all want there to be less disabled and hurt people, but unfortunately the incidence will never fit in a formula designed by governmental committees.

From: Thursday, July 25, 2019 7:25 AM
Sent: Starkey, Sylvia - KDE Division Director
To: Public Comment Alt. Assessment
Subject:

As a Director of Special Education working in the schools daily I see the struggles of the students. Currently within our district we are serving and assessing 1 student with only a portion of their brain and severe auto immune disorder, 1 student who nonverbal, several deformities, and low IQ on nonverbal WISC and others that are low functioning due to the drugs ingested during the mothers pregnancy. We have students who take the state assessment whom should actually be on alternate assessment and the parents what their child to graduate with a regular diploma rather than a certificate of completion. Also, if you are a smaller district it could be 1 student that qualifies you for the 1% over in alt. assessment. Thank you

Somerset Independent Schools
Director of Special Education and Preschool
305 College St.
Somerset, KY 42501

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RESPONSE TO PUBLIC COMMENTS

RELATING TO WAIVER REQUEST PURSUANT TO 34 C.F.R. §200.6(c)(4)

Kentucky Department of Education

I. Pursuant to 34 C.F.R. §200.6(c)(4), the Kentucky Department of Education ("KDE") will seek to extend a waiver for the 2019-2020 school year from the Secretary for the United States Department of Education. The regulation in question, found at 34 C.F.R. 200.6(c)(2), required State Education Agencies such as the KDE to limit the total number of students assessed in a subject area using an alternate assessment. The limit on the percentage of students assessed by the alternate assessment is set by the federal regulation, stating there shall be no more than 1.0 percent of the total number of students taking the alternate assessment assessed in each subject area.

Three written comments on the proposed request for a waiver pursuant to 34 C.F.R. §200.6(c)(4) were received during the public comment period held July 16, 2019 through July 30, 2019.

II. The following individuals submitted written comments:

Name and Title	Agency/ Organization/ Entity/ Other
, Special Services Teacher	Daviess County School District
no Title Provided	No Information Provided
Director of Special Education & Preschool	Somerset Independent Schools

Summary of Comments and Responses:

1) **Subject Matter:** Population of students with special needs.

Comment: One commenter expressed support for the waiver and stated there is an increasing population of students with special needs directly related to the lack of appropriate health care and the use of drugs and alcohol. The commenter stated that in the past this specific population may have been at 1.0 percent, however that has changed. (Anne McAtee, Daviess County School District)

Response: The agency appreciates the comment from the special educator's perspective and acknowledges the impact of substance abuse on families. The agency also understands that there is not a natural cap on the number of children born with significant cognitive disabilities each year. No amendments to the proposed waiver request were made in response to this comment.

2) **Subject Matter:** Limitation on student participation.

Comment: One commenter stated a limitation on numbers is a disservice to students with cognitive impairments and limits services to students in need. The commenter stated a limit on participation provides a check and balance system to possible district over identification that could end in padded assessment scores. The commenter stated a formula that caps the number

of students due to medical needs is not appropriate. (Connie Morrison)

Response: The agency acknowledges the possible implications of limiting alternate assessment participation. The agency also understands there is not a natural cap on the number of children born with significant cognitive disabilities each year. No amendments to the proposed waiver request were made in response to this comment.

3) **Subject Matter:** Population of students participating.

Comment: One commenter shared information on characteristics of students currently participating in the alternate assessment whose disability may be directly related to parental use of drugs during pregnancy. The commenter stated parents of students with significant disabilities want their children to participate in the general state assessment and graduate with a diploma rather than the alternative high school diploma. The commenter stated there are instances where the population of students participating in the alternate assessment will exceed 1.0% due to the small student population of the district. (Carol Cravens, Somerset Independent Schools)

Response: The agency appreciates the comment from the special educator's perspective and acknowledges the impact of substance abuse on families. The 1.0% cap of students participating in the alternate assessment applies to the state as a whole and is not a requirement of individual school districts. The agency recognizes there may be legitimate reasons for a district to have more than 1.0% of its student body participating in alternate assessment and plans to conduct investigations to determine specific reasons when districts have a higher percentage of students participating in the alternate assessment. No amendments to the proposed waiver request were made in response to this comment.

Summary of Action Taken By the Kentucky Department of Education

The Kentucky Department of Education received and responded to a total of three public comment(s) regarding the proposed 1.0 percent cap waiver request. As indicated above, the agency reviewed all feedback it received and found that no changes were needed to its proposed waiver request to the United States Department of Education.

Reading Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State ELA AA AAAS Gr. 3-8 and HS	% Taking State ELA AA AAAS Gr. 3-8 and HS
All Students	352,312	4,094	1.16%
White	270,677	3,195	1.18%
Black	36,830	483	1.31%
Hispanic/Latino	23,993	214	0.89%
Asian	6,072	61	1.00%
American Indian/ Alaska Native			
Pacific Islander			
Two or More Races	13,813	127	0.92%
Econ. Disadv.	214,150	3,346	1.56%
English Learner	12,103	198	1.64%
Migrant	1,340	15	1.12%
Homeless	7,837	137	1.75%

Math Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State Math AA AAAS Gr. 3-8 and HS	% Taking State Math AA AAAS Gr. 3-8 and HS
All Students	352,290	4,072	1.16%
White	270,660	3,178	1.17%
Black	36,832	485	1.32%
Hispanic/Latino	23,988	209	0.87%
Asian	6,068	57	0.94%
American Indian/ Alaska Native			
Pacific Islander			
Two or More Races	13,817	131	0.95%
Econ. Disadv.	214,102	3,298	1.54%
English Learner	12,101	196	1.62%
Migrant	1,340	15	1.12%
Homeless	7,843	143	1.82%

Writing Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State Writing AA AAAS Gr. 3-8 and HS	% Taking State Writing AA AAAS Gr. 3-8 and HS
All Students	148,387	1,857	1.25%
White	115,369	1,474	1.28%
Black	15,505	204	1.32%
Hispanic/Latino	9,359	88	0.94%
Asian	2,618	29	1.11%
Indian/Alaska Native			
Pacific Islander			
Two or More Races	5,136	56	1.09%
Econ. Disadv.	86,542	1,463	1.69%
English Learner	3,947	67	1.70%
Migrant			
Homeless	2,919	52	1.78%

Social Studies Grades 3 - 8 and High School (HS)

Group	Total Grades 3-8 and HS	# Taking State Social Studies AA AAAS Gr. 3-8 and HS	% Taking State Social Studies AA AAAS Gr. 3-8 and HS
All Students	102,302	1,220	1.19%
White	78,771	957	1.21%
Black	10,641	129	1.21%
Hispanic/Latino	6,882	68	0.99%
Asian	1,774	21	1.18%
Indian/Alaska Native			
Pacific Islander			
Two or More Races	3,966	40	1.01%
Econ. Disadv.	62,278	989	1.59%
English Learner	2,897	48	1.66%
Migrant			
Homeless	2,168	38	1.75%

Science Grades 3 - 8 and High School (HS)			
Group	*Total Grades 3-8 and HS*	*# Taking State Science AA AAAS Gr. 3-8 and HS*	*% Taking State Science AA AAAS Gr. 3-8 and HS*
All Students	*148,021*	*1,715*	*1.16%*
White	*114,345*	*1,366*	*1.19%*
Black	*15,630*	*210*	*1.34%*
Hispanic/Latino	*9,683*	*64*	*0.66%*
Asian	*2,587*	*18*	*0.70%*
Indian/Alaska Native			
Pacific Islander			
Two or More Races	*5,374*	*54*	*1.00%*
Econ. Disadv.	*87,581*	*1,360*	*1.55%*
English Learner	*4,929*	*72*	*1.46%*
Migrant			
Homeless	*3,126*	*56*	*1.79%*

Table 1*: 2018-2019 Alternate Assessment Participation by Subject (preliminary data*)*

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT (2018-2019 SY)*	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*
Reading (elem/middle/high)	4,023	351,037	1.15%
Mathematics (elem/middle/high)	4,030	351,044	1.15%
Science (elem/middle/high)	1,786	147,236	1.21%
Social Studies[1] (elem/middle)	1,137	101,795	1.12%
Writing (elem, middle, high)	1,720	147,218	1.17%

* Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

[1] Social Studies was not assessed in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Table 5: ***2018-2019 Overall Statewide Assessed by Subject (preliminary data*)***

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts (R/LA) - All Students Total Grades 3 - 8 and High School (HS)	306,072	303,744	99.24%
Reading/Language Arts - Students with Disabilities (SWD) Total Grades 3 - 8 and HS	47,929	47,293	98.67%
Mathematics - All Students Total Grades 3 - 8 and HS	306,072	303,744	99.24%
Mathematics - SWD Total Grades 3 - 8 and HS	47,942	47,300	98.66%
Writing - All Students Total Grades 3 - 8 and HS	130,986	129,627	98.66%
Writing - SWD Total Grades 3 - 8 and HS	17,914	17,591	98.2%
Social Studies - All Students Total Grades 3 - 8 and HS	88,952	88,399	99.38%
Social Studies - SWD Total Grades 3 - 8 and HS	13,567	13,396	98.74%
Science - All Students Total Grades 3 - 8 and HS	129,967	128,618	98.96%
Science - SWD Total Grades 3 - 8 and HS	18,915	18,618	98.43%

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Categories for Risk Ratio Calculation

Subjects

- Reading (Elementary/Middle)
- Math (Elementary/Middle)
- Writing (Elementary/Middle/High)
- Science (Elementary/Middle)
- Social Studies (Elementary/Middle)
- English II (High)
- Algebra II (High)
- US History (High)

Student Groups

- Race
- Gender
- Free/Reduced Lunch Eligible
- English Learners
- Migrant
- Homeless

Calculation – Risk Ratio

A risk ratio is the comparison of two different risks:

The risk for a specific student group to participate in alternate assessment

Compared To

The risk for all students NOT in that student group to participate in alternate assessment

Example

- *White students taking alternate assessment:* **2**
- *All white students assessed in the district:* **250**
- *Non-white students taking alternate assessment:* **4**
- *Non-white students assessed in the district:* **2000**

- *Risk of white students taking alt. assessment:* **2/250 = 0.008 = 0.8%**
- *Risk of non- white students taking alt. assessment:* **4/2000 = 0.002 = 0.2%**
- *Risk ratio* = **0.8/0.2 = 4.00**

- White students are 4.00 times more likely than non-white students to take the alternate assessment

Alternate Assessment Advisory Group
300 Sower Boulevard
Frankfort, KY
October 25, 2018
9:00 a.m. – 3:30 p.m. ET
Location: Room # 516

AGENDA

I. Welcome and Overview of Meeting Agenda and Outcomes

Jeanna Mullins
University of Kentucky

II. Update Justification Process and Form
   a. Pre-populating Data for Districts
   b. How will KDE use the data from Justification Form?

III. Finalize Changes to Guidance Document

IV. Review and Refine Record Review Document

V. Disproportionality
   a. Statewide data by subject and subgroup
   b. Data Manager discussion with group on data standard and analysis
   c. Develop a Scale-up plan based on continuous improvement model
      i. What does it look like at the state and district level?
   d. Feedback on Participation Guidelines Desk Review Report – Monitoring based on disproportionality risk ratio

VI. Updating of All Guidance Documents
   a. Parent Guide
   b. Guidance for ARC Decisions
   c. Other

VII. Adjournment

Mission Statement:
The Kentucky Department of Education's mission is to prepare all Kentucky students for next-generation learning, work and citizenship by engaging schools, districts, families and communities through excellent leadership, service and support.

Kentucky Department of Education

Our Children, Our Commonwealth

Amy Patterson
Systems Consultant/IT
IDEA Part B Data Manager
Office of Special Education and Early Learning
Jarrod S. Slone, Intervention Consultant,

Categories for Risk Ratio Calculation

Subjects

- Reading (Elementary/Middle)
- Math (Elementary/Middle)
- Writing (Elementary/Middle/High)
- Science (Elementary/Middle)
- Social Studies (Elementary/Middle)
- English II (High)
- Algebra II (High)
- US History (High)

Student Groups

- Race
- Gender
- Free/Reduced Lunch Eligible
- English Learners
- Migrant
- Homeless

Calculation – Risk Ratio

- *A risk ratio is the comparison of two different risks:*

The risk for a specific student group to participate in alternate assessment

Compared To

The risk for all students NOT in that student group to participate in alternate assessment

Example

- *White students taking alternate assessment:* **2**
- *All white students assessed in the district:* **250**
- *Non-white students taking alternate assessment:* **4**
- *Non-white students assessed in the district:* **2000**

- *Risk of white students taking alt. assessment:* **2/250 = 0.008 = 0.8%**
- *Risk of non- white students taking alt. assessment:* **4/2000 = 0.002 = 0.2%**
- *Risk ratio* = **0.8/0.2 = 4.00**

- White students are 4.00 times more likely than non-white students to take the alternate assessment

Kentucky Department of
Our
Children,
Our
Commonwealth
Education

Significant Disproportionality Revised and New Regulations 34 CFR §300.646-647

Chris Thacker, IDC Data Center
Jarrod S. Slone, Intervention Consultant,

tinyurl.com/SACECCCEIS

Who am I?

- Jarrod S. Slone, Intervention Consultant-KDE
  - Intervention/RtI
  - Intervention Tab
    - ✓Assist with RTA and MAF
  - Extended School Services (ESS)
  - Comprehensive Early Intervening Services (CEIS) and Coordinated Early Intervening Services (CCEIS)
  - ILP
  - Kentucky Literacy Intervention Project 6th-12th (KLIP)
  - Performance Based Instruction
  - College and Career Readiness-Transitions

Timeline for Feedback
June-October 2017

- States must meet with stakeholders to develop:
  - Reasonable risk ratio thresholds
  - Reasonable cell sizes
  - Reasonable n-sizes
  - Reasonable progress
  - Number of years of data to be used for designation
  - Justification for each of the items above

Timeline
August-December 2017

- State to review and revise policies and procedures necessary to comply with new regulations.

Timeline
January-March 2018

- Public hearings and opportunity for comment on new policies and procedures.

What is Coordinated Early Intervening Services (CEIS)-Voluntary?

34 CFR 300.226

- K-12
- Up to 15% of IDEA Part B funds (611 and 619)
- Only children not currently identified as needing special services may be served
- Required reporting

What is Comprehensive Coordinated Early Intervening Services (CCEIS)?

- The U.S. Department of Education requires all local education agencies (LEAs) that are identified as having significant disproportionality in accordance with 34 CFR §300.646 to implement Comprehensive CEIS (CCEIS)

What funds are used for CCEIS?

- LEAs with Significant Disproportionality must reserve EXACTLY 15% of their combined allocations from Sections 611 and 619 under Part B of the Individuals with Disabilities Education Act (IDEA) to implement CCEIS.

“Data tells your story.
It paints a picture of who you are.”

“ Data, Data Everywhere”, 2nd edition, Victoria Bernhardt, 2016

Root Cause Analysis

- Each district found to be significantly disproportionate must complete a root cause analysis
- Results must be made public if policies and/or procedures are changed as a result of the analysis
  - The KDE must also be notified of any changes to policies or procedures

Root Cause Analysis

1. Data Based Decision Making

- Does our school or district identify data elements or quality indicators that are tracked over time to measure school effectiveness?
- What are those data elements?
- Are the data valid and reliable? Are data disaggregated by child/student demographics such as race, ethnicity, gender, disability, etc. to identify gaps in achievement and performance and trends with over- or under-representation in identification, placement, and discipline?

Root Cause Analysis

2. Data Based Decision Making

- Are school staff prepared to work with children/students from diverse cultural and linguistic backgrounds?
- Is our school culture responsive and welcoming to children/students and families from culturally/linguistically diverse groups?
- To what degree does our teaching staff reflect the cultural/linguistic makeup of our school's population?
- Are teachers familiar with the beliefs, values, cultural practices, discourse styles, and other features of children's/students' lives that may have an impact on classroom participation and success, and are they prepared to use this information in designing instruction?

Root Cause Analysis

3. Core Instructional Program

- Do all groups of children in our school receive high-quality instruction based on the principles of Universal Design for Learning?
- Are all of our teachers skilled in teaching a classroom filled with learners who are diverse culturally, linguistically, and in learning style?
- Are all families aware of the core curriculum and of the differentiations/accommodations/ modifications provided for their child?

Root Cause Analysis

4. Assessment-Universal Screening and Progress Monitoring

- Does our school have a system that routinely and regularly screens all children/students for risk factors that might require early intervention?
- Does every classroom teacher regularly screen or monitor child/student performance/progress and adjust instruction for individual children/students based upon the results?
- Are teachers supported to implement developmental, academic, and/or behavior interventions in the general education setting?
- Are families informed about the results of universal screening and/or progress monitoring for their child?

Root Cause Analysis

5. Interventions and Support

- Are children/students with academic challenges identified?
- Are they provided with instructional interventions?
- Are these interventions evidence-based? Are the interventions culturally appropriate for our children/students?
- Are they implemented with fidelity? Does the school implement a system of positive behavioral interventions and supports?
- Does the school implement a multi-tiered system of supports (MTSS)? Is the system implemented with fidelity?
- Is the system culturally appropriate for the diversity of our child/student population?
- Have we used data to determine its effectiveness?

Who can benefit from CCEIS?

- LEAs can use CCEIS funds for students without disabilities Kindergarten through grade 12* who need additional academic and behavioral support to succeed in a general education environment.

**Beginning July 1, 2018, CCEIS may be provided to children with and without disabilities age 3 through grade 12.*

What activities can LEAs use for CCEIS?

- CCEIS funds can be used to provide:
  - Professional development and education, behavioral evaluations, services, and supports.

The activities must address, at minimum, factors and the policy, practice, or procedure contributing to significant disproportionality as identified for their district.

Of note…

- CCEIS services must occur above and beyond all other required interventions required by state legislation.
- In other words, students **must continue to receive required tiers of intervention** *in addition* to any CCEIS services offered.

Questions

- tinyurl.com/SACECCCEIS

For questions about CEIS/CCEIS…

- Programming
  - Jarrod S. Slone, jarrod.slone@education.ky.gov
- Finance
  - Karla Miller, karla.miller@education.ky.gov
  - Johnathan Compton, jonathan.compton@education.ky.gov
- Data and Eligibility
  - Amy Patterson, amy.patterson@education.ky.gov

Kentucky Department of Education

Our Children, Our Commonwealth

Significant Disproportionality

Presented by:
Amy Patterson, M.Ed.
Systems Consultant/IT
IDEA Part B Data Manager

Office of Special Education and Early Learning

Origins

- Years of research
- Patterns of disproportionality in the *Annual Report to Congress on IDEA*
- IDEA 1997
  - Established requirements for Significant Disproportionality (SD)
  - Required disaggregation of data by race/ethnicity
  - Established discipline collection

Current Rules

- IDEA 2004 and related regulations
  - Made disproportionality by race a monitoring priority
  - Put more focus on general education setting
  - Made intervention mandatory for districts who are found to have significant disproportionality
    - ✓ Requires these districts to reserve 15% of IDEA funds for Comprehensive Coordinated Early Intervening Services (CCEIS)
    - ✓ Requires districts to review policies, practices, and procedures

Current Rules

- States are looking for SD in 14 areas of identification, placement, and discipline
- After changes in 2004, the federal government was still seeing disproportionality in the *Annual Report to Congress* because few districts were being identified across the nation.

Categories of Identification

- Three main areas:
  - Identification (6 – 21)
  - Placement (6 – 21)
  - Discipline (3 – 21)

Categories of Identification (1)

- Identification of students ages 6 – 21 as students with disabilities (SWD)
- Identification of students ages 6 – 21 in the following categories:
  - Intellectual Disabilities (MMD/FMD)
  - Specific Learning Disabilities (SLD)
  - Emotional and Behavior Disorders (EBD)
  - Speech or Language Impairments
  - Other Health Impairments (OHI)
  - Autism

Categories of Identification (2)

- Placements of SWDs ages 6 – 21 inside a regular class 40% - 79 % of the day
- Placements of SWDs ages 6 – 21 inside a regular class less than 40% of the day
- Placements of SWDs ages 6 – 21 inside separate schools and residential facilities, not including homebound or hospital settings, correctional facilities, or private schools

Categories of Identification (3)

- For SWDs **ages 3 through 21**, out-of-school suspensions and expulsions of up to 10 days
- For SWDs **ages 3 through 21**, out-of-school suspensions and expulsions of more than 10 days
- For SWDs **ages 3 through 21**, in-school suspensions and expulsions of up to 10 days
- For SWDs **ages 3 through 21**, in-school suspensions and expulsions of more than 10 days

Categories of Identification (4)

- For children with disabilities ages **3 – 21**, disciplinary removals in total, including in-school and out-of-school suspensions, expulsions, removals by school personnel to an interim alternative educational setting, and removals by a hearing officer.

Calculations – Risk Ratio

A risk ratio is the comparison of two different risks:

The risk for a specific racial/ethnic group to be identified/placed in certain educational settings/subject to disciplinary removals or suspensions.

Compared To

The risk of children of other racial or ethnic groups in the LEA to be subject to the same outcome.

Example 1

- Risk Ratio
  - The risk of Hispanic students being identified with autism

Compared to

  - The risk of non-Hispanic students being identified with autism

Example 1

- *Hispanic students (ages 6 – 21) with autism:* **10**
- *Hispanic students (ages 6 – 21) in the district:* **250**
- *Non-Hispanic students (ages 6 – 21) with autism:* **20**
- *Non-Hispanic students (ages 6 – 21) in the district:* **2000**

- *Risk of Hispanic students being identified with autism:* **10/250 = 0.04 = 4%**
- *Risk of non-Hispanic students being identified with autism:* **20/2000 = 0.01 = 1%**
- *Risk ratio* = **4/1 = 4.00**

Example 2

- Risk Ratio
  - The risk of an African American student being subject to in-school suspension for 10 days or less

Compared to

  - The risk of a non-African American student being subject to in-school suspension for 10 days or less

Example 2

- *AA students (ages 3 – 21) with IEPs with in-school suspensions up to 10 days in 2016-17:* **20**
- *AA students (ages 3 – 21) with IEPs in the district in 2016-17:* **100**
- *Non-AA students (ages 3 – 21) with IEPs with in-school suspensions up to 10 days in 2016-17:* **50**
- *Non-AA students (ages 3 – 21) with IEPs in the district in 2016-17:* **800**

Example 2

- *Risk of AA students being subject to in-school suspension up to 10 days:* **20/100 = 0.2 = 20%**
- *Risk of non-AA students being subject to in-school suspension up to 10 days:* **50/800 = 0.0625 = 6.25%**
- *Risk ratio* = **20/6.25 = 3.20**

October 2017

New Every Student Succeeds Act (ESSA) 1% Cap on Alternate Assessment Participation

- States must ensure the total number of students **assessed** in **each** subject using alternate assessments does not exceed 1% of the total number of all students **in the state** who are assessed in that subject.
- Kentucky's waiver was approved and is limited to one year.

DRAFT

ESSA Requirements

- Admission and Release Committees (ARCs), consistent with state's guidelines, determine when a child with a significant cognitive disability shall participate in the alternate assessment.
- Nothing in law permits the state to limit a district to the 1% cap on the percentage of students administered an alternate assessment

DRAFT

ESSA Requirements continued

- Any district exceeding 1% of their students participating in the alternate assessment must submit information to the state justifying the need to exceed 1%
- State must provide oversight and support to districts that submit justifications for exceeding 1%
- State must make a district justification available to the public (as long as doing so does not reveal any personal identifiable information)

DRAFT

Kentucky's 1% Cap waiver request is required to include:

- Data on number and percentage of students in each subgroup taking the alternate assessment.
- Data showing the state assessed at least 95% of all students and 95% of students with disabilities
- Assurances that the state has verified justifications for each district anticipated to assess more than 1% of their students using an alternate assessment.

DRAFT

Kentucky's 1% Cap waiver request is required to include (continued):

- State plan and timeline to improve implementation of alternate assessment participation guidelines for ARCs
- Additional oversight and support for districts to address any disproportionality

DRAFT

Kentucky's 1% cap waiver request is required to include (continued):

- Guidelines are to include a state definition of "students with the most significant cognitive disabilities" that addresses:
  - factors related to a particular disability, previous low academic achievement, need for accommodations, need for extensive, direct individualized instruction and substantial supports to achieve measurable gains on challenging grade-level content standards
- Guidelines must provide ARCs with clear explanation of implications of participating in an alternate assessment

What data sources can be used to identify appropriate alternate assessment eligibility?

Data Sources

- 1% calculation of assessment populations in each subject
- Alternate Assessment Score Distributions
- Child Count disability category calculation comparisons
- Alternate Assessment Learner Characteristics Data comparisons

Red Flag = Indicator that something needs to be questioned or otherwise validated

- Look for :
  - a higher percentage of students participating in the alternate assessment.
  - higher percentage of proficient in districts above 1%
  - disability category (categories that do not include cognitive functioning in the eligibility determination criteria)
    - ✓ There are primarily only four disability categories that appear to have students with significant cognitive disabilities. However, all students in other categories must also have an intellectual disability.
    - ✓ They include, but are not limited to: Autism, Functional Mental Disability, Multiple Disabilities, Traumatic Brain Injury.
  - higher % of symbolic expressive and receptive understanding
  - correct use of the participation guidelines when defining a student as having significant cognitive disability

Sample District Calculation

District	Total K-PREP Grades 3-8 & Grade 9	Alternate Assessment Participants	Percent	# to meet 1%	Reduction
District A	10,797	111	1.0%	0	0
District B	3,029	59	1.9%	30	-29

Remember: A reduction in students does not include taking students off of the alternate assessment. There are clear and appropriate justifications for some districts to exceed 1% of their students participating in the alternate assessments.

Disability Category State Data

Disability	Number
Autism = AUT	1,592
Deaf Blind = DB	5
Developmentally Delayed = DD	44
Emotional Behavior Disability = EBD	12
Functional Mental Disability = FMD	2,562
Hearing Impaired = HI	4
Mild Mental Disability = MMD	837
Multiple Disabilities = MD	994
Orthopedically Impaired = OI	20
Other Health Impaired = OHI	123
Specific Learning Disability = SLD	4
Speech Language Impairment = SLI	1
Traumatic Brain Injury = TBI	51
Visually Impaired = VI	3
blank (requires further investigation)	12
Total	6,264

KY Alternate Assessment Participants

Overall, statewide participation in Reading (2015-16) was **1.18%**

Total K-PREP Grades 3-8 & Grade 9	AA Participants	Percent	# to meet 1%	Reduction
353,187	5300	1.18%	3,531	- 637

Calculating District Category Distributions

- Instructions for calculating the district percentage for participation can be downloaded at: Calculating Participation Percentage

- School Report Card located at: School Report Card

Questions?

- If you have any questions regarding the training document please contact Yayo Radder or Tania Sharp at the Kentucky Department of Education at 502-564-4970

Yayo.radder@education.ky.gov

Tania.sharp@education.ky.gov

DRAFT

2017-2018 Timeline	Completion Data
Alternate Assessment and Diploma Advisory Group Created	June 6, 2017
Advisory Group First Meeting	July 7, 2017
Kentucky waiver request out for public comment	July 19, 2017
Kentucky waiver submitted to OSEP	August 7, 2017
Beginning of Year Training for LEAs	September 13, 2017
KDE approved new Alternate Assessment Participation Guidelines form and Definition of a Student with the Most Significant Cognitive Disability	November 1, 2017
KDE internal training on new AA participation guidelines and monitoring process	October 31 through November 8, 2017
Special Education Cooperative - Low Incidence Consultants training on new guidelines. Training provided by KDE. Also known as P4AA Project	November 1 & 20, 2019
LEAs training provided by Regional Low Incidence Consultants on new guidelines	November 2017- February 2018
OSEP Approval of Kentucky Waiver Request	October 27, 2017

Tasks	Completion Data
New Participation Guidelines live in Infinite Campus	February 2018
Effective Instructional Leadership Act (EILA) certificate acquired for module completion	February 7, 2018
Ongoing training for LEAs - **Regional Special Education Cooperative Training Schedules**	Ongoing
Alternate Assessment and Alternate Diploma Advisory Group Meetings	Ongoing. Meeting Dates: See *1 percent Waiver Work Meeting Schedule*
Survey to DoSE to provide feedback to KDE on alternate assessment participation decisions and current training and guidance	April 9, 2018
KDE released informative video on how to complete participation guidelines in Infinite Campus (per District request)	April 18, 2018
KDE released Participation Guidelines Record Review document **– process for districts to review and monitor the identification of students taking the alternate assessment.**	May 30, 2018
Desk reviews of participation guidelines for students participating in the alternate assessment - **Districts identified as exceeding 1% participation** - **Districts with the highest disproportionality risk ratios**	July – September 2018
SACEC Meeting	September 6-7, 2018
KDE requested written assurance from districts exceeding 1.0%	August 16, 2018
Kentucky waiver request out for public comment	July 19, 2018
Kentucky request to extend waiver submitted to OSEP	August 7, 2018
Kentucky waiver request addendum submitted to OSEP	November 1, 2018
OSEP approval of Kentucky request to extend waiver	January 31, 2019

Tasks	Completion Data
KDE approved new and revised training modules, guidance documents and Kentucky Alternate Assessment Participation Waiver webpage released.	February 12, 2019
AA Participation Guidelines Desk Review	June 14-July 12, 2019

2018-2019 Timeline	Completion Date
KDE released Participation Guidelines Record Review document **– process for districts to review and monitor the identification of students taking the alternate assessment.**	May 30, 2018
Desk reviews of participation guidelines for students participating in the alternate assessment	July – August 2018
Kentucky waiver request out for public comment	July 19, 2018
Kentucky request to extend waiver submitted to OSEP	August 7, 2018
KDE requested written assurance from districts exceeding 1.0%	August 16, 2018
Kentucky waiver request addendum submitted to OSEP	November 1, 2018
OSEP approval of Kentucky request to extend waiver	January 31, 2019
KDE approved new training module, guidance documents and webpage released.	February 12, 2019
AA Participation Guidelines Desk Review	June 24-July 15, 2019
KDE requested written assurance from districts exceeding 1.0%	July 15, 2019
Kentucky waiver request out for public comment: - **Public news release needed** - **Emails from Associate Commissioner to all stakeholders of public comment period**	July 15, 2019
- **Public Comment period ends**	July 29, 2019
Statement of Considerations: - **Must respond to all public comments (ongoing during public comment period)** - **Make any edits needed to waiver based on public comment**	**August 6, 2019**
Kentucky waiver needs to be submitted to OSEP - **Must be submitted 90 days prior to assessment**	August 6, 2019

2018-2019 Timeline	Completion Date
- **Post waiver and attachments to website**	
Tentative start date of alternate assessment testing window is Nov 4, 2019	November 4, 2019
Beginning of Year Training for LEAs	Around September, 26, 2019
KDE publicly reports initial assessment data for the school year 2018-2019. - **per state regulation 703 KAR 5:240 Section 7, local school districts have 10 days after the official release, to request adjustments to or appeal their data.** - **The KDE requires time to review the requested appeals and adjustments in order to validate the data for a final public release.**	October 2019

2019-2020 Timeline	Completion Date
Kentucky waiver request out for public comment: - **Public news release needed** - **Email from Gretta to all stakeholders of public comment period**	July 15, 2019
Public Comment period ends	July 29, 2019
Statement of Considerations: - **Must respond to all public comments (ongoing during public comment period)** - **Make any edits needed to waiver based on public comment**	July 31, 2019
Kentucky waiver needs to be submitted to OSEP - **Must be submitted 90 days prior to assessment** - **Tentative start date is Nov 4, 2019**	**August 6, 2019**
Post Waiver and attachments to website	August 2019
KDE Meeting to plan Alternate Assessment and Diploma Advisory Group Meetings and Agendas	August 2, 2019
Alternate Assessment and Diploma Advisory Group Meeting - **Develop Regional Capacity Training** - **Review and edit Parent Module** - **Review and edit Parent Flyer**	August 14, 2019
Alternate Assessment and Diploma Advisory Group Meeting - **Review AA-AAAS Desk Review Results** - **Final drafting of guidance and trainings** -	September 11, 2019
Beginning of Year Training for LEAs	August 21 & 23, 2019 September 11, 13, 19, 20, & 27, 2019 October 18, 2019
KDE publicly reports initial assessment data for the school year 2018-2019. - **per state regulation 703 KAR 5:240 Section 7, local school districts have 10 days after the official release, to**	Around September, 26, 2019

2019-2020 Timeline	Completion Date
request adjustments to or appeal their data. - **The KDE requires time to review the requested appeals and adjustments in order to validate the data for final data public release.**	
KDE - AA-AAAS Benchmark Report Review	October – November 2019
Regional Capacity Training: **CEC conference:** - **Presentations to include:** o **2019-2020 waiver** o **New guidance and training** o **Priorities and challenges** o **AA-AAAS**	November 2019
District-level AA-AAAS participation data review	November 2019
District Justifications	December 2019
AADAG Meeting to review justifications and training feedback	January 2020
Monitoring of Alternate Assessment Participation	Spring 2020

Participation for Alternate Assessment (P4AA) Project Module Training Outline

Administrators Track

- Focuses on:
  - How my LEA fits into the bigger picture. (Modules 1 and 5)
  - How my LEA stays compliant with state expectations. (Modules 2 and 4)

Educators Track

- Focuses on:
  - How what I see and collect in the classroom informs how my student participates in KY assessments. (Module 3)
  - How what I see and collect in the classroom informs the completion of the LCI (Module 4)

Annual Review for ARC Members Module (NEW)*

- Refresher module focuses on:
  - How to complete the participation guidelines.
  - How what I see and collect in the classroom informs how my student participate in KY assessments.
  - How what I see and collect in the classroom informs the completion of the LCI

Learning Management System: Modules Training Outline

Module 1

The KY 1% Alternate Assessment Waiver

- Change in Reporting Requirement
- Communicating w/ District Staff

Module 2

Completing the Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to use the Participation Guidelines for determination

Module 3

Preparing for ARC - Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to prepare to answer the Participation Guidelines' 4 Criterions

Module 4

Completing the Learner Characteristics Inventory

- Purpose & Use
- Guidance on answering each question

Module 5

Understand Your LEAs Alternate Assessment Population in Relation to the Cap

- Data Sources that could be used
- LEA comparisons
- Red Flags to explore

Learning Management System: P4AA 1% Training Modules

Each DOSE in the state must successfully complete (modules in green):

Module 1

The KY 1% Alternate Assessment Waiver

- Change in Reporting Requirement
- Communicating w/ District Staff

Module 2

Completing the Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to use the Participation Guidelines for determination

Module 3

Preparing for ARC - Participation Guidelines

- Defining a Significant Cognitive Disability
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- Purpose & Use
- Guidance on answering each question

Module 5

Understand Your LEAs Alternate Assessment Population in Relation to the Cap

- Data Sources that could be used
- LEA comparisons
- Red Flags to explore

***Keep Certificates of Completion for your records**

Learning Management System: P4AA 1% Training Modules

Each ARC chair in the state must successfully complete (all modules in yellow):

Module 1

The KY 1% Alternate Assessment Waiver

- Change in Reporting Requirement
- Communicating w/ District Staff

Module 2

Completing the Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to use the Participation Guidelines for determination

Module 3

Preparing for ARC - Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to prepare to answer the Participation Guidelines' 4 Criterions

Module 4

Completing the Learner Characteristics Inventory

- Purpose & Use
- Guidance on answering each question

Module 5

Understand Your LEAs Alternate Assessment Population in Relation to the Cap

- Data Sources that could be used
- LEA comparisons
- Red Flags to explore

Must complete prior to chairing an ARC
***Keep Certificates of Completion for your records**

Learning Management System: P4AA 1% Training Modules

Each SPED Teacher in the state must successfully complete (all modules in purple):

Module 1

The KY 1% Alternate Assessment Waiver

- Change in Reporting Requirement
- Communicating w/ District Staff

Module 2

Completing the Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to use the Participation Guidelines for determination

Module 3

Preparing for ARC - Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to prepare to answer the Participation Guidelines' 4 Criterions

Module 4

Completing the Learner Characteristics Inventory

- Purpose & Use
- Guidance on answering each question

Module 5

Understand Your LEAs Alternate Assessment Population in Relation to the Cap

- Data Sources that could be used
- LEA comparisons
- Red Flags to explore

***Keep Certificates of Completion for your records**

NEW

Learning Management System: Annual Review for ARC Members Module

Refresher module for all ARC members who have completed all required modules in Administrators Track or Educators Track (slide 1)

Preparing and Completing - Participation Guidelines

- Defining a Significant Cognitive Disability
- How students participate in KY Assessments
- Accommodation vs. Modification
- How to prepare to answer the Participation Guidelines' 4 Criterions
- How to use the Participation Guidelines for determination

***Keep Certificates of Completion for your records**

Instructions to Register and Access the Kentucky State Personnel Development Grant 1% Alternate Assessment Participation Training Modules

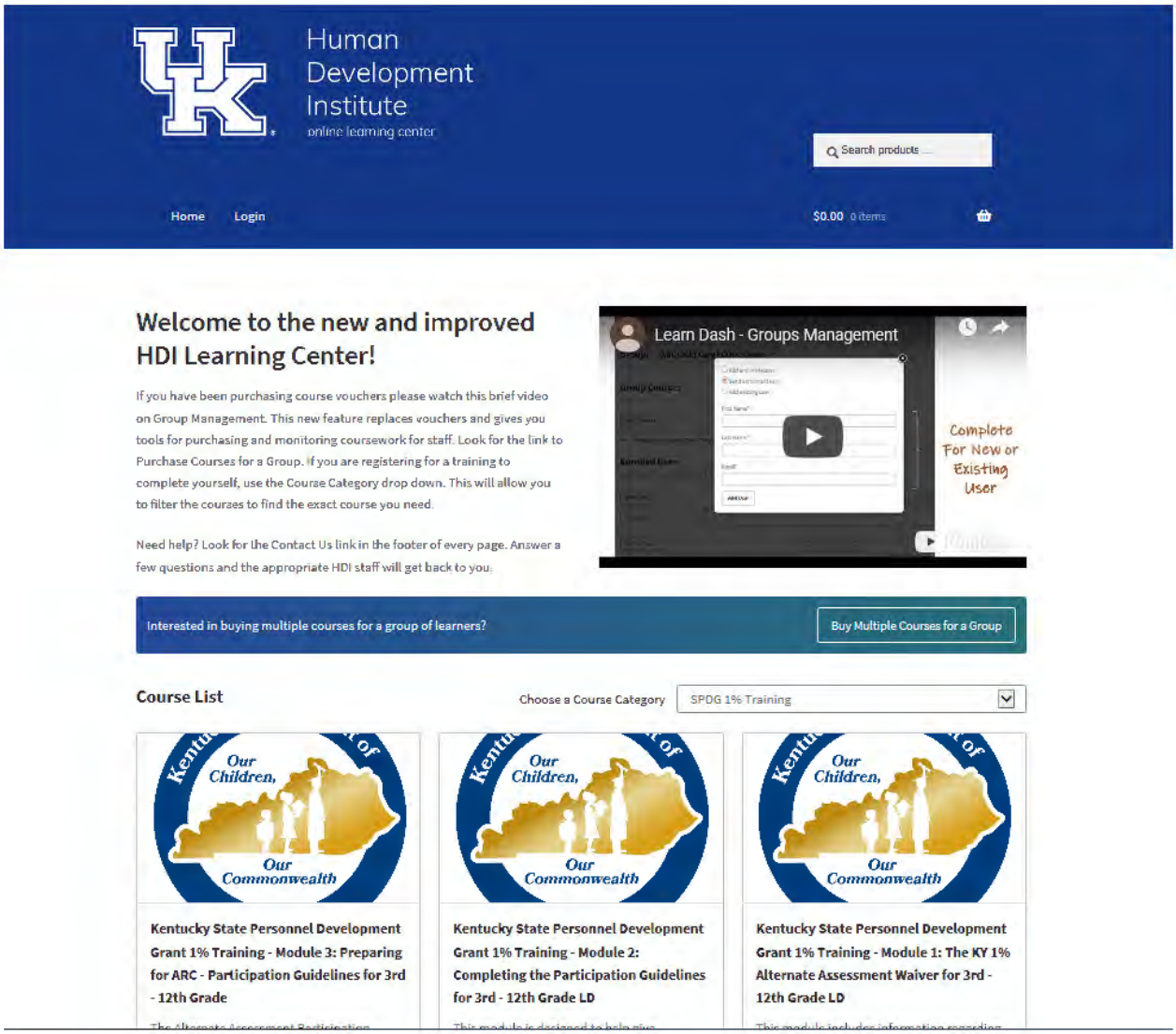
2018-2019

Instructions to Register and Access the Kentucky State Personnel Development Grant 1% Training Modules

Before beginning modules, please be sure to download a copy of the Kentucky Alternate Assessment Participation Guidelines documentation form. A copy of the Guidance for ARCs on Participation Decisions for the Kentucky Alternate Assessment is also available if needed.

Step 1:

Type in https://www.hdilearning.org/?woo_category=561. **The link displays the University of Kentucky Human Development Institute webpage. Please note that this caption may change.**

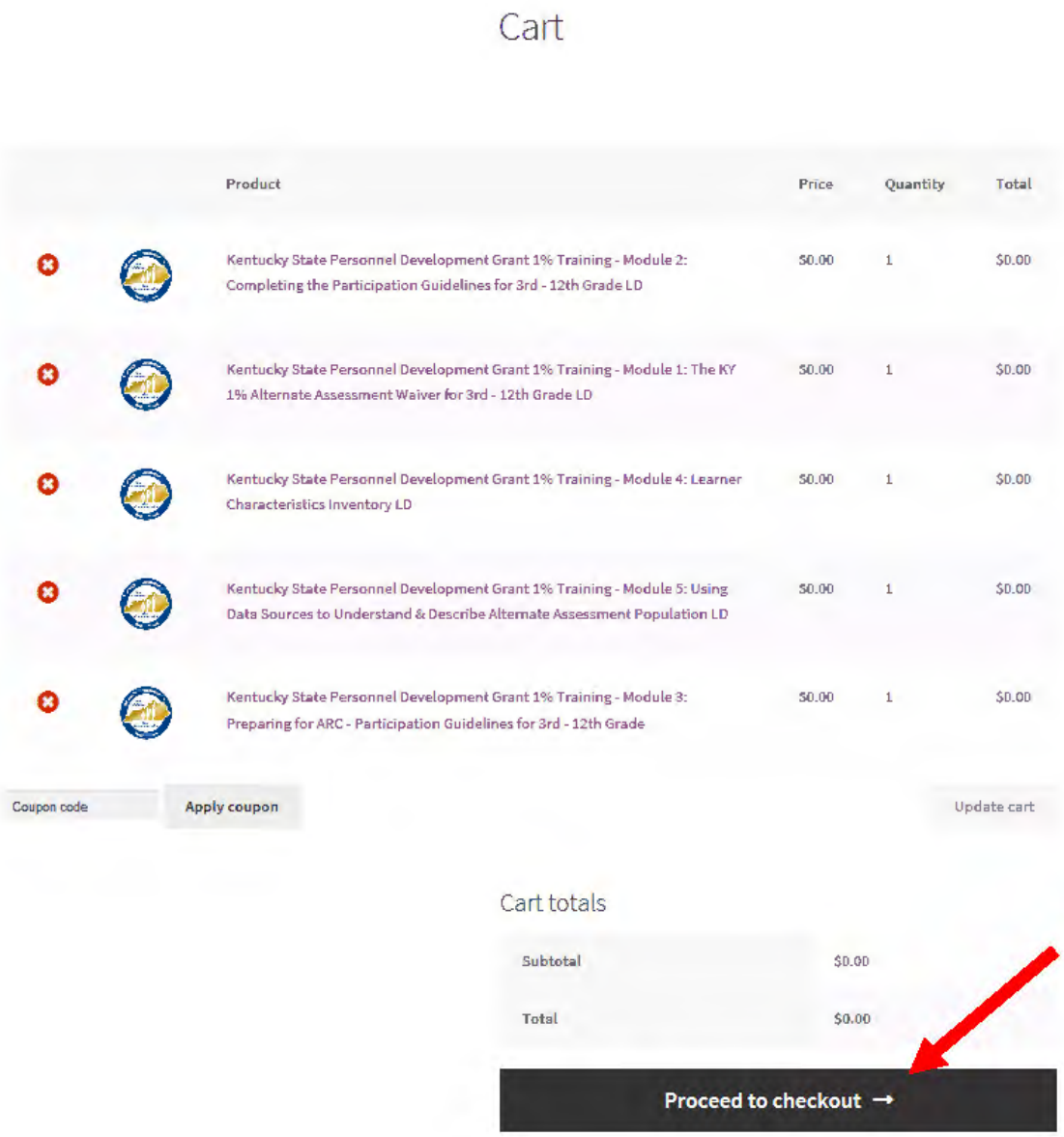


Step 2: The modules are all listed below. Click on "For Myself" to register for the course or if you are an administrator registering staff members, you may click on "For Groups". As soon as you click "For Myself" the course is added to your cart. If you need to add another course, please use the Back button and add the next course. Once you have added all courses needed, please continue to step 3.

Step 3: After all courses have been added, click on the "view cart" to confirm all courses have been added.

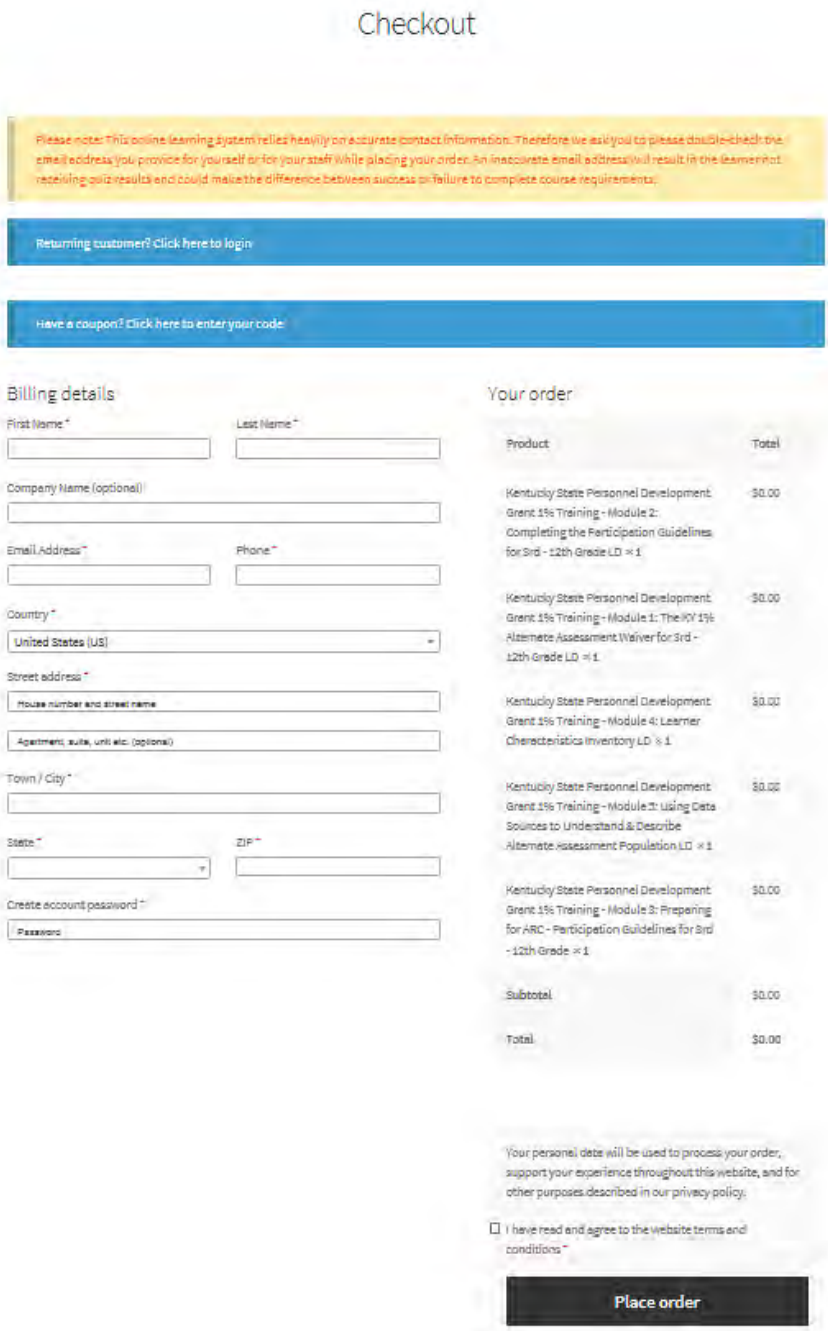
Checkout

Step 4: If all modules are listed click on "Proceed to checkout."

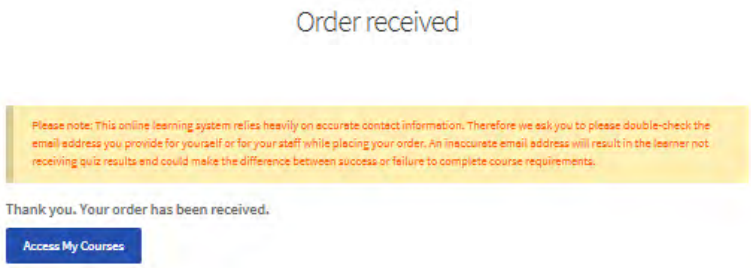


(Continue to next steps below)

Step 5: To checkout, register using your complete name and school email address, list your school district as your Company Name and create a username and password. Please note that you must check the terms and conditions box to continue. If you have already registered, login as a Returning Customer. Hit the Place Order button when the form is completed.

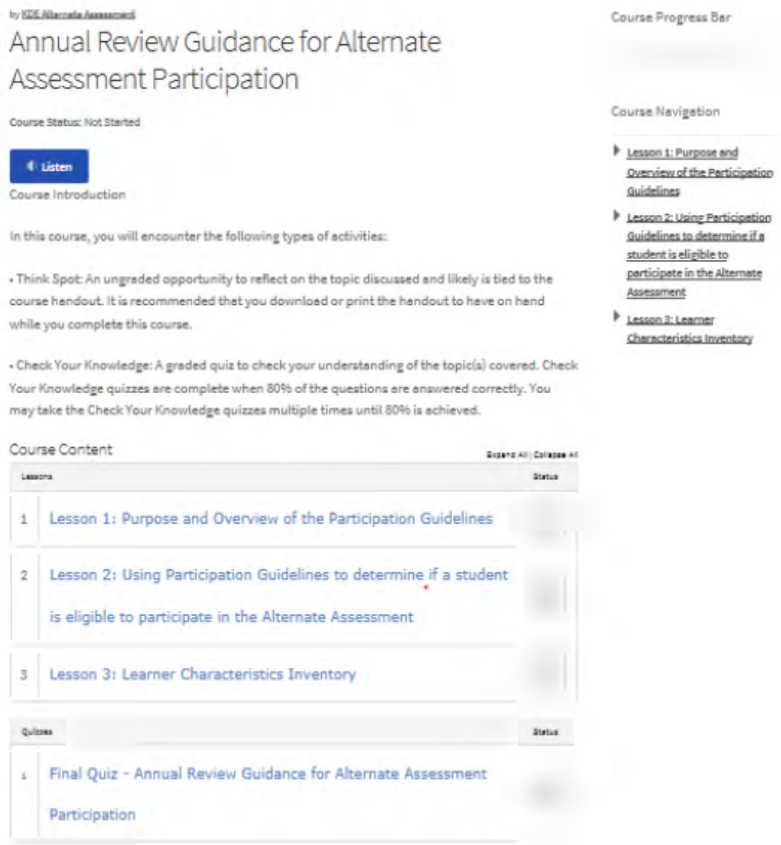


Step 6: You have completed your registration! You will see a page that gives you "order received" with the module name, order number, date, email. To begin completing the training modules immediately, follow option 1 below. To come back to complete modules at a later time, see Step 7.



<u>Option 1:</u> Click on the "Access My Courses" tab to see the course you are registered for. My Courses will list your courses and the status of completion.

- **Click on the first module in the series to begin the lessons included in the training module.**
- **Click on Lesson 1 to begin the module. As you complete the module you will be prompted to continue to the next lesson.**



Step 7: Option 2 to complete modules at a later date - You will receive an email in your inbox after registering for the courses.

In order to go back and access your courses, click on the link provided in the "Welcome to HDI Online Learning" email. Click on the link "You can access your courses at My Courses".

From: HDI Learning [mailto:noreply@hdilearning.org]
Sent: Wednesday, February 6, 2019 9:00 AM
To: Name <email address>
Subject: Your account on HDI Online Learning

Welcome to HDI Online Learning

Hi username1,

Thanks for creating an account on HDI Learning. Your username is **user.name1**. You can access your account area to view orders, change your password, and more at: https://www.hdilearning.org/youraccount. We look forward to seeing you soon.

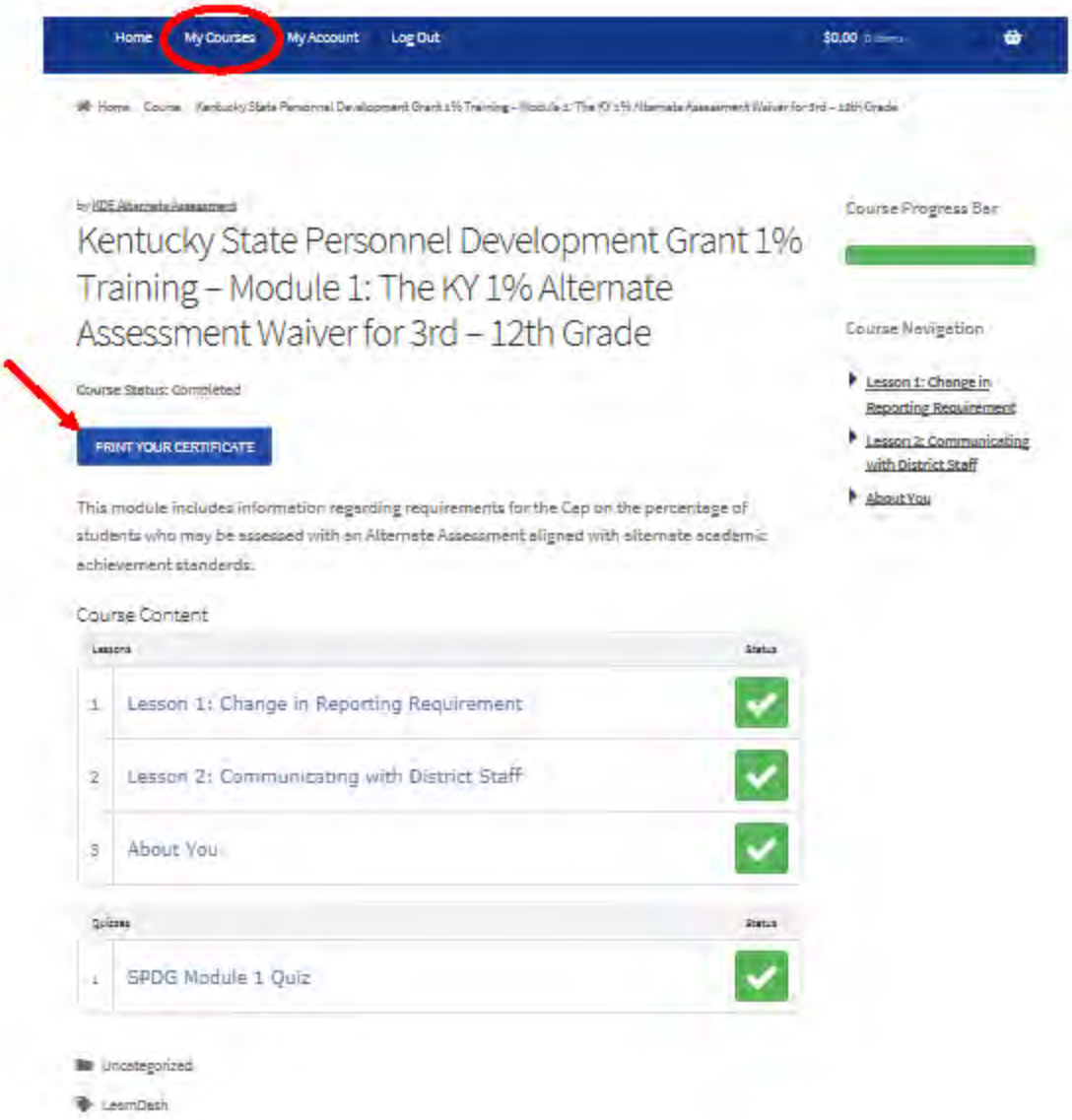
Learn HDI – Powered by WooCommerce

(Continue to next steps below)

After Completing a Module

Step 1: After viewing all lessons and the final quiz included in the Module, you will be prompted to complete a survey. "Click here to continue" takes you to Course Status and allows you to print your Certificate. (At any time you may click on My Courses to view your "completed courses" to print your certificate as needed)

Note: Module completion Certificates are required to be kept for your records, in the event that the Kentucky Department of Education requests them.



If you have any additional questions about completing the Modules, please contact the Kentucky Department of Education at 502-564-4970 or email kdealtassessment@education.ky.gov

The Kentucky Alternate K-PREP (state assessment) for Students with Significant Cognitive Disabilities

WHO

The Alternate K-PREP was developed to address the needs of students with the most significant cognitive disabilities, by allowing greater depth of adaptations, modifications and alternative modes of participation for the state assessment.

Alternate Assessment has two major components:

1. Attainment Tasks measure the student's performance on completing specific tasks/activities.

Reading - Grades 3-8 and 9
Mathematics - Grades 3-8 and 10
Science - Grades 4, 7 and 11
Social Studies - Grades 5 and 8
Writing - Grades 5, 8 and 11

2. Transition Attainment Record measures student performance on academic skills needed for transition.

WHAT

The Alternate K-PREP measures what students know and what they can do through alternate achievement standards which are aligned with the Kentucky Academic Standards for each subject. It is designed to address the needs of the students by allowing greater depth of adaptations, modifications and alternative modes of participation for the state assessment.

WHEN

Administered during two 6 week testing periods: Fall and spring
Typically administered at the end of the fall semester before Christmas and at the end of the spring semester before the end of school.
Participation in the state alternate assessment will be reviewed annually by the students ARC.

HOW

Given one-on-one by a test administrator who is familiar with the student and his/her needs. Tests are paper based and include pictures. The test administrator reads the script signified by quotation marks to the student exactly as it is written. There are picture/answer choices for the student to choose from when answering the questions.

WHY

Measures what students know in academic content areas and what they can do. These measures help identify and address gaps in knowledge or skills so students get the support they need.

Comparison of Regular K-PREP and the Alternate K-PREP

Regular K-PREP	Alternate K-PREP
All students enrolled in grades 3 through 8 and 11, including newly enrolled students, must take the K-PREP unless they are participating in the Alternate K-PREP	Students with the most significant cognitive disabilities who meets all participation criteria listed in *Participation Guidelines*
Time limits- student IEPs can include extended time as an accommodation.	Not a timed test- one content area per day
Four (4) multiple choice options – cannot be modified (no pictures)	Three (3) multiple choice options with pictures
Short answers, open responses and on-demand writing	No short answers or open responses or on demand writing required
Short and long passage text	Modified language of same grade level standards to create less depth and breadth in the text.
State-approved accommodations (based on individual student needs and abilities) including but not limited to: Reader or Scripted Assessment, Scribe, Calculator, Manipulatives, Paraphrasing or Simplified Language, Bilingual or English Dictionaries, Oral Native Language Support, Extended Time, Use of Technology, Reinforcement and Behavior Modification Strategies and Interpreter for Students with Deafness or Hearing Impairment	

Frequently Asked Question (included in Parent Guide to Alternate K-PREP)
QUESTION: Can my child receive a regular high school diploma if he/she participates in the alternate assessment?

ANSWER: The ARC must determine if a student's demonstrated cognitive ability and adaptive behavior prevent completion of the general education course of study (including the minimum graduation requirements) even with program modifications and/or accommodations. The ARC uses a variety of data and information such as the *Participation Guidelines for the Alternate Assessment*, psycho-educational integrated report, the Learner Characteristics Inventory (LCI), student work, student observations and any other relevant information to make this determination.

If this is the case, the ARC must determine the student would not be able to complete the general education course of study to earn a regular high school diploma and would therefore complete an alternate course of study to receive an Alternative High School Diploma as stated in Kentucky Regulations 704 KAR 3:305 (section 8).

MORE INFORMATION: Participating in the alternate assessment *does not* preclude a student with the most significant cognitive disabilities from attempting to complete the requirements for a regular high school diploma as stated in the Every Student Succeeds Act, Title I, Section 1111 (b)(2)(D)(i)(VI). Information on graduation requirements can be found on the Minimum High School Graduation Requirements page of the KDE website.

Guidance on the Participation in the Kentucky Alternate Assessment

Kentucky provides all students access to the state assessment relative to their individual needs

Improving Student Achievement

- Assessment is an integral part of the instructional cycle and fulfills several purposes for educators, students, parents, policy makers, and community members with the goal of supporting student growth.

EVERY STUDENT SUCCEEDS ACT PUBLIC LAW 114-95 - DEC. 10,

“(“(II) ensures that the parents of such students are clearly informed, as part of the process for developing the individualized education program
(as defined in section 614(d)(1)(A) of the Individuals with Disabilities Education Act (20 U.S.C.1414(d)(1)(A)))—

“(aa) that their child’s academic achievement will be measured based on such alternate standards; and

“(bb) how participation in such assessments may delay or otherwise affect the student from completing the requirements for a regular high school diploma;

Alternate Testing

- A core feature of the alternate assessment is that is more accessible for each student and provides for a more accurate measurement of what the student knows.
- Assessments are more than a test, they are an integral part of teaching and learning.

Comparison of Regular K-PREP and the Alternate K-PREP

Regular K-PREP	Alternate K-PREP
All students enrolled in grades 3 through 8 and 11, including newly enrolled students, must take the K-PREP unless they are participating in the Alternate K-PREP	Students with the most significant cognitive disabilities who meets all participation criteria listed in *Participation Guidelines*
Time limits- student IEPs can include extended time as an accommodation.	Not a timed test- one content area per day
Four (4) multiple choice options – cannot be modified (no pictures)	Three (3) multiple choice options with pictures
Short answers, open responses and on-demand writing	No short answers or open responses or on demand writing required
Short and long passage text	Modified language of same grade level standards to create less depth and breadth in the text.
State-approved accommodations (based on individual student needs and abilities) including but not limited to: Reader or Scripted Assessment, Scribe, Calculator, Manipulatives, Paraphrasing or Simplified Language, Bilingual or English Dictionaries, Oral Native Language Support, Extended Time, Use of Technology, Reinforcement and Behavior Modification Strategies and Interpreter for Students with Deafness or Hearing Impairment	

Inclusion Options

The Kentucky Department of Education (KDE) definition of a student with the most significant cognitive disability:

- Meets eligibility criterion in one or more of the existing categories of disabilities under IDEA (e.g., intellectual disabilities, autism, traumatic brain injury, multiple disabilities),
- Has cognitive and adaptive behavior functioning preventing him/her from attaining grade level achievement standards, even with program modifications and accommodations,
- Requires extensive individualized instruction across multiple settings to access and make progress in the Kentucky Academic Standards, and to maintain, generalize and demonstrate learning, and

KDE definition continued

Accommodations and Modifications in Instruction and Assessment

Addressing Disproportionality: A timeline that includes dates for when data on subgroup participation in the alternate assessment and how to address disproportionality were discussed and examined by the Kentucky Department of Education (KDE).

Tasks	Completion Data
Alternate Assessment and Diploma Advisory Group Created	June 6, 2017
Advisory Group First Meeting	July 7, 2017
Kentucky waiver request out for public comment	July 19, 2017
Kentucky waiver submitted to OSEP	August 7, 2017
Beginning of Year Training for LEAs	September 13, 2017
KDE approved new Alternate Assessment Participation Guidelines form and Definition of a Student with the Most Significant Cognitive Disability	November 1, 2017
KDE internal training on new AA participation guidelines and monitoring process - **Appropriate implementation of *Participation Guidelines*** - **Record review process** - **Identify any disproportionate representation based on eligibility**	October 31 through November 8, 2017
Special Education Cooperative - Low Incidence Consultants training on new guidelines. Training provided by KDE. Also known as P4AA Project	November 1 & 20, 2017
LEAs training provided by Regional Low Incidence Consultants on new guidelines	November 2017- February 2018

Tasks	Completion Data
Ongoing training for LEAs	Ongoing
Alternate Assessment and Alternate Diploma Advisory Group Meetings	Ongoing
Survey to DoSE to provide feedback to KDE on alternate assessment participation decisions and current training and guidance	April 9, 2018
KDE released Participation Guidelines Record Review document **– process for districts to review and monitor the identification of students taking the alternate assessment.**	May 30, 2018
Desk reviews of participation guidelines for students participating in the alternate assessment - **Districts identified as exceeding 1% participation** - **Districts with the highest disproportionality risk ratios**	July – September 2018
KDE requested written assurance from districts exceeding 1.0% - **Using guidelines appropriately** - **Informing parents of implications of alternate assessment participation** - **Addressing disproportionality**	August 16, 2018
SACEC Meeting	September 6-7, 2018
Alternate Assessment and Diploma Advisory Group – Disproportionality	October 25, 2018
KDE approved new training module, guidance documents and webpage released.	February 12, 2019
AA Participation Guidelines Desk Review	June 24-July 15, 2019
KDE requested written assurance from districts exceeding 1.0%	July 15, 2019

Disproportionality of Students Participating in Alternate Assessment against Alternate Academic Standards (AA-AAAS)
By Subgroup and Content Area

Sub-Group Disproportonality	Reading (Elem/Middle)	Math (Elem/Middle)	Writing (Elem/Middle/High)	Science (Elem/Middle)	Social Studies (Elem/Middle)	English II (High)	Algebra II (High)	US History (High)
White Students Participating in Alternate Assessment	1.08	1.08	1.10	1.17	1.09	1.10	1.07	NA*
African American Students Participating in Alternate Assessment	1.15	1.15	1.06	1.20	1.02	1.03	1.16	NA*
Hispanic Students Participating in Alternate Assessment	0.71	0.71	0.73	0.55	0.81	0.96	0.84	NA*
Asian Students Participating in Alternate Assessment	0.90	0.90	0.88	0.53	0.98	0.53	0.18	NA*
American Indian/Alaskan Native Students Participating in Alternate Assessment	0.47	0.47	0.00	0.00	0.00	0.00	1.26	NA*
Pacific Islander Students Participating in Alternate Assessment	0.90	0.90	0.40	0.67	0.64	2.11	0.00	NA*
Students of Two or More Races Participating in Alternate Assessment	0.81	0.81	0.88	0.86	0.85	0.64	0.93	NA*
Free or Reduced Eligible Students Participating in Alternate Assessment	2.78	2.78	2.65	2.82	2.75	3.83	2.85	NA*
English Learners Students Participating in Alternate Assessment	1.34	1.34	1.34	1.23	1.36	1.80	1.64	NA*
Migrant Students Participating in Alternate Assessment	0.76	0.76	0.80	0.23	1.02	1.60	0.83	NA*
Homeless Students Participating in Alternate Assessment	1.57	1.57	1.36	1.63	1.45	0.88	1.53	NA*
Male Students Participating in Alternate Assessment	1.91	1.91	1.86	2.09	1.88	2.21	1.83	NA*
Female Students Participating in Alternate Assessment	0.52	0.52	0.54	0.45	0.53	0.45	0.55	NA*

*NA: US History was assessed with a field test at the high school level during the 2017-2018 Academic Year

Based on 2017-18 Assessment Data

Data Verification Report
School District
Date

General Information	
Type of Report:	**Desk Review to Verify Data**
Areas Reviewed:	Alternate Assessment Participation Guidelines
Data Collection Time Frame	2018-2019 School Year
Data Sources:	• Individual Education Plan • Alternate Assessment Participation Guidelines • Student Due Process Files
Division of IDEA Monitoring and Results (DIMR) Monitoring Team Members	• DIMR Team Lead • Consultant Name • Consultant Name

Desk Review Methodology

The KDE must determine if Admissions and Release committees (ARCs) made IDEA eligibility decisions for alternate assessment participation consistent with federal and state laws and regulations pursuant to 34 CFR 300.320(a)(6)(ii) and 707 KAR 1:320 (Section 5).

The DIMR pulled a random sampling of records from the statewide information system known as Infinite Campus (IC) for students found eligible to participate in the alternate assessment. The sample of students' records were reviewed by the DIMR team using the 2018-2019 Participation Guidelines for the Kentucky Alternate Assessment Record Review Document.

During the review, the DIMR monitored whether the students had been appropriately identified as a student who meets all eligibility criteria to participate in the alternate assessment. The DIMR also verified whether the district followed the Kentucky Alternate Assessment Participation Guidelines Documentation Form for participation in the alternate assessment based on alternate academic achievement standards (AA-AAAS) and documented all ARC decisions (707 KAR 1:320, Section 5 (11)).

Summary of KDE Team's Findings

Table 1 below contains the list of items from the *2018-2019 Alternate Assessment Participation Guidelines Record Review* document used by the DIMR monitoring team to determine the status of the individual student records reviewed.

Table 1 Record Review Items Reviewed

Item Number	Compliance Requirement	Regulatory Requirement
Item A	**Requirement entered here**	**Reg entered here**

Data Verification Report
School District
Date

Table 2 below includes any student-specific issues the district should consider and address through the Admissions and Release Committee (ARC) meeting process. Student identification numbers (SSID) for the table below are attached to the email sent with this report.

Table 2

Student	Student Specific Feedback
	•
Student 2	•
	•
Student 4	•
	•
Student 6	•
	•
Student 8	•
	•
Student 10	•

District Feedback from Desk Review

Strengths:

•

Opportunities for Growth:

•

Recommended Actions

1. The KDE recommends districts establish a process to review and monitor the identification of students taking the alternate assessments.
2. The KDE advises districts to examine the process their ARC teams use to determine how a student qualifies for the alternate assessments. In that light, the KDE urges that districts convene a meeting with staff having responsibilities in the decision-making process.
    a. Guiding Questions:
        i. Are ARCs using the *Participation Guidelines* during the meetings?
        ii. Is the ARC using data to establish clear evidence that the student meets the specific criteria?
        iii. Are all ARC members given a chance to hear and review the data analysis?
        iv. Have all ARC members completed the required alternate assessment training modules?

DRAFT

v. Do all ARC members have a clear understanding of the implications associated with participation in alternate assessments?

3. The KDE endorses that districts provide professional learning opportunities for teachers on differentiation, collaborative teaching and student engagement.

Resources:

- Guidance for ARCs on Participation Decisions for the Kentucky Alternate Assessment
- Kentucky Alternate Assessment Participation Guidelines Documentation Form 2018
- Parent Guide to Alternate K-PREP 2018 (Guia Para Padres Alterno K-PREP 2018 (Spanish Version)
- Alternate Assessment Participation Guidelines Record Review Document
- Alternate Assessment Participation Guidelines Training Modules: All modules are available for access on the University of Kentucky Learning Management System.
- Alternate K-PREP Resources: Resources developed to assist new and veteran teachers to provide assistance to students participating in the Alternate assessment.
- Differentiation: Universal Design for Learning (UDL); Secondary Differentiation Resources; Elementary Differentiation Resources; Culturally Responsive Instruction

DRAFT

Matthew G. Bevin
Governor

Derrick Ramsey
Secretary
Education and Workforce
Development Cabinet

Wayne D. Lewis, Ph.D.
Commissioner of Education

KENTUCKY DEPARTMENT OF EDUCATION

300 Sower Boulevard • Frankfort, Kentucky 40601
Phone: (502) 564-3141 • www.education.ky.gov

August 6, 2019

Ms. Millie Bentley-Memon, Ph.D.
Office of State Support, OESE, USDE
400 Maryland Ave., SW
Washington, DC 20202
202-401-1427
Millicent.Bentley-Memon@ed.gov

Mr. Curtis J. Kinnard, Ed.D
U.S Department of Education
Office of Special Education Programs
400 Maryland Ave., SW
Washington, DC 20202
202-245-7472
Curtis.Kinnard@ed.gov

Dear Ms. Bentley-Memon and Mr. Kinnard:

The *Every Student Succeeds Act* (ESSA) amended a provision of Title 1 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 to the United States Department of Education in the event they have more than 1.0 percent of their students participating in the alternate assessment. Kentucky was granted a waiver for school year 2018-2019 for all subject areas. The approval letter Kentucky received from the U.S. Department of Education is available on the Kentucky Alternate Assessment Participation Waiver page.

Pursuant to 34 C.F.R. §200.6(c)(4), the Kentucky Department of Education (KDE) is seeking to extend its waiver for all subject areas for the 2019-2020 school year from the Secretary for the United States Department of Education in anticipation of exceeding 1.0 percent participation in the alternate assessment in at least one subject based on preliminary assessment data.

The Kentucky request to extend its waiver will provide evidence showing:

- The state continues to meet the requirements set forth in 34 CFR §200.6(c)(4)(i) – (iv).
- The state provides updated information on each requirement in the previous year's submission.
- The state has achieved substantial progress toward each component of the prior year's plan and timeline including:

  a) how the State improved the implementation of its guidelines for participation in the alternate assessments aligned with alternate academic achievement standards (AA-AAAS), revised its definition of students with the most significant cognitive disabilities (see 34 CFR 200.6(d)(1)),
  b) how the State monitored and regularly evaluated each Local Education Agency (LEA) to ensure that the school staff who participate as members of an Individualized Education Plan (IEP) team or other placement team understand and implement the guidelines established by the State for participation in the AA-AAAS so that all students are appropriately assessed; and
  c) how the State continues to address any disproportionality in the percentage of students taking the AA-AAAS as identified through the data provided.

The KDE expects the efforts outlined in the waiver plan attached will continue to reduce the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.

Please contact Gretta Hylton at gretta.hylton@education.ky.gov or via phone at (502) 564-4970 to discuss the content of this request to extend Kentucky's participation waiver or to address questions. We look forward to working with the U.S. Department of Education staff to achieve a positive response to the request.

Sincerely,

Wayne D. Lewis, Ph.D.
Commissioner of Education, Kentucky Department of Education

Kentucky 1.0 Percent Waiver Request for
Reading, Mathematics, Science, Social Studies and Writing
ESEA section 1111(b)(2)(D) and 34 CFR 200.6(c) and (d)
Submission to U.S. Department of Education
August 6, 2019

In accordance with 34 CFR 200.6(c)(4), Kentucky is providing evidence of all requirements in this request to extend Kentucky's waiver.

Requirement 1 – 34 CFR §200.6(c)(4)(i): Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

Kentucky's first of two assessment windows for the alternate assessment for students with significant cognitive disabilities begins November 4, 2019. The KDE is submitting, ninety days prior to the start of Kentucky's testing window (August 6, 2019), a request to the United States Department of Education to extend its waiver in reading, mathematics, science, social studies and writing.

Evidence of Progress

The KDE sought public comment for an extension of the 1.0 percent waiver. The KDE issued a news release on July 16, 2019. It was posted on KDE's website, shared on list serves for district assessment coordinators and directors of special education and disseminated via e-mail to other advisory groups and stakeholders. The public comment posting followed KDE protocol and was open for two weeks. During the public comment period, the KDE received three written comments. Documents related to the public comment period are included in *SECTION 1: Requirement 1* (34 CFR §200.6(c)(4)(i)) of the *Appendix A: Documentation of Evidence*.

Requirement 2 –34 CFR §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) Data on participation in AA-AAAS in subject area by subgroup

The KDE has conducted a review of preliminary data[1] from Kentucky's statewide assessment – the Kentucky Performance Rating for Educational Progress (K-PREP) – for school year 2018-2019. The purpose of this review was to determine the participation rates of students taking the AA-AAAS. Table one includes the preliminary data with the number and percent of Kentucky students participating in statewide assessments, including participation in AA-AAAS.

The participation rates revealed just over 1.0 percent of Kentucky students participated in each of the subject areas included in the AA-AAAS in 2018-2019. Based on the preliminary data, the state anticipates exceeding the 1.0 percent threshold set forth in the ESSA for the 2019-2020

[1] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

school year. Table one below displays preliminary participation rates by subject for the 2018-2019 AA-AAAS. The final assessment data will be publicly available on the Open House website and the Kentucky School Report Card in October 2019.

Kentucky's state assessment window for the AA-AAAS begins November 4, 2019. Due to the requirement that states submit a waiver at least 90 days prior to the assessment window, there was insufficient time to analyze final participation data for the 2018-2019 assessment before the deadline for submission of the waiver request. Table one below includes the preliminary assessment data for the 2018-2019 school year. When the final assessment data are available in October 2019, the KDE will review, analyze and submit the final data and results of this analysis to the U.S. Department of Education no later than November 1, 2019.

Table 1*: 2018-2019 Alternate Assessment Participation by Subject (preliminary data)*

SUBJECT	NUMBER PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*	NUMBER PARTICIPATING IN STATEWIDE ASSESSMENT (2018-2019 SY)*	PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT (2018-2019 SY)*
Reading (elem/middle/high)	4,023	351,037	1.15%
Mathematics (elem/middle/high)	4,030	351,044	1.15%
Science (elem/middle/high)	1,786	147,236	1.21%
Social Studies[2] (elem/middle)	1,137	101,795	1.12%
Writing (elem, middle, high)	1,720	147,218	1.17%

* Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

The final assessment data will be made publicly available by October 2019 on the KDE Open House website and the Kentucky School Report Card.

[2] Social Studies was not assessed in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Evidence of Progress

The KDE compared and analyzed a variety of sources to measure progress made in both the data and waiver plan. The KDE data analysis of participation by subject area revealed the percent of students participating in the AA-AAAS decreased in two subject areas for all grade levels assessed. Table two demonstrates the year-to-year change in percent of students participating in the AA-AAAS. Based on previous year changes from preliminary data to final data, the KDE anticipates additional decreases in the final assessment results.

Table 2: ***Comparison of SY 2016-2017, SY 2017-2018 and SY 2018-2019 Alternate Assessment Participation by Subject***

SUBJECT	SY 2016-2017 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2017-2018 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	SY 2018-2019 PERCENT PARTICIPATING IN ALTERNATE ASSESSMENT	PERCENT CHANGE BETWEEN SY 2017-2018 & 2018-2019
Reading (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Mathematics (elem/middle/high)	1.16%	1.13%	1.15%	+ 0.02%
Science (elem/middle/high)	N/A	1.12%	1.21%	+ 0.09%
Social Studies[3] (elem/middle)	1.28%	1.17%	1.12%	- 0.05%
Writing (elem/middle/high)	1.27%	1.24%	1.17%	- 0.07%

Although the participation by subject area does not demonstrate 1.0 percent or lower in the percentage of students tested using the AA-AAAS, the KDE analysis of data has found a decrease in eligibility determinations for the AA-AAAS as well as a reduction in the overall statewide percent of student participation in the AA-AAAS for all subject areas. Table three demonstrates the reduction in the overall statewide percent of students participating in alternate assessment by 0.06 percent. Table four demonstrates a reduction of 0.12 percent in the overall statewide percentage of students eligible for the alternate assessment.

[3] Social Studies were not assessed with the AA-AAAS in high school for the 2018-2019 school year due to the social studies initial standards revision process being conducted and no high school field test available.

Table 3: ***Overall Statewide Participation (not by subject)***

School Year	Number of Students Participating in Alternate Assessment	Number of Students Participating in General Assessments	Percent of Students Participating in Alternate Assessment
2018-2019[4]	5,190	453,509	⬇ 1.14%
2017-2018	5,439	455,063	1.20%
2016-2017	5,387	454,119	1.19%

Table 4: ***Overall statewide percentage of students eligible to participate in the alternate assessment***

School Year	Number of Students Eligible to Participate in Alternate Assessment	Number of Students (all)	Percentage of Students Eligible to Participate in Alternate Assessment
2018-2019	5,505	654,068	⬇ 0.84%
2017-2018	6,242	648,369	⬇ 0.96%
2016-2017	6,380	656,588	0.97%

Additionally, the KDE reported 170 of the 173 districts in Kentucky assessed more than 1.0 percent of their students using an AA-AAAS in one or more subjects during the 2016-2017 school year. The 2017-2018 final assessment data indicated a reduction to 142 out of 173 districts assessing more than 1.0 percent of their students using an AA-AAAS in one or more subjects. The KDE anticipates the reduction in districts to continue with the full implementation of the new participation guidelines, additional training and oversight.

(B) Data showing at least 95% participation overall and for students with disabilities subgroup

To date, Kentucky has met or exceeded the federal guidelines set at 95 percent participation for all students, including students with disabilities in the K-PREP assessment. Table five demonstrates the state has assessed the achievement of at least 95 percent of all students and 95 percent of students with disabilities (SWD).

[4] Preliminary data for school year 2018-2019 is the raw number of students participating in state assessments provided by KDE assessment vendors. The preliminary data does not include state required review and validation at state, district and school level that will impact final data for public reporting.

Table 5: ***2018-2019 Overall Statewide Assessed by Subject (preliminary data)***

Subject	Enrolled	Assessed	Percent Tested
Reading/Language Arts (R/LA) - All Students Total Grades 3 - 8 and High School (HS)	306,072	303,744	99.24%
Reading/Language Arts - Students with Disabilities (SWD) Total Grades 3 - 8 and HS	47,929	47,293	98.67%
Mathematics - All Students Total Grades 3 - 8 and HS	306,072	303,744	99.24%
Mathematics - SWD Total Grades 3 - 8 and HS	47,942	47,300	98.66%
Writing - All Students Total Grades 3 - 8 and HS	130,986	129,627	98.66%
Writing - SWD Total Grades 3 - 8 and HS	17,914	17,591	98.2%
Social Studies - All Students Total Grades 3 - 8 and HS	88,952	88,399	99.38%
Social Studies - SWD Total Grades 3 - 8 and HS	13,567	13,396	98.74%
Science - All Students Total Grades 3 - 8 and HS	129,967	128,618	98.96%
Science - SWD Total Grades 3 - 8 and HS	18,915	18,618	98.43%

Requirement 3 (34 CFR §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.

(A) Assurance that districts over 1.0 percent followed the state's participation guidelines

In anticipation of a considerable number of districts expected to exceed the 1.0 percent threshold for the 2019-2020 school year, the KDE required written assurances from all districts that each local Individual Education Program (IEP) team, known in Kentucky as the Admissions and Release Committee (ARC), is following the *Alternate Assessment Participation Guidelines* when making assessment participation decisions. The request for written assurances is included in Attachment 1.

When final assessment data for the 2018-2019 school year are available to the KDE, the department will reach out to all districts who exceed the 1.0 percent participation rate. In addition, those districts will be required to provide KDE with a detailed justification for exceeding the 1.0 percent threshold.

Evidence of Progress

With the release of the 2017-2018 final data, districts who assessed more than 1.0 percent of its assessed students in any subject were sent data along with instructions on completing a justification process. The Justification Requirement Form was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. Results from the justification requirement form are publicly available on the Kentucky Alternate Assessment Participation Waiver website.

To assist districts in completing the justification requirements, the KDE provided district data on students who are eligible to participate in the alternate assessment by disability category and participation rates for each district by subject area.

The justification requirement form required districts to report and document assurances including;

- Description of any factors justifying the district exceeding 1.0 percent participation.
- All ARC members are not only using, but are confident in the application of the alternate assessment participation criteria.
- Description of appropriate training, support and oversight provided to ARC members.
- Data and analysis of anticipated alternate assessment participation for the 2018-2019 school year.
- Descriptions of monitoring process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance, support and oversight to all districts who exceed or anticipate exceeding the 1.0 percent threshold to ensure only students with the most significant cognitive disabilities participate in the AA-AAAS. More information on the KDE plan for guidance and oversight are provided in *Requirement 4*—34 CFR *§200.6(c)(4)(iv)* below.

B) Assurance that districts over 1.0 percent will address any disproportionality in the students taking the AA-AAAS.

The Justification Requirement Form was designed to lead districts through a root cause analysis for determining why more than 1.0 percent of the student body was assessed with the AA-AAAS. The justification required districts to provide descriptions of the process in place to monitor alternate assessment participation and possible disproportionality in participation.

The KDE will continue to provide guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and End of Year Training. The KDE will review and include guidance in the regional capacity training plan being developed.

The KDE will continue to provide districts and regional cooperatives with statewide and district-level data based on a risk ratio calculation to ensure districts are able to address any disproportionality in the students taking the AA-AAAS.

Evidence of Progress

The KDE examined district-level disproportionality data by subgroup and subject area for the 2017-2018 school year. The KDE determined whether subgroups had disproportionate participation in the AA-AAAS by using a disproportionality rate comparison. For the analysis the KDE uses a rate comparison without a threshold. The comparison identifies when the data for any group is disproportionate from others not in the measured group. Any disproportionality greater than 1.0 means the examined group is identified that many times more likely than those not in that group. If the disproportionality of the measures group is less than 1.0 that means the group is less likely to be identified than those not in the group. High rates (rate of 2.0 or greater) of disproportionality were found to be in all subject areas among those students eligible for free or reduced lunch. Additionally, disproportionality rates for male students in middle school and high school and Pacific Islander students in high school exceeded a 2.0 rate.

The KDE, in collaboration with districts, addressed disproportionality in subgroups taking the AA-AAAS through multiple activities including:

- Provided calculation and analysis of subgroup participation rates and disproportionality rate comparisons in each subject area
- Identification of subgroup overrepresentation in the AA-AAAS participation
- Districts in collaboration with special education regional cooperatives completed record reviews for students eligible for the alternate assessment using the Alternate Assessment Participation Guidelines Record Review Document.
- New guidance and tools were developed and disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE website. For more information on specific guidance are resources provided, see *Appendix A: Documentation of Evidence.*

The KDE provided guidance and training on calculating, identifying and addressing disproportionality in alternate assessment participation through annual Beginning of Year and

End of Year Training. Information and training on disproportionality were provided to districts, regional training centers and regional special education cooperatives.

Requirement 4—34 CFR §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 guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities (B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed; and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

(A) Plan and timeline for improving the implementation of its guidelines for participation in the AA-AAAS, including by reviewing and, if necessary, revising its definition of students with the most significant cognitive disabilities

The KDE, in collaboration with the Alternate Assessment and Diploma Advisory Group (AADAG), continue to meet and focus on data analysis, training development, and guidance to reduce the percentage of students participating in the alternate assessment. The KDE will continue to work with technical assistance centers, such as National Center on Educational Outcomes (NCEO) and the IDEA Data Center to support our ongoing work around students with significant disabilities. The KDE will continue to participate in the NCEO 1.0 percent cap Community of Practice webinar meetings and the state-sponsored convening's to improve our ongoing work with students with significant cognitive disabilities participation in alternate assessments. The KDE will continue to seek feedback from stakeholders to review and revise, if necessary, its guidelines for participation in the AA-AAAS and its definition of students with the most significant cognitive disabilities (including English Learners).

The KDE will ensure ARC decisions about alternate assessment participation are appropriately made, the possible implications of participating understood and will encourage ongoing communication on improving outcomes for students with a significant cognitive disability.

Evidence of Progress

Based on feedback from districts and special education regional cooperative consultants, the state has reviewed and revised all alternate assessment guidance and training. New guidance and tools developed were disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE website. To improve the understanding and implementation of its participation guidelines, the KDE, in collaboration with the AADAG, revised all current 1.0 percent Training Modules and created a new Annual Review for ARC Members Module on how to prepare and complete the *Participation Guidelines*. The KDE and

AADAG also revised the Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment 2018-2019 document to include:

- Guiding Questions for the ARC
- Resources specific to each participation criteria requirement
- Appendices including examples and comparisons specific to each participation criteria requirement
- Data Analysis & Reflection Worksheet for use in ARC meetings
- Resources specific to English Learners with significant cognitive disabilities

The previous state plan included developing improved parent resources and public reporting of both statewide AA-AAAS data and district justification responses. New guidance and tools were developed and disseminated through a newly developed Kentucky Alternate Assessment Participation Waiver resource page on the KDE website. Based on feedback from districts and stakeholder groups, the KDE in collaboration with the AADAG have developed new resources for parents to be disseminated in the 2019-2020 school year including a new training module for parents, an updated *Parent Guide: Kentucky Alternate Assessment* and a new alternate assessment information flyer for parents.

For more information on specific guidance and resources provided, see Requirement 4 (A) – 34 CFR §200.6(c)(4)(iv)(A) of *Appendix A: Documentation of Evidence.*

(B) State will take additional steps to support and provide oversight to each LEA that the State anticipates will exceed the 1.0 percent threshold to ensure that only students with the most significant cognitive disabilities take an AA-AAAS. The State must describe how it will monitor and regularly evaluate each such LEA to ensure that the LEA provides sufficient training such that school staff who participate as members of an individualized education program (IEP) team or other placement team understand and implement the guidelines established by the State for participation in AA-AAAS so that all students are appropriately assessed;

To meet the 90 day submission requirement, Kentucky's request to extend the waiver is being submitted on August 6, 2019; which is several months before the final 2018-2019 state and district level assessment data will be available. This early submission required Kentucky to acquire Local Educational Agency (LEA) assurances without current district-level data. In an attempt to meet the waiver requirements the KDE focused on districts that anticipated exceeding 1.0 percent and districts who have exceeded 1.0 percent participation in the previous school year. On June 15, 2019, the KDE requested a District Assurance Form from 142 districts. The district assurances included verification the ARC is following the updated *Kentucky Alternate Assessment Participation Guidelines* when making assessment participation decisions for students, ARC chairpersons have completed the required alternate assessment participation training modules and the district is currently or will address any disproportionality in the percentage of students in any subgroup taking the alternate assessment.

Districts who assessed more than 1.0 percent of their students using AA-AAAS during the 2017-2018 school year submitted a justification requirement form to ensure that only students with the most significant cognitive disabilities are found eligible and to ensure ARC members have completed the required training modules and have been provided sufficient training by the district or through the regional cooperatives. To identify specific supports and oversight needed statewide, regionally and by district, the KDE reviewed and analyzed submissions from districts and feedback from regional consultants. The KDE found common themes as to why districts have more than 1.0 percent of their students who were assessed with an AA-AAAS. As part of the scale-up plan, the KDE, in collaboration with the AADAG, will develop a new regional capacity training plan to address needs identified by the data.

As part of the scale-up plan, the KDE and the AADAG have revised the targeted monitoring process in order to determine if ARCs made IDEA eligibility decisions for alternate assessment participation that were consistent with federal and state laws and regulations pursuant to 34 CFR 300.320(a)(6)(ii) and 707 KAR 1:320, Section 5.

State Monitoring Plan (revised April 2019)

The KDE Division of IDEA Monitoring and Results (DIMR) will pull a sampling of records from the statewide information system known as Infinite Campus (IC) for students found eligible to participate in the alternate assessment. The sample of students' records will be reviewed by the DIMR team using the 2018-2019 Participation Guidelines for the Kentucky Alternate Assessment Record Review Document.

During the review, the DIMR will monitor whether the students were appropriately identified as a student who meets all eligibility criteria to participate in the alternate assessment. The DIMR will also verify whether the district followed the Kentucky Alternate Assessment Participation Guidelines Documentation Form for participation in the AA-AAAS and documented all ARC decisions (707 KAR 1:320, Section 5 (11)).

The KDE selects districts to be monitored based on the analysis of several data-based factors including (but not limited to):

- Districts over 1.0 percent participation in 2017-2018 assessment data
- Districts under 1.0 percent participation in 2017-2018 assessment data
- 2018-2019 statewide and district-level disproportionality ratios based on students eligible to participate in the alternate assessment
- Districts with alternate assessment participants in disability categories not identified as a cognitive disability
- Districts assessing over 3% of students on alternate assessment
- District justification responses
- District *Learner Characteristics Inventory* data
- Proficiency level of alternate assessment participants

Districts will be provided a *Data Verification Report* and a conference with the Director of Special Education (DoSE) and regional cooperative consultant to walk them through the process and answer general questions about the report. The conference will also include a root cause analysis to identify what technical assistance is needed and how to best provide assistance to the district.

The Data Verification Reports include:

- Summary of findings
- District feedback from desk review including strengths and opportunities for growth
- Suggestions to improve the process used to determine how a student participates in state testing.
- Resources

The KDE, in collaboration with its AADAG and regional special education cooperatives, developed a plan in 2017 for extensive statewide training, coaching, and support. This training plan is known as the Participation for Alternate Assessment (P4AA) Project. To ensure districts are providing sufficient training such that ARC members understand and implement the guidelines efficiently, the KDE collaborated with the University of Kentucky Human Development Institute to improve the learning management system (LMS) that provides the alternate assessment training modules. The new system allows the KDE, regional cooperative trainers and district administrators the ability to monitor and manage training participation, completion and feedback. The KDE will continue to monitor and support training participation using the LMS. The KDE will continue to provide technical support to all stakeholders through phone support and the dedicated email address KDEAltAssessment@education.ky.gov.

Evidence of Progress

The KDE revised, trained and implemented a targeted monitoring process, described in the *State Monitoring Plan* above. Based on the 2017-2018 monitoring results, the KDE and AADAG made several revisions to the waiver plan and timeline. The group completed additional guidance and revisions including:

- Revisions to existing training modules and a new annual review training module
- Updated Guidance for ARCs on Participation Decision for the Kentucky Alternate Assessment.
- New Participation Guidelines for the Kentucky Alternate Assessment Review Document that includes an informative description of district processes to review and monitor the identification of students taking the alternate assessment
- Updated the State Monitoring Plan to include:
  - a three pronged monitoring approach;
  - review of a higher number of districts and student files;

- improved monitoring *Data Verification Report* process to identify and correct process, policies and procedures noncompliance at the individual student and systems levels; and
- selected districts to be monitored based on the analysis of several data-based factors.

Out of 173 districts, the KDE reviewed a sample of student files from 10 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to ensure a more accurate representation of student sampling. After a year of intensive training, support, and oversight, the 2018-2019 desk review included a sample of student files from 39 districts.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided all districts with a Data Verification Report including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the Kentucky Alternate Assessment Participation Guidelines to determine if the student was identified for the appropriate state assessment. Feedback from the DoSE and cooperative consultants was very positive in reference to the P4AA plan provided over the past two school years and with the new monitoring process and report.

(C) State will address any disproportionality in the percentage of students taking the AA-AAAS.

The KDE will continue to address any disproportionality identified in the percentage of students in any subgroup taking the AA-AAAS through a variety of activities including:

- Calculating and analyzing alternate assessment participation rates among subgroups at the state and district levels;
- Comparing subgroup data for multiple school years to identify any trends in subgroup participation;
- Calculating and analyzing statewide and district-level data using a disproportionality rate comparison;
- Improving and implementing the scale-up plan to include an updated targeted monitoring process to determine whether the disproportionate representation of students in subgroups is due to inappropriate identification under the IDEA;
- Reviewing individual records of students identified for special education to determine if ARCs made IDEA eligibility decisions that used appropriate district approved policies, procedures and practices which were consistent with federal and state laws and regulations;

- Reviewing district justifications to identify district-level processes in place to address disproportionality, specific support and guidance needed for districts and any unusual patterns in the data;
- Engaging with stakeholder groups to address disproportionality to ensure only students with the most significant cognitive disabilities are participating in the alternate assessments;
- Maintaining and updating guidance and training resources on the KDE website; and
- Making assessment data publicly available.

The State Advisory Council for Exceptional Children (SACEC) provides policy guidance to the KDE with respect to special education and related services for children with disabilities in Kentucky. In the second half of 2017, the newly-formed SACEC devoted its energy to discussing significant disproportionality, participating in advisory council training and developing priorities for 2018. The SACEC will continue to meet to provide KDE with valuable input and feedback to assist in setting future goals to address disproportionality. The KDE will continue to provide guidance and regional training, specific to calculating and addressing disproportionality.

Evidence of Progress

The KDE implemented a targeted monitoring process, described on page 4 of the August 7, 2018 Kentucky waiver request. Based on the 2017-2018 monitoring results described in the State Monitoring Plan under Requirement 4 (B)(a) above, the KDE and AADAG made several revisions to the waiver plan and timeline.

As stated above, KDE reviewed a sample of student files from 10 districts out of 173 districts in the 2017-2018 desk review. As part of the scale-up plan, the KDE increased the number of districts and student files reviewed to 39 districts. This larger sample ensures a more accurate representation of student files.

To address any inappropriate identification and documentation of alternate assessment eligibility, the KDE provided districts with a *Data Verification Report* including individual student record feedback which includes when the documented evidence does not support that the student has a significant cognitive disability. In those cases, the districts were informed that it may be necessary to reconvene an ARC to discuss and document completion of the *Kentucky Alternate Assessment Participation Guidelines* to determine if the student was identified for the appropriate state assessment.

The KDE compared school years 2016-2017 and 2017-2018 participation data among subgroups to identify any trends in subgroup participation. In 2016-2017 the subgroup with risk ratios above 2.0 in every subject area were students eligible for free or reduced price meals. According to the 2017-2018 school year data, the statewide disproportionality risk ratios for that subgroup decreased in all subject areas at the elementary and middle school levels and decreased for high school students in the subject areas of writing, mathematics and social studies. The statewide

disproportionality data also indicated a decrease in the risk ratio for 50% of the subgroup categories.

Due to an increase in the risk ratio for high school students in the subgroup of Pacific Islander students, the KDE reviewed alternate assessment participation for all students in this subgroup. Through record reviews, the KDE found ARCs made alternate assessment eligibility decisions using appropriate district approved policies, procedures and practices which were consistent with alternate assessment *Participation Guidelines* requirements.

Requirement 5 34 CFR §200.6(c)(4)(v) Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv) and demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4(C).

As described in this waiver request, the KDE has met all requirements of 34 CFR §200.6(c)(4)(i) through (c)(4)(iv) and provided evidence demonstrating substantial progress and completion toward each component of the prior year's plan and timeline. Documentation of evidence is provided in *Appendix A*. The KDE has also included revisions to its plan and timeline to continue to make progress in reducing the percentage of students participating in the AA- AAAS and make progress toward meeting the 1.0 percent statewide goal set by ESSA.

Appendix A: Documentation of Evidence

SECTION 1: INITIAL WAIVER REQUEST REQUIREMENTS

Requirement 1 – 34 CFR §200.6(c)(4)(i): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

State Response	Supporting Evidence
Kentucky 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.	• Dates of first alternate assessment testing window for 2019-2020 school year: November 4, 2019 – December 13, 2019 • Date that is 90 days prior to the start date for the first alternate assessment testing window: August 6, 2019 • Attachment 2: Documentation that defines proposed alternate assessment testing windows for 2019-2020 school year. Documents related to the public comment period: • Attachment 3: includes KDE's news release of the public notice and comment period. • Attachment 4: includes the public notice of waiver request posted for public comment. • Attachment 5 (a-g): includes the e-mails shared with various stakeholders soliciting feedback. • Attachment 6 (a-c): includes the public comment received by the KDE. • Attachment 7: includes the KDE's response to the public comment.

Requirement 2 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided detailed data on alternate assessment participation in 2017-2018 school year, for all ESSA required subgroups. Kentucky also provided preliminary assessment	• Attachment 8: Participation of Kentucky Students in Statewide Assessment for School Year 2017-2018- By Sub-Group. • Attachment 9: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019.

State Response	Supporting Evidence
participation data for 2018-2019 school year.	

Requirement 2 (B) - 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided detailed data on overall assessment participation rates for all students and for students with disabilities to show that at least 95% of all students and at least 95% of students with disabilities participated in state assessments.	• Attachment 10: 2018-2019 Overall Statewide Assessed by Content Area (see Table 5). • KDE School Report Card 2017-2018 School Year – Assessment and Performance Data.

Requirement 3 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment followed the state's guidelines for participation.	• Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its IEP teams (known as Admission and Release Committee (ARC) in Kentucky): o followed the state's guidelines for participation in the alternate assessment, o informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment, and o disproportionality in the percentage of students in any subgroup taking the alternate assessment, or that it is currently or has plans to address any disproportionality. • 1.0 percent CAP on Alternate Assessment Participation District Assurance Form.

State Response	Supporting Evidence
	• 1.0 percent CAP on Alternate Assessment Participation District Assurance Form Responses. • 2018-2019 District Alternate Assessment Participation Justification Requirement Form. • 2018-2019 District Alternate Assessment Participation Justification Summary. • 2017-2018 District Alternate Assessment Participation Justification Summary.

Requirement 3 (B) – 34 CFR §200.6(c)(4)(iii)(B): Provide assurance that any disproportionality in students taking the alternate assessment will be addressed.

State Response	Supporting Evidence
Kentucky provided an assurance that it has verified that each district with more than 1.0 percent participation in the alternate assessment will address any disproportionality in participation in the alternate assessment.	• Attachment 1: Documentation that the KDE requested each district over 1.0 percent alternate assessment participation to provide a written confirmation that its ARCs followed the state's guidelines for participation in the alternate assessment, informed parents of students with the most significant cognitive disabilities of the implications of participation in the alternate assessment and have addressed disproportionality in the percentage of students in any subgroup taking the alternate assessment. o 1.0 percent CAP on Alternate Assessment Participation District Assurance Form. o 1.0 percent CAP on Alternate Assessment Participation District Assurance Form Responses. o 2018-2019 District Alternate Assessment Participation Justification Requirement Form. o 2018-2019 District Alternate Assessment Participation Justification Summary. o 2017-2018 District Alternate Assessment Participation Justification Summary. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Public reporting of percent of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.

State Response	Supporting Evidence

	• Attachment 11: Information on how disproportionality is calculated by the state.
	• Stakeholder group discussion and input on ways to address disproportionality in alternate assessment participation:
	  o Attachment 12: AADAG Meeting Agenda.
	  o Attachment 13: KDE Data Manager presentation to AADAG on disproportionality risk ratio.
	  o Attachment 14: KDE presentation to the State Advisory Council for Exceptional Children (SACEC) on Significant Disproportionality.
	  o Attachment 15: KDE presentation to LEAs, Regional Training Centers and Regional Special Education Cooperatives.
	  o Attachment 16: End of Year Training and Beginning of Year Training for LEAs; presented by KDE Data Manager.
	• See Requirement 4 (B) and (C) in waiver request for documentation of state monitoring based on disproportionality rate comparison.

Requirement 4 (A) – 34 CFR §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.

State Response	Supporting Evidence
Kentucky provided a plan and timeline for improving its guidelines, including it definition of students with the most significant cognitive disabilities.	• Kentucky Waiver submitted August 6, 2019 includes an outline of the steps the state took to improve implementation of its participation guidelines. • Attachment 17: 2017-2018 Waiver Work Timeline. • Attachment 18: 2018-2019 Waiver Work Timeline. • Attachment 19: 2019-2020 Waiver Work Timeline Draft. • Attachment 20: P4AA universal training module outline – A series of five universal training modules are required for all ARC members and are located on the University of Kentucky Human Development Institute (HDI) Learning Management System (LMS). The purpose of these training modules was to implement the requirements set

State Response	Supporting Evidence
	forth in the ESSA and support districts in the implementation of the Kentucky Alternate Assessment Participation Guidelines. o Attachment 21: Instructions for registering for training modules. • Kentucky 1.0 percent waiver information, guidance, training and other resources are available on the new Kentucky Alternate Assessment Participation Waiver page of the KDE website. • *Parent Guide: Kentucky Alternate Assessment (revised).* • Attachment 22: Parent info sheet draft– to be used in an ARC meeting discussing state assessment participation. • Guidance for ARCs on Participation Decisions for the Kentucky Alternate Assessment 2018-2019. • Student Data Analysis Reflection Worksheet – Provided to LEAs to assist in data analysis to complete *Participation Guidelines*. • Attachment 23: Guidance on the Participation in the Kentucky Alternate for Parents module – Draft.

Requirement 4 (B) – 34 CFR §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

State Response	Supporting Evidence
Kentucky provided a plan and timeline for additional steps it is has taken to support and provide appropriate oversight of districts expected to assess more than 1.0 percent.	• Requirement 3 and Requirement 4 of the Kentucky waiver submitted August 6, 2019 that includes an outline of the steps the state took to support and provide appropriate oversight to each LEA that the state anticipates will assess more than 1.0 percent with the alternate assessment. • See Examples of Evidence in Requirement 4 (A) –34 CFR §200.6(c)(4)(iv)(A) above. • Attachment 17: 2017-2018 Waiver Work Timeline. • Attachment 18: 2018-2019 Waiver Work Timeline. • Attachment 19: 2019-2020 Waiver Work Timeline Draft. • 2018-2019 District Alternate Assessment Participation Justification Summary – KDE reviewed and analyzed

State Response	Supporting Evidence
	responses and feedback from districts to determine district specific training and supports needed. • Updated and Ongoing P4AA plan – New Annual Review Training Module on determining alternate assessment participation.

Requirement 4 (C) – 34 CFR §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

State Response	Supporting Evidence
Kentucky provided a plan and timeline for addressing any disproportionality.	• See Examples of Evidence in Requirement 3 (B) –34 CFR §200.6(c)(4)(iii)(B) above. • Requirement 4 (C) of the Kentucky waiver submitted August 6, 2019 includes an outline of the steps the state took to address any disproportionality in the percentage of students taking the alternate assessment. • Attachment 24: A timeline that includes dates for when data on subgroup participation in the alternate assessment and how to address disproportionality were discussed and examined. • Attachment 25: 2017-2018 – Statewide Disproportionality of Students Participating in AA-AAAS. • Public reporting of alternate assessment participation by subgroup is located in the School Report Card under Academic Performance, Assessment and Performance, State Assessments (Enrollment), Assessed vs. Not Assessed table. • Attachment 26: Data Verification Report template – report provided to districts who were monitored through the alternate assessment participation state monitoring process.

SECTION 2: WAIVER CONTINUATION REQUESTS

Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C) [see SECTION 1] – Meet the requirements in paragraph (c)(4)(i) through (c)(4)(iv)

State Response	Supporting Evidence
The state showed that it met each of the requirements 1-4.	• Kentucky continues to meet requirements for requesting a waiver as documented in the Kentucky waiver submitted August 6, 2019. • SECTION 1 of the 2019-2020 Kentucky Waiver Requirements Evidence Table above documents completion of Requirements 1, 2(A), 2(B), 3(A), 3(B), 4(A), 4(B), 4(C). • Table 2 - Documentation of changes in participation rates in alternate assessment in each subject area. • Attachment 9: Participation of Kentucky Students in Statewide Assessment for School Year 2018-2019 (See Table 1).

Requirement 5 – 34 CFR §200.6(c)(4)(v): Demonstrate substantial progress toward each component of the prior year's plan and timeline, which was required under Requirement 4 (C)

State Response	Supporting Evidence
The state showed that it made progress toward its prior year's plan and timeline.	Evidence to support this requirement includes: • Kentucky has documented progress and completion of each component of the prior year's plan and timeline as "Evidence of Progress" in the Kentucky waiver submitted August 6, 2019. • Table 2: Overall Statewide Change in Participation and Eligibility in the Kentucky AA-AAAS. • District Alternate Assessment Participation: Documentation of districts exceeding 1.0 percent participation.