



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

JAN 02 2020

The Honorable Jeffrey C. Riley
Commissioner
Massachusetts Department of Elementary
and Secondary Education
75 Pleasant Street
Malden, MA 02148-4906

Dear Commissioner Riley:

I am writing in response to the Massachusetts Department of Elementary and Secondary Education's (MA DESE) request on November 12, 2019 to extend its 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. MA DESE requested this waiver because, based on State data for the 2018-2019 school year, MA DESE 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 MA DESE's request, I am granting, pursuant to my authority under section 8401(b) of the ESEA, for school year 2019-2020, a one-year 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. MA DESE 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, mathematics and science.

As part of this waiver, MA DESE 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.

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

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

- 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 MA DESE’s waiver request, system improvements and will monitor future administrations of the AA-AAAS to avoid exceeding the 1.0 percent threshold.

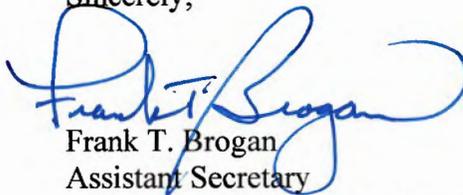
Given the significant work underway in the State, I expect to see the results of these efforts in the 2019-2020 school year and beyond. Any future requests for an extension of this waiver will be contingent on both continued progress implementing your plan and progress in reducing the percentage of students 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 Massachusetts 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,

A handwritten signature in blue ink, appearing to read "Frank T. Brogan". The signature is fluid and cursive, with a large initial "F" and "B".

Frank T. Brogan
Assistant Secretary
for Elementary and Secondary Education

cc: Daniel Wiener, Administrator of Inclusive Assessment



Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
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Jeffrey C. Riley
Commissioner

November 12, 2019

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

SUBJECT: Massachusetts “One Percent” ESSA Waiver Extension Request, submitted by email to OSS.Massachusetts@ed.gov

To Whom It May Concern:

I am writing to request that the waiver referenced above, which was received by the Massachusetts Department of Elementary and Secondary Education (Department) in February 2019, be extended for the 2019–2020 school year, regarding Massachusetts exceeding the one percent threshold for students who will take alternate assessments aligned with alternate achievement standards (AA-AAS), as described in section 1111(b)(2)(D)(i)(I) of the Elementary and Secondary Education Act of 1965, and amended by the Every Student Succeeds Act (ESSA). In Massachusetts, the AA-AAS is the Massachusetts Comprehensive Assessment System – Alternate Assessment (MCAS-Alt).

I anticipate that Massachusetts will exceed the one-percent threshold in the 2019–2020 school year, although we have made significant progress in lowering the number of students with disabilities who participate in alternate assessments by about 300 students since 2018, and by more than 1,000 students since 2016.

Massachusetts has maintained at least a **98 percent participation rate** in the statewide MCAS assessments for all students, including students with disabilities, in each subject assessed. On the 2019 assessments, the following statistics show how MCAS-Alt participation was reduced in the three content areas assessed:

- 1.4 percent of assessed students took the English Language Arts MCAS-Alt (reduced from the 2018 rate of 1.5 percent).
- 1.4 percent of assessed students took the Mathematics MCAS-Alt (reduced from the 2018 rate of 1.5 percent).
- 1.3 percent of assessed students took the Science and Technology/Engineering MCAS-Alt in grades 5, 8, and 10 (reduced from the 2018 rate of 1.4 percent).

I anticipate that we will continue to lower the percentage of students taking the statewide alternate assessment in the next year. Department staff will continue to provide technical assistance, oversight, and training activities to meet the need to appropriately assess students

with disabilities, and will maintain frequent communication with districts, especially those that assess more than one percent of their students on the alternate assessment.

The following resources on this topic are available on the [Department's website](#):

- **Guidance** for IEP teams and 504 plan coordinators, including the following:
 - **criteria** for decision-making on alternate assessment participation
 - a **definition** of which students should be considered for alternate assessments
 - a presentation to be used for the **annual training** of IEP teams and 504 plan coordinators regarding appropriate designation of students for alternate assessments
- Publicly available data on MCAS-Alt 2017–2019 **participation rates** for each district
- A sample **parent notification letter**, translated into five major languages, alerting parents that 1) their child's achievement will be measured using an alternate assessment based on alternate academic achievement standards, 2) participation in an alternate assessment may delay or affect the child's ability to complete the state's requirements for a high school diploma, and 3) the decision to have their child take an alternate assessment will be revisited annually by the IEP team.

On September 5, a **Notice of Intent** to apply for a waiver was posted to the Department's web page (see the attachment to this letter), with an invitation for public comment through October 5. In addition, **notification letters** have been sent to 69 districts with a request for **written justification** in cases where a district anticipates that it will alternately assess greater than one percent of its students in the current school year. We anticipate receiving any outstanding district justifications by the end of 2019.

I am requesting a waiver in the subjects of English language arts, mathematics, and science, based on the criteria provided in section 200.6(c)(4) of the regulations of ESSA. I am also attaching to this memo the additional required components of this waiver request outlined by ESSA, pursuant to section 8401 under Part D of ESSA, as amended through P.L. 114-95.

I appreciate this opportunity to inform the U.S. Department of Education of our accomplishments and activities, and look forward to your consideration of our request for a waiver of this ESSA provision. Please contact Daniel Wiener, Administrator of Inclusive Assessment, at dwiener@doe.mass.edu with any additional questions you may have. Thank you for your attention to this information.

Sincerely,



Jeffrey C. Riley
Commissioner of Elementary and Secondary Education

Attachment:

Copies: Jeff Wulfson, Deputy Commissioner
Michol Stapel, Associate Commissioner for Student Assessment
Russell Johnston, Senior Associate Commissioner, State Director of Special Education
Rob Curtin, Associate Commissioner, Data and Accountability

Attachment

1. Waiver request submitted at least 90 days before start of testing window [§200.6(c)(4)(i)]

The MCAS-Alt “test window” informally begins on the first day of school, although teachers begin the alternate assessment process at different points throughout the school year. The window ends with submission of the assessments on April 3, 2019. This would have necessitated submitting our request last June, but we opted instead to await reporting of the 2019 assessment results and submitting the waiver extension request in fall 2019, together with our participation data, as we did last year.

2. Assessment participation by all students, students with disabilities, and subgroups [§200.6(c)(4)(ii)]

**2019 Overall Assessment Participation
for All Students and Students with Disabilities**

Content Area	Students Eligible for Assessment (Enrolled)	Students Assessed (Standard test + MCAS-Alt)	Overall Percent of Students Assessed	Students with Disabilities Eligible for Assessment (Enrolled)	Students with Disabilities Assessed (Standard test + MCAS-Alt)	Overall Percent of Students with Disabilities Assessed
English Language Arts	505,036	497,500	98.5%	99,610	97,620	98%
Mathematics	504,825	501,017	99%	99,536	97,734	98%
Science and Technology/Engineering	219,703	218,436	99%	41,824	41,214	98.5%

2019 Subgroup Participation in Standard and Alternate Assessments in Each Subject

ENGLISH LANGUAGE ARTS

Subgroup	Number of Students who took Standard Assessments	Number of Students who took MCAS-Alt	Percent of Students who took MCAS-Alt
All students	490,613	6,887	1.4%
Male	250,344	4,752	1.8%
Female	240,102	2,192	0.9%
English Learners	43,940	973	2.2%
African American	44,273	1,081	2.4%
Hispanic/Latino	101,102	1,993	2.0%
Asian	33,938	397	1.2%
White	291,057	3,214	1.1%
Economically Disadvantaged	173,457	4,386	2.5%
Students with Disabilities	90,676	6,887	7.6%

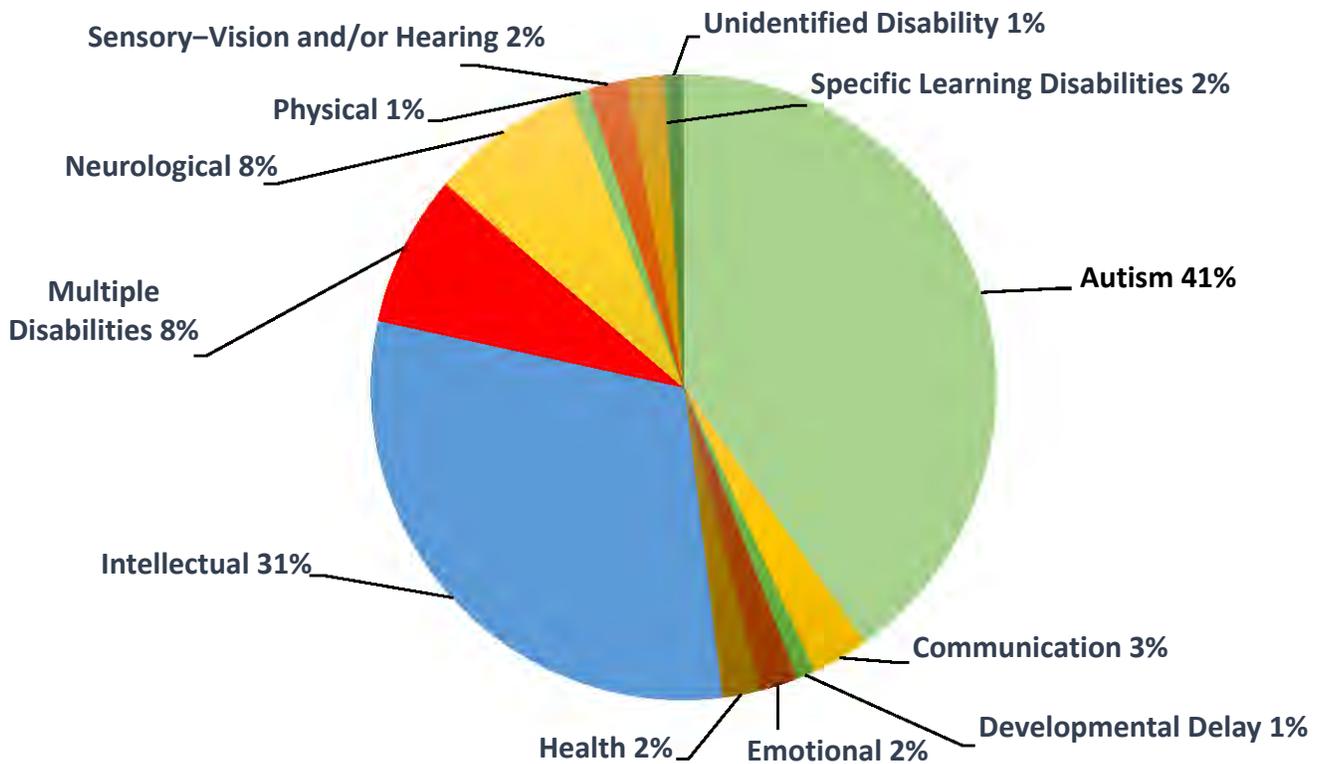
MATHEMATICS

Subgroup	Number of Students who took Standard Assessments	Number of Students who took MCAS-Alt	Percent of Students who took MCAS-Alt
All students	494,034	6,983	1.4%
Male	252,227	4,779	1.9%
Female	241,639	2,265	0.9
English Learners	47,821	1,016	2.1%
African American	44,639	1,102	2.5%
Hispanic/Latino	103,049	2,024	2.0%
Asian	34,495	391	1.1%
White	291, 563	3,259	1.1%
Economically Disadvantaged	175,561	4,449	2.5%
Students with Disabilities	90,690	6,983	7.7%

SCIENCE AND TECHNOLOGY/ENGINEERING

Subgroup	Number of Students who took Standard Assessments	Number of Students who took MCAS-Alt	Percent of Students who took MCAS-Alt
All students	215,582	2,854	1.3%
Male	110,023	1,940	1.8%
Female	105,453	938	0.9%
English Learners	19,221	394	2.0%
African American	19,521	438	2.2%
Hispanic/Latino	44,474	818	1.8%
Asian	14,907	159	1.1%
White	128,287	1,354	1.1%
Economically Disadvantaged	74,575	1,820	2.4%
Students with Disabilities	38,336	2,854	7.4%

2019 MCAS-Alt Participation by Nature of Disability



NOTE: percentages may not total 100 percent due to rounding.

MCAS-Alt Participants by Disability Category

Disability Category	<u>Percent of Total Assessed Students in Each Disability Category Who Took MCAS-Alt (%)</u>	<u>Percentage of Total MCAS-Alt Participants in Each Disability Category (%)</u>
Autism	26.5	40.9
Communication	1.9	3.2
Developmental Delay	5.7	1.3
Emotional	1.0	1.7
Health	0.9	2.3
Intellectual	48.3	30.8
Multiple Disabilities	40.4	7.8
Neurological	8.0	7.7
Physical	8.0	0.5
Sensory/Deaf and Blind	28.1	0.3
Sensory/Hard of Hearing or Deaf	10.1	0.9
Sensory/Vision Impairment or Blind	6.3	0.3
Specific Learning Disabilities	0.4	1.7
Unidentified Disability	21.2	0.6

3. Substantial progress on the state’s plan and timeline to reduce the number of students taking the AA-AAS [(§200.6(c)(4)(v))]

We define “substantial progress” as a reduction of at least 0.1 percent of students taking the AA-AAS from the previous school year.

Highlights:

- Compared to 2018, **411 fewer students** took the MCAS-Alt in 2019. Between 2016 and 2019, the number of students who took the MCAS-Alt **decreased by 1,175 students**, primarily as a result of the state’s targeted training and technical assistance activities, and its development and dissemination of resources, materials, and guidelines.
- The number of districts with 500 or more total assessed students who alternately assessed over 1.0 percent of those students **decreased** from 121 districts in 2018 to 114 districts in 2019.
 - **4 districts** exceeded 3.0 percent of students taking MCAS-Alt in 2019, compared with **5 districts** in 2018.
 - **26 districts** exceeded 2.0 percent in 2019, compared with **30 districts** in 2018.
 - The state’s **three largest districts** assessed students on the 2019 MCAS-Alt at the following rates: Boston (**2.8 percent**), Springfield (**3.2 percent**), and Worcester (**2.1 percent**), suggesting a need for continued intensive intervention by the Department.

- Only **9 districts** alternately assessed more than 2.5 percent of students in 2019, compared to **14 districts** that were above 2.5 percent in 2018.
- Eight large districts **decreased** their percentages of students taking the MCAS-Alt from 2018 to 2019:
 - Newton: -0.6 percent
 - Fall River: -0.5 percent
 - Framingham: -0.5 percent
 - Randolph: -0.4 percent
 - Lynn: -0.3 percent
 - Lowell: -0.2 percent
 - Quincy: -0.2 percent
 - Worcester: -0.1 percent
- During the 2018–2019 school year, the Department provided intensive technical assistance to administrators and IEP chairpersons in the **11 districts at the highest percentages** for use of MCAS-Alt, sharing with each district an analysis of MCAS-Alt participation by disability category and students’ “level of need,” and comparing that district’s data with statewide data. As a result, 8 of the 11 districts decreased the numbers of students taking the 2019 MCAS-Alt in at least one subject; 2 increased their number; and 1 remained the same.

4. Assurances that the state has verified that each LEA (A) followed the state’s participation guidelines; and (B) will address any disproportionality in the students taking the AA-AAS [§200.6(c)(4)(iii)]

The state reviewed the 2019 MCAS-Alt participation rates in 406 Massachusetts districts and identified those in need of additional oversight, and several that will be provided intensive technical assistance in the coming year. We have made clear to *all* districts that, if they have exceeded the one percent threshold, they should review and use the Department’s resources (at www.doe.mass.edu/mcas/alt/essa/) to seek ways to lower their AA-AAS participation rates. In the 2019–2020 school year, Massachusetts will focus on districts that assess students on the MCAS-Alt at or above the statewide average of 1.4 percent and that assess at least 500 students annually, since a few participating students can make a large statistical difference in the smaller districts.

In November 2019, the Department sent letters to 69 Massachusetts districts requesting that they provide justifications if they expect to exceed one percent of their assessed students taking the MCAS-Alt in the 2019–2020 school year. The letter from the Commissioner to those districts requested that they provide the following **information and assurances** to the Department, with documentation and evidence where appropriate:

- verification that IEP teams consistently **follow the state’s guidelines and criteria** (available online at www.doe.mass.edu/mcas/alt/essa/) regarding which students should take the MCAS-Alt
- evidence that the district provides **annual training** to IEP teams using the Department’s training materials on the ESSA requirement to limit the number of students taking the MCAS-Alt

- evidence that **professional development** is provided annually to general and special education staff to
 - identify appropriate accommodations for instruction and assessment
 - implement universal design for learning principles
 - apply effective co-teaching strategies
 - develop strategies for including students with significant cognitive disabilities in the general academic curriculum
- evidence that the academic curriculum is adapted for students with significant cognitive disabilities, and that the district provides ample opportunities for **interaction and collaboration** among general and special educators for this purpose
- information about whether **unique circumstances exist in the district** (e.g., specialized schools or programs) that might draw large numbers of students with significant cognitive disabilities to live in the district, resulting in an excess of one percent of students taking the MCAS-Alt, and to provide a description of those circumstances
- explanation of the steps the district will take in the coming year to **reduce the number of students taking alternate assessments**
- information about whether the district is aware of any **disproportionate designation** of students in the following subgroups taking the MCAS-Alt and, if so, what steps the district will take (or has already taken) to reduce this kind of disproportionate representation:
 - English learners, who are 1.6 times more likely statewide to take the MCAS-Alt than non-ELs
 - African American students, who are 1.6 times more likely to take the MCAS-Alt than non-African American students
 - Hispanic/Latino students, who are twice as likely to take the MCAS-Alt than non-Hispanic/Latino students
 - male students, who are twice as likely to take the MCAS-Alt than female students
 - economically disadvantaged students, who are 2.5 times as likely to take the MCAS-Alt than students who are not economically disadvantaged
- evidence that **parents have been and will continue to be informed in writing** when their child is designated to take an alternate assessment, including the likely impact this will have on their child's ability to eventually meet the state's graduation requirements
- evidence that designating any student to take the MCAS-Alt was NOT based solely on the following:
 - The student was absent excessively.
 - The student performed poorly (or was anticipated to perform poorly) on the standard MCAS tests.
 - The student had previously taken the MCAS-Alt.
 - The student is in a specific disability category (e.g., all students with intellectual disabilities should not take MCAS-Alt).
 - The student is an English learner.
 - The student is from a low-income family or is in foster care.
 - The student's score would contribute (positively or negatively) to the school's accountability rating if the student took the MCAS-Alt.

Massachusetts will continue to closely monitor each district regarding 1) percentage of overall student population taking the MCAS-Alt; 2) progress and trends over two or more years in reducing the district's overall MCAS-Alt percentage; and 3) whether the district has identified and is addressing any disproportionality in their student subgroup participation in the AA-AAS.

The state will continue to monitor the statewide MCAS-Alt participation rate and any disproportionality identified in one or more student subgroups.

5. A plan and timeline by which the state will (A) improve the implementation of its participation guidelines, including if necessary, revising its definition of “students with the most significant cognitive disabilities”; and (B) take steps to support and provide appropriate oversight to districts anticipated to exceed 1.0 percent [§200.6(c)(4)(iv)]

Since 2016, the state has clarified its criteria and characteristics of a “student with a significant cognitive disability” who would be appropriate for an alternate assessment. The Department added a component to its guidelines describing the “criteria that should *not* be used as the sole determining factor in designating a student for an alternate assessment” (e.g., excessive absence, failing the standard statewide assessment, placement in a specific program, etc.).

The Department annually disseminates information during eight face-to-face meetings with educators and administrators in the fall and will continue to address these issues in periodic digital newsletters and updates, as well as through scheduled technical assistance visits with up to ten districts in 2019–2020.

This year, the Student Assessment and Special Education Planning and Policy offices will

- continue to meet at regular intervals;
- focus resources on intervening in districts that appear to have higher rates of participation in alternate assessments, including additional site visits and presentations to ten districts that currently assess 2.0 percent or more of students on the alternate assessment; and
- coordinate with other Department offices on the topic of disproportionality so that we will recognize when this occurs.

6. Notice of intent to apply for a waiver and opportunity for public comment

On September 5, 2019, the Massachusetts Department of Elementary and Secondary Education posted a *Notice of Intent to Apply and Opportunity for Comment Regarding a Waiver Extension of the Federal Requirement Related to the Percentage of Students Who Participate in Statewide Alternate Assessments* on the following web pages for a period of 30 days to receive public comment:

- Commissioner’s Headlines (<http://www.doe.mass.edu/>, now archived at [DESE News](#))
- MCAS Headlines (<http://www.doe.mass.edu/mcas/>)
- MCAS-Alt Headlines (<http://www.doe.mass.edu/mcas/alt/>)

(See following pages for the Notice of Intent documentation.)

One comment was provided to the Department in response to the Notice:

- A teacher from Thurgood Marshall Middle School, Lynn Public Schools emailed her support for the waiver request because of the high number of students in Lynn Public Schools who are in specialized programs and require, in her view, an alternate assessment.

An additional 1,600 teachers and 500 administrators were informed of the Department's intent to re-apply for a waiver during regional face-to-face training sessions on the MCAS and MCAS-Alt during October 2019.

NOTICE OF INTENT TO APPLY FOR A ONE PERCENT WAIVER – Posted: September 5, 2019



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MCAS Alternate Assessment (MCAS-Alt)

Notice of Intent to Apply and Opportunity to Comment on the Department's Waiver Extension Request Related to the Percentage of Students Who Participate in the MCAS Alternate Assessment

To: Interested Educators and Members of the Public
From: Jeffrey C. Riley, Commissioner of Elementary and Secondary Education
Date: September 5, 2019

The Massachusetts Department of Elementary and Secondary Education (Department) intends to seek an extension of its existing waiver of the federal requirement that would limit the number of students in the state who take alternate assessments to one percent of eligible students.

The purpose of this notice is to provide you with an opportunity to comment on the [request for a waiver](#) by the Department for the upcoming 2019-2020 school year. A waiver of the one percent requirement was previously granted to Massachusetts by the U.S. Department of Education on December 28, 2017 for the 2017-2018 school year, and an extension was granted on February 25, 2019 for the 2018-2019 school year.

Under the requirements of the reauthorized Elementary and Secondary Education Act, known as the [Every Student Succeeds Act](#) (ESSA), states must limit the total number of students designated to participate in an alternate assessment based on *alternate achievement standards* to one percent of the total number of students who participate in the MCAS assessments. The aim of the legislation is to prevent designation of an excessive number of students with disabilities for alternate assessments, since this may limit access by those students to the full range of academic content standards and could, as a result, delay or prevent them from eventually meeting their state or district graduation requirements. Generally, students with *significant cognitive disabilities* are administered alternate assessments because they cannot participate in standard assessments, even with accommodations, and are receiving a curriculum that has been modified substantially below grade-level expectations. In Massachusetts, the alternate assessment based on alternate achievement standards is called the MCAS Alternate Assessment, or MCAS-Alt.

Participation by percentage of eligible students in the English language arts (ELA), mathematics, and science and technology/engineering alternate assessment during the last three school years was as follows:

- In 2016-2017, 1.6 percent
- In 2017-2018, 1.5 percent
- In 2018-2019, 1.4 percent

As these data indicate, we have made substantial progress in reducing the number of students taking the MCAS-Alt. However, reaching the target set by ESSA (i.e., one percent of eligible students, or approximately 5,000) will likely take several more years. In pursuit of this goal, the Massachusetts Department of Elementary and Secondary Education has updated and reposted a [memo](#) containing guidance and resources on this topic for Massachusetts schools and districts, and will continue to promote awareness of the need for appropriate assessment participation by students with disabilities through statewide training and district oversight.

The U.S. Department of Education is permitting states to apply for a renewal of their "one percent" waivers for the 2019-2020 school year. To be eligible for a waiver, states must demonstrate progress and continued efforts to lower the number of students taking alternate assessments, as well as an overall participation rate of at least 95 percent of students in statewide assessments. The waiver, if granted, will permit Massachusetts to gradually reduce the number of students participating in the MCAS-Alt while continuing to provide oversight, resources, and training to assist IEP teams in making informed assessment decisions for students with disabilities.

We welcome your comments regarding our intent to apply for this waiver. Comments may be submitted via email to mcas@doe.mass.edu until October 4.

Notice of Intent – Posted to MCAS Headlines (9-5-19)

Massachusetts Department of
Elementary & Secondary Education

Students & Families Educators & Administrators Teaching, Learning & Testing Data & Accountability Finance & Funding About the Department

Massachusetts Comprehensive Assessment System

MCAS HEADLINES:

- 09/05/19 Notice of Intent to Apply and Opportunity to Comment on the Department's Waiver Extension Request Related to the Percentage of Students Who Participate in the MCAS Alternate Assessment
- 09/04/19 Student Assessment Update: September 3, 2019
- 08/30/19 Stanford University Study on Spring 2019 10th Grade MCAS
- 08/28/19 Spring 2019 MCAS Raw-to-Scaled Score Conversion Tables
- 08/09/19 2019 Assessment and Accountability Reporting Schedule

[RSS](#) | [MCAS News archives](#) | [Feedback/Questions](#) | [Student Assessment Updates](#)

Commissioner's Weekly Update – Posted: September 6, 2019

Request for Waiver from Limit on Alternate Assessments:

The commissioner recently posted a [Notice of Intent to Apply and Opportunity for Comment](#) regarding DESE's intention to reapply for a waiver of the federal Every Student Succeeds Act (ESSA) requirement that limits the number of students statewide who may participate in alternate assessments to 1 percent of all students who are eligible to take MCAS. The Department was granted a waiver for the 2017-2018 school year and an extension for the 2018-2019 school year, and it must reapply for the current year. The Department must demonstrate that districts have made progress in reducing the number of students taking the MCAS-Alt and must maintain a 95 percent MCAS participation rate for all students and students with disabilities. To comment on DESE's intent to apply for this waiver, email mcas@doe.mass.edu by **October 4**.



Jeffrey C. Riley
Commissioner

Massachusetts Department of Elementary and Secondary Education

75 Pleasant Street, Malden, Massachusetts 02148-4906

Telephone: (781) 338-3000
TTY: N.E.T. Relay 1-800-439-2370

MEMORANDUM

To: Superintendents and Administrators of Special Education in Selected Districts
From: Jeffrey C. Riley, Commissioner
Date: October 30, 2019
Subject: Number and Percentage of Students Taking the MCAS Alternate Assessment (MCAS-Alt) in Your District

The Every Student Succeeds Act (ESSA) restricts the number of students with disabilities who may participate in statewide **alternate assessments** each year (ESSA Section 1111(b)(2)(d)(i)). Alternate assessment participation is limited to students with *significant cognitive disabilities* and the number of students assessed using an alternate assessment may not exceed **one percent** of the total number of students statewide who take the MCAS in each subject area. This cap has been in effect since the 2016–2017 school year and applies only to states, not districts.

A detailed memo clarifying the alternate assessment participation guidelines, plus additional relevant resources, including **participation data** for your district in each of the last three years, is available at www.doe.mass.edu/mcas/alt/essa/. As is apparent in the data on that page, **your district has assessed significantly more than one percent of the total number of assessed students on the MCAS-Alt.** The Office of Student Assessment has continued to make staff in your district aware of the need to examine closely which students are designated for those assessments, and to gradually reduce that number. While the district may have made progress in reducing the number being alternately assessed, the overall percentage is still well above the one percent threshold.

Therefore, your district is required to respond to this memorandum with the information requested in the attachment to this email and provide your responses to the Department **no later than December 20, 2019**. The requested information is required to support Massachusetts' application for a waiver of the "one percent rule" from the U.S. Department of Education for the 2019–2020 school year.

It is important that IEP teams make defensible judgments for each student in determining whether he or she requires an alternate assessment, in part because students who take alternate assessments based on *alternate achievement standards* will not earn a Competency Determination and will not be eligible to receive a high school diploma.

This request is being sent by email, rather than through regular mail, so that you (or your designee) can respond electronically and return your district's response more efficiently. Please address your responses **by December 20** to Debra Hand at dhand@doe.mass.edu. If you have questions or wish to discuss this further, please contact Daniel Wiener or Debra Hand in Student Assessment at 781-338-3625 or by email at mcas@doe.mass.edu.

Thank you for your attention to this timely and important information.

ATTACHMENT to Commissioner's Memo on District Justification

Please respond to the questions below, if the district expects it will exceed one percent of the total number of assessed students taking the MCAS-Alt in the 2019–2020 school year.

(Response boxes will expand to accommodate additional text.)

Complete the information on this form and return by email no later than **December 20, 2019** to: Ms. Debra Hand, Office of Student Assessment, at dhand@doe.mass.edu.

District:	
Person completing this attachment:	Role:
The superintendent has reviewed and approved submission of your responses to the Department. ___ Yes ___ No	

1. Does the district provide IEP teams with **annual training** using the Department's training materials on the ESSA requirement to limit the number of students taking the MCAS-Alt to one percent statewide? The materials are available here: www.doe.mass.edu/mcas/alt/essa/. Provide evidence and documentation that this training has occurred and list the staff who have attended over the past two years.

2. Do IEP teams consistently **follow the state's guidelines and criteria** (available online at www.doe.mass.edu/mcas/alt/essa/) regarding which students should take the MCAS-Alt? Provide evidence and documentation of this use.

3. Is **professional development** provided to general and special education staff to:

- a. identify appropriate accommodations for instruction and assessment;
- b. implement universal design for learning principles;
- c. apply effective co-teaching strategies; and/or
- d. develop strategies for including students with significant cognitive disabilities in the general academic curriculum?

If so, provide evidence and documentation of having conducted this training over the past two years and list staff who attended.

4. To meet the need to adapt the academic curriculum for students with significant cognitive disabilities, does the district provide ample opportunities for **interaction and collaboration** among general and special educators? If so, provide evidence and documentation that time is provided and collaboration has occurred.

5. Are there **unique circumstances in the district** (e.g., specialized schools or programs) that might draw large numbers of students with significant cognitive disabilities living in the district, resulting in an excess of one percent of students taking the MCAS-Alt? If so, provide a description of these circumstances.

6. Describe the steps the district will take in the coming year to **reduce the number of students taking alternate assessments**. Your district’s MCAS-Alt participation data is available at <http://www.doe.mass.edu/mcas/alt/essa/participants-district.xlsx>.

7. Is the district aware of any **disproportionate designation** of students in the following subgroups taking alternate assessments? If so, what steps will the district take in the coming year (or the steps already taken) to reduce the impact of any disproportionate representation of students in the following subgroups among those taking the MCAS-Alt?

- a. English learners, who are 1.6 times more likely statewide to take the MCAS-Alt than non-ELs;
- b. African American students, who are 1.6 times more likely to take the MCAS-Alt than non-African American students;
- c. Hispanic/Latino students, who are twice as likely to take the MCAS-Alt than non-Hispanic/Latino students;
- d. male students, who are twice as likely to take the MCAS-Alt than female students; and
- e. economically disadvantaged students, who are 2.5 times as likely to take the MCAS-Alt than students who are not economically disadvantaged.

8. Provide assurances that **parents have been and will continue to be informed in writing** when their child is designated to take an alternate assessment, including the likely impact this will have on their child’s ability to eventually meet the state’s graduation requirements. Provide a sample of the letter or notice that is sent or given to the parent of a student who has been designated to take the MCAS-Alt. (Notification of parents is required under ESSA. Sample Parent Notification Letters, with translations, are available at www.doe.mass.edu/mcas/alt/essa/).

9. Provide assurances that designating a student to take the MCAS-Alt is NOT based solely on any the following criteria:

- was absent excessively
- performed poorly (or anticipated poor performance) on MCAS tests
- took MCAS-Alt previously
- is in a specific disability category (e.g., all students with intellectual disabilities should not take MCAS-Alt)
- is an English learner
- is from a low-income family or child in foster care
- would contribute positively to the school’s accountability if student took MCAS-Alt.

District Worksheet

District Name	Completed by

Percentage of Students in Each Disability Category Taking the MCAS-Alt

Instructions: The table below may be used to compare your district’s rate of students taking the MCAS-Alt with the state average for students in each disability category. Complete the empty cells and compare this information with statewide percentages in the right-hand column.

By comparing your district’s percentages in each disability category with the state’s percentages, you will be able to determine the disability categories that should be examined for over-representation among students taking the MCAS-Alt. For example, if 75 percent of students with intellectual disabilities take the MCAS-Alt in your district, and only 50 percent of students in that category take the MCAS-Alt statewide, it is likely that about 25 percent of students with intellectual disabilities who take the MCAS-Alt should be reconsidered to take the general assessment with accommodations.

The **percentage** of students assessed by MCAS-Alt in each disability category can be determined by dividing the number of students in a disability category taking the MCAS-Alt by the number of students in that disability category taking MCAS tests. For example, if 1,237 students in grades 3–8 and 10 took ELA MCAS tests, and 20 students in those grades took the MCAS-Alt, then $20/1,237 = 1.6$ percent.

District information on student assessment formats (i.e., tested versus alternate assessment) and the nature of primary disabilities can be found in your district’s **DropBox** at gateway.edu.state.ma.us/ in the file: **Spring2019_MCAS_official_[your district code].csv**.

After completing the worksheet below, identify primary disability categories in your district that should be examined more closely for over-representation when compared with the state averages.

Content Area (Check one): ELA Mathematics Science and Technology/Engineering

Nature of Disability (SIMS Disability Code)	# in Disability Category Taking MCAS Tests (District)	# in Disability Category Taking MCAS-Alt (District)	% in Disability Category Taking MCAS-Alt (District)	% Within Each Disability Category Taking MCAS-Alt (State)
Autism (11)				29%
Intellectual Disability (01)				50%
Multiple Disabilities (10)				41%
Neurological (12)				9.5%
Sensory/Vision Impairment or Blind (04)				7.7%
Sensory/Deafblind (09)				30.6%
Health (07)				1.1%
Developmental Delay (13)				8%
Physical (06)				7.3%
Specific Learning Disability (08)				0.5%
Sensory/Hard of Hearing or Deaf (02)				11%
Emotional (05)				1.3%
Communication (03)				2%