UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

The Honorable Susan Bunting
Secretary of Education
Delaware Department of Education
The Townsend Building
401 Federal Street, Suite 2
Dover, DE 19901-3639

February 18, 2020

Dear Superintendent Bunting:

I am writing in response to the Delaware Department of Education's (DDOE) request on December 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 in reading/language arts and mathematics. In addition, DDOE has requested a new waiver to exceed the cap on the number of students with the most significant cognitive disabilities who may be assessed using an AA-AAAS in science. DDOE requested this waiver because, based on State data for the 2018-2019 school year, DDOE has concluded that it will need to assess more than 1.0 percent of students using an AA-AAAS in reading/language arts, mathematics, and science in the 2019-2020 school year.

After reviewing DDOE's request, I am declining to exercise 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. My reason for denial is that, based on the data submitted for school year 2018-2019, DDOE did not meet the requirement in 34 CFR 200.6(c)(4) that, in order to be eligible for such a waiver, the State must assess at least 95 percent of all students and 95 percent of children with disabilities. In 2018-2019, DDOE assessed fewer than 95 percent of children with disabilities in all three subject areas and fewer than 95 percent of all students on the science assessment. In addition, DDOE did not demonstrate that the State educational agency has verified that local educational agencies will address disproportionality, as required by 34 CFR 200.6(c)(4)(iii). Finally, the State has not demonstrated that it has reduced the rates of students taking the alternate assessment in reading/language arts and mathematics. DDOE has, therefore, not demonstrated substantial progress in achieving the plan and timeline that was submitted when the State initially requested this waiver two years ago.

If the data reported by DDOE are erroneous and DDOE can demonstrate that it assessed at least 95 percent of all students and 95 percent of children with disabilities on the reading/language arts, mathematics, and science assessments, DDOE may revise its waiver request, consistent with section 8401(b)(4)(B)(ii) of the ESEA, to meet the requirements under sections 8401(b)(1)(C) and (F) and 34

CFR 200.6(c)(4). The revised waiver request must be submitted no later than 60 days from the date of this letter.

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 Delaware 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,

/s/
Frank T. Brogan,
Assistant Secretary for
Elementary and Secondary Education

cc: Theresa Bennett, Director, Office of Assessment

Delaware One Percent Cap Waiver Extension Request

Exceeding one percent student participation in state alternate assessments
Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)

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DECEMBER 12, 2019

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Delaware Department of Education

One Percent Waiver Extension Request

Pursuant to ESEA 1111(b)(2)(D) and 34 C.F.R. §200.6(c) and (d)

December 12, 2019

Introduction

Title 1 of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA) [ESEA §111(b)(2)(D) and 34 CFR 200.6(c) and (d)], modifies the provision that students with the most significant cognitive disabilities may participate in alternate assessments based on alternate academic achievement standards (alternate assessments). ESSA places a 1.0% cap on the number of students who may participate in alternate assessments. States that anticipate exceeding the 1.0% cap must submit a waiver request to the U.S. Department of Education.

The Delaware Department of Education (DDOE) alternate assessment based on alternate academic achievement standards is the DeSSA-Alternate. DDOE participation rates for 2016-17 were 1.4 for English Language Arts and Mathematics, and 1.43 for Science. Delaware submitted a waiver request in December 2017. On February 28, 2018, the United States Department of Education granted Delaware a waiver of section 1111(b)(2)(D)(i)(I) of the ESEA, allowing the State to assess more than 1.0% of the total number of students assessed in ELA, mathematics, and science on the DeSSA-Alt. DDOE received a waiver extension on March 4, 2019 in ELA and mathematics, but not for science.

Pursuant to approval of our waiver of the 1.0% cap on the DeSSA-Alt participation, the DDOE assured that it would:

- Continue to meet all other requirements of §1111 of the ESEA and implement regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public;
- Assess at least 95% of all students and 95% of students with disabilities who are enrolled in grades for which an assessment is required;
- Require that local educational agencies (LEA) submit information justifying the need of the LEA to assess more than 1.0% of its assessed students in any subject with the DeSSA-Alt;
- Provide appropriate oversight of an LEA that is required to submit such information to the State, and make such information publically available;
- Verify that each LEA that is required to submit such information to the State is following all State guidelines in 24 CFR 200.6(d) and address any subgroup disproportionality in the percentage of students taking the DeSSA-Alt;

- Implement, consistent with the plan submitted in the DDOE's waiver request, the system improvements and monitor future administrations to avoid exceeding the 1.0% cap.

Evidence of activities and requirements are accessible online with web links embedded in the text of this document, allowing the reader to link directly to content-specific support documents in context.

Table 1: Alternate Assessment Participation Rates by Content Area

Content Area	Total Number of Assessed Students 2019	Number of Students Assessed in the Alternate Assessment 2019	Percentage of Students Assessed in the Alternate Assessment 2019
ELA	73287	1061	1.45
Math	73542	1061	1.44
Science	31591	469	1.48

DDOE participation rates for 2018-19 were 1.45 for ELA, 144 for Math and 1.48 for Science. Based on these data, DDOE is submitting the required waiver extension request for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements in the spring 2020 administration.
State Education Agencies requesting a waiver are also required to adhere to the requirements stipulated at 34 C.F.R. §200.6(c)(4) and may be found below.

> If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under §200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year. Such request must—
> (i) Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

One Percent Waiver Extension Request Requirements
Requirement 1 (§200.6(c)(4)(i)): Submit the waiver request at least 90 days before testing window starts for the relevant subject.

Delaware's assessment window for the DeSSA-Alternate Assessment for students with significant cognitive disabilities is open from March 16, 2020 through May 8, 2020. Ninety days prior to the start of Delaware's testing window (December 16, 2019), the Department will submit a waiver extension request to the United States Department of Education in the following subject areas: English Language Arts, Mathematics and Science.

Requirement 2 (§200.6(c)(4)(ii)): Provide State-level data, from the current or previous year, to show: (A) the number and percent in each subgroup who took the AA-AAAS in the subject area; and (B) the State has measured the achievement of at least 95% of all students and students with disabilities enrolled in the grades for which the AA-AAAS is required.

A summary of subgroup data for Delaware's state level alternate assessment participation by content is provided in Tables 2 - 7.

For purposes of public state level reporting, the following business rules are utilized:

- If a group or subgroup count of "number tested" is between one (1) and fifteen (15), the number of students is represented by "<=15" and the percentages and averages are reported for that group.
- If a group or subgroup count of "number tested" is zero (0), the number of students is reported as zero (0) and an asterisk (*) appears in the columns where a percentage or average would otherwise appear.

Table 2: ELA Alternate Assessment Participation Rates by Subgroup

ELA	2018			2019		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment
All Students	73491	1054	1.43	73287	1061	1.45
Female	36191	336	0.93	36109	320	0.89
Male	37300	718	1.92	37178	741	1.99
Hispanic	12708	143	1.13	13172	150	1.14
American Indian						
African American	22689	422	1.86	22530	432	1.92
White	32133	428	1.33	31409	403	1.28
Asian American	2749			2780		
Hawaiian/Pacific Islander	95				*	
Multiracial	2817	29	1.03	3046	43	1.41
Low-Income	25801	402	1.56	24531	416	1.7
ELL	5954	65	1.09	6926	79	1.14
Homeless	1527	48	3.14	1456	42	2.88

Table 3: Mathematics Alternate Assessment Participation Rates by Subgroup

Math	2018			2019		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment
All Students	73688	1054	1.43	73542	1061	1.44
Female	36283	337	0.93	36205	319	0.88
Male	37405	717	1.92	37337	742	1.99
Hispanic	12909	143	1.11	13391	151	1.13
American Indian	290			269		
African American	22665	423	1.87	22532	433	1.92
White	32112	426	1.33	31407	400	1.27
Asian American	2799			2820	32	1.13
Hawaiian/Pacific Islander	97			83		
Multiracial	2806	29	1.03	3040	43	1.41
Low-Income	25792	402	1.56	24540	417	1.7
ELL	6308	65	1.03	7297	79	1.08
Homeless	1535	48	3.13	1465	42	2.87

Table 4: Science Alternate Assessment Participation Rates by Subgroup

Science	2018			2019		
	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment	Total Number of Students Assessed	Total Number Assessed in Alternate Assessment	%Taking State Alternate Assessment
All Students	31493	489	1.55	31591	469	1.48
Female	15459	158	1.02	15486	155	1
Male	16034	331	2.06	16105	314	1.95
Hispanic	5136	67	1.30	5566	68	1.22
American Indian	125			143		
African American	9733	183	1.88	9661	180	1.86
White	14392	216	1.50	13767	189	1.37
Asian American	1138	<=15	1.23	1211	13	1.07
Hawaiian/Pacific Islander			0			
Multiracial	937			1208		
Low-Income	10828	215	1.99	9949	183	1.84
EL	1349	43	3.19	2280	40	1.75
Homeless	631	18	2.89	579	24	4.15

All students participate in the state assessments in grades 3- 8 and 11 for ELA and mathematics, as well as those in grades 5, 8, and HS Biology for science. Students participate in the general education assessments with or without accommodations or participate in the alternate assessment.

In the spring 2019 administration, Delaware did not meet the federal guidelines set at 95% participation rate of Students with Disabilities and All students in each of the content areas as evidenced by Table 5 below.

Table 5: Participation Rates of Students w/ Disabilities in DeSSA Assessments by Content Area

Content Area	Total Number of Eligible Students with Disabilities 2019	Total Number Students with Disabilities who Participated in the State Assessment 2019	Participation Rate 2019
ELA	13119	12324	93.94
MATH	13120	12307	93.80
SCIENCE	5826	5251	90.13

Delaware **exceeded** the participation rates of all students in the DeSSA Assessments by Content Area in ELA and Math in 98%, but did not meet the participation rate for Science at 93% as evidenced by Table 6 below.

Table 6: Participation Rates for All Students in DeSSA Assessments by Content Area

Content Area	Total Number Eligible for Alt. and Gen. Ed. State Assessments 2019	Total Number of Students who Participated 2019	Participation Rate 2019
ELA	74918	73287	97.8
MATH	75264	73542	97.7
SCIENCE	34028	31591	92.8

Delaware did not meet the Participation Rate criteria for the DeSSA-Alternate Assessment. The participation rate for ELA and Math was 94% and science was 92%.

DDOE is addressing participation through the State's ESSA State Assessment Participation requirement. Delaware's ESSA plan requires LEAs under 95% participation to create an action plan and participate in monitoring of participation throughout the state assessment window for 2020.

Table 7: Participation Rates in DeSSA-Alternate by Content Area

Content Area	Total Eligible Alternate Assessments 2019	Total Students who Participated in Alternate Assessment 2019	Participation Rate 2019
ELA	1134	1061	93.6
MATH	1134	1061	93.6
SCI	508	469	92.3

Requirement 3 (§200.6(c)(4)(iii)): Provide assurances that the state has verified that each LEA that the state anticipates will assess more than 1.0 percent of its assessed students in a subject using the AA-AAAS did the following: (A) followed the state's participation guidelines; and (B) will address any disproportionality in the students taking the AA-AAAS.

In addition to the aforementioned state level compiled data, LEAs compiled and self-reported local level participation in alternate assessments and projections for the spring 2018 assessment via the Delaware Department of Education Alternate Assessment Justification Form 2018-19 (included). LEAs submitted this form, with those exceeding the one percent threshold also completing the justification section. Assurances were provided by LEAs and attested to at the local level by the affixing of the Superintendent signature on the form below the following notation on the form.

"By submitting this application, the district verifies that all students participating in the DeSSA-Alt meet the Delaware Department of Education's participation criteria." (Appendix B-3 available online at http://www.doe.k12.de.us/alt).

Local district data collected on the justification form was reviewed and analyzed. There were 10 out of 40 districts and charters that assessed more than one percent of its assessed students with an AA-AAS during the 2018-19 school year. DDOE Office of Assessment and Exceptional Children's Resources have requested each district/charter provide assurance that the district is following the DeSSA-Alternate Participation Guidelines when making participation decisions.

The Department will continue to address disproportionality concerns in the percentage of students in any subgroup taking the DeSSA-Alternate through the following steps:

- Calculating and analyzing participation rates among subgroups at the state and district levels;
- Identifying subgroups over-represented in the DeSSA-Alternate participation counts;
- Reviewing district justifications and data to identify unusual patterns and high participation rates across subgroups. Subgroups information will be added to the Delaware Department of Education Alternate Assessment Justification Form beginning fall 2019-20. (included)
- Analyzing subgroup data over time to identify trends in subgroup participation with the goal of decreasing disproportionality;
- Continuing support and guidance for appropriate use of the DeSSA-Alternate Participation Guidelines;

- Creating a companion document to the participation guidelines;
- Engaging with stakeholder groups to address disproportionalities and ensure only students with the most significant cognitive disabilities are participating in the DeSSA-Alternate;
- Reporting Assessment Data and Justification Forms on our Delaware DOE Assessment webpage.

Requirement 4 (§200.6(c)(4)(iv)): Submit a plan and timeline by which the following will be accomplished: (A) state will improve the implementation of its participation guidelines, including if necessary, revising its definition of "students with the most significant cognitive disabilities"; (B) state will take additional steps to support and provide appropriate oversight to each LEA that the state anticipates will assess more that 1.0 percent with the AA-AAAS to ensure that only students with the most significant cognitive disabilities take the AA-AAAS (this must include a description of how the state will monitor and regularly evaluate each of these LEAs to ensure that the LEA provides sufficient training for IEP team members); and (C) state will address any disproportionality in the percentage of students taking the AA-AAAS.

Delaware's Updated Plan 2019-20

The state will continue to meet all other requirements of section 1111 of ESEA and implementing regulations with respect to all State-determined academic standards and assessments, including reporting student achievement and school performance, disaggregated by subgroups, to parents and the public.

The state plan and timeline intended to address the reduction of percentages exceeding the one percent cap of alternate assessment participation will be included, pursuant to the additional federal requirements detailed in 34 C.F.R. §200.6(c)(4). This plan will also include State guidelines clarification, professional development, oversight, and support for identified areas of need. Consistent with the plan submitted in this waiver request, DDOE will implement system improvements and monitor future administrations to avoid exceeding the 1% cap. DDOE will provide four levels of support. After data review, the business rules have been applied to meet the appropriately meet our LEAs needs:

Category of Support	**Criteria**
Universal Supports	≤ 1% DeSSA-Alt Participation • LEAs with Total Test Population <300 and DeSSA-Alt tested students <5.
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	>1.6 % DeSSA-Alt Participation • LEAs with Special Schools and High incidences of Students with Disabilities

	• LEAs on Level 1 supports for 3 years with no change. (2021-22)
Level 3 Supports	• LEAs who are on Level 2 supports for 3 years with no change. (2021-22)

Under the applied Business rules:

- LEAs receiving Universal Supports 2019 – 27
- LEAs receiving Level 1 Supports 2019 – 3
- LEAs receiving Level 2 Supports 2019 - 7

Universal Supports

At this universal level, the State will address overall trends and overarching needs by participating in and/or providing the following:

- Data collection, analyses, and reporting of overall data and subgroup data
- Defining oversight for LEAs exceeding one percent
- Clarifying the state definition of "students with the most significant cognitive disabilities"
- Updating the State Guidelines, as needed, for participation in alternate assessments
- Launching a webinar specific to the State Guidelines
- Highlight the updated Accessibility Guidelines manual (attached) and the accompanying training available via Schoology
- Provide additional IEP and accommodations training for staff and families
- Increase awareness and solicit feedback related to the one percent threshold for alternate assessments, the state plan, along with related state and LEA level data stakeholder groups including
    - Access to General Curriculum committee
    - Governor's Advisory Council for Exceptional Citizens (GACEC) (state advisory council)
- Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings
- Provide one percent data collection and justification forms to LEAs
- Publicly post justification forms, state waiver request, and plan with timeline
- Ensure support and guidance for all LEAs
- Using the Companion document for the State Guidelines during IEP meetings
- Creation of Informational Video Snippets (<10 min.)

  Topics:
    - Waiver "101"
    - Delaware's Most Significant Disabilities definition
    - Participation Guidelines
    - Companion Guide

- Learner Characteristics Inventory (LCI)
- IEP Rubric
- Updates, changes, professional development available

Level 1 Supports

Includes Universal Supports plus, at this level, the State will address overall trends and overarching needs by participating in and/or providing the following:

- Data collection, analyses, and reporting of overall data and subgroup data
- Training in the State Guidelines
- Provide additional IEP and accommodations training for staff and families
- Ensure support and guidance for all LEAs by meeting with Special Education Leadership to monitor the checklist completion

Districts and Charters will be provided with a Level 1 Support Checklist that they will be required to complete and submit to DDOE as evidence of meeting the requirements. This is due 1/25/2020. Those who completed checklists in 1/2018 will be required to provide evidences to DDOE by 1/25/2020.

After 3 years at Level 1 supports, the LEA will move to Level 2 supports.

Level 2 Supports

Includes Universal and Level 1 Supports in addition:

At level 2, the State will address more specific trends and LEA needs in support of a reduction of the percentage of students participating in alternate assessments. DDOE will review the implementation of state participation guidelines, provide technical support, evaluate professional development needs, and provide ongoing oversight for level 2 LEAs.

Technical Assistance and Professional Development

- Targeted assistance to LEAs
  - Initial LEA team "Zoom" meeting with both groups, including topics:
    - Waiver "101" (Going over the Waiver and the Status of the State and the Status of LEA)
    - Delaware's plan
    - Requirements, Levels, Supports, Timeline
- Professional development related to inclusion of students with cognitive disorders within sending districts and program development
- Professional development in accordance with identified LEA needs related to eligibility, knowledge, and selection of available and appropriate accommodations
- Three Shoulder-to-Shoulder support sessions

LEAs will be provided with a Level 2 Support Plan for reducing the 1% Cap that they will be required to complete and submit to DDOE as evidence of meeting the requirements. This is due 1/25/2020. LEAs who completed checklists in 1/2018 will be required to provide evidences to DDOE by 1/25/2020.

Level 3 Supports

LEAs who remain on Level 2 for 3 years will receive Level 3 Supports. They will be provided a more in-depth structured level of technical and ongoing support. Each LEA will use a Level 3 Monitoring Tool which includes a Self-Assessment.

Areas of focus may include:

Technical Assistance, Professional Development and Support

- Targeted training on the identification process and State Participation Guidelines
- Documentation and triangulation of data review
- IEP team decision-making process
- Tools and strategies for instruction and student support
- Selection of accommodations for instruction and assessment purposes
- Deeper data dive
    - Focus on disability categories
    - Appropriateness of participation

Delaware's Timeline

Timeframe	**Tasks 2019-20**
Sept. 2019	Justifications for 2019 distributed for completion.
Sept. 2019	Shared information with Special Education Leadership on the 1% Cap.
Oct. 14, 2019	Justification forms due from LEAs and posted on our **1% website**.
Oct 2019 – Dec 2019	Creation of Monitoring Tool for Level 3 supports
Oct. 14 – Dec. 2, 2019	Conduct research on the new data Expansion of state definition to include the word pervasive. **Participation Guidelines** - Added State Definition to the guidelines. - Changed content area stipulation to state that student must be eligible to test in all content areas.
August 2019-March 2020	State provides Alternate Assessment Participation Decision-Making workshop professional development – Trainings scheduled for 11/6/2019, 1/21/2020 and 2/11/2020 State provides webinar on State Definition and Participation Guidelines
July 2019-March 2020	State provides Linking Assessment to Instruction workshop offerings – trainings scheduled for 12/12/2019; 1/29/2020 and 2/26/2020
November 2019	AGEC – Meeting – shared **completed** **Companion Guide**, posted to our website. Updated **Participation Guidelines and state definition. (Appendix B-3)**
Dec. 16, 2019	**DDOE will submit a Waiver Extension Request**
Dec. 20, 2019	Notify LEAs who will continue to receive Level 1 and Level 2 supports.

	LEAs on Checklists and Support Plans 2019 must submit evidences by January 25, 2020.
January 2020	Revise the Level 1 checklist and Level 2 support plans Provide 2-3 Webinars to go over the expectations of the plans.
January-May 2020	Ongoing targeted assistance to LEAs on Level 2 Support Plans

Requirement 5 (§200.6(c)(4)(v)): Substantial Progress

Delaware DDOE has made substantial progress toward meeting the 1.0% cap on DeSSA-Alt participation since receiving the waiver request. This progress is evident in the completion of State Plan and Timeline activities outlined in last year's waiver request.

1. Delaware showed a reduction in the number of students assessed in the alternate assessment in the 2019 school year (Table 8). The difference for ELA is -.04 and for Math is -.05 and for Science is -.08. DDOE believes that will the continued provision of supports and technical assistance, the overall percentage will continue to reduce.

Table 8: Comparison of Percentage of Students Assessed in 2018 to 2019

Content Area	Percentage of Students Assessed in the Alternate Assessment 2018	Percentage of Students Assessed in the Alternate Assessment 2019
ELA	1..49	1.45
Math	1.49	1.44
Science	1.56	1.48

2. As indicated by Table 9; **12** LEAs decreased their participation rates in ELA and **11** decreased their rates in Math. Science in 2018 was a Field test, so LEAs did not report any numbers that year. DDOE will be able to provide data for Science following the 2020 administration.

Table 9: Comparison of Percentages of Students Participating in the Alternate Assessment by LEAs

LEA	Participation Rate ELA 2019	Participation Rate ELA 2018	Increase/Decrease from 2018	Participation Rate Math 2019	Participation Rate Math 2018	Increase/Decrease from 2018	Participation Rate Science 2019	Participation Rate Science 2018
Academia Antonia Alonso	0	0		0	0		0	0
Academy of Dover	0	0		0	0		0	0
Appoquinimink	.97	1.11	D	.95	1.11	D	1.0	*
Brandywine	.93	1.2	D	.94	1.2	D	.92	*
Caesar Rodney	2.4	2.2	I	2.4	2.3	I	2.3	*
Campus Community	0	0		0	0		0	0
Cape Henlopen	2.62	2.67	D	2.62	2.67	D	3.04	*

LEA	Participation Rate ELA 2019	Participation Rate ELA 2018	Increase/Decrease from 2018	Participation Rate Math 2019	Participation Rate Math 2018	Increase/Decrease from 2018	Participation Rate Science 2019	Participation Rate Science 2018
Capital	2.8	2.6	I	2.8	2.6	I	2.8	*
Charter School of New Castle	1.69	0	I	1.69	0	I		
Charter School of Wilmington	0	0		0	0		0	0
Christina	2.73	2.67	I	2.72	2.68	I	3.33	*
Colonial	2.02	1.59	I	2.02	1.58	I	1.89	*
Delaware Military Academy	0	0		0	0		0	0
Delmar	.60	0.71	D	.60	0.71	D	.12	*
DSCYF	0	1.9	D	0	1.9	D	0	*
Eastside Charter	1.1	.8	I	1.1	.8	I	0	*
First State Military	0	0		0	0		0	0
First State Montessori	0	0		0	0		0	0
Freire Charter	0	0		0	0		0	0
Gateway Lab	2.32	3.78	D	2.32	3.78	D	1.74	1.62
Indian River	1.43	1.39	I	1.42	1.37	I	1.56	*
Kuumba Academy	0	0		0	0	0	0	0
Lake Forest	.85	0.9	D	.85	0.9	D	1.3	*
Las Americas ASPIRA	0	0		0	0	0	0	0
Laurel	1.7	2.1	D	1.7	2.1	D	1.9	*
Milford	1.3	1.4	D	1.3	1.3	R	1.4	*
MOT Charter	.16	0	I	.16	O	I	0	*
NCCVT	.86	0.79	I	.86	0.79	I	.73	*
Newark Charter	.5	.5	R	.5	.5	R	.1	*
Odyssey	0	0		0	0		0	0
Polytech	1.10	0.7	I	1.10	0.7	I	.40	*
Red Clay	.94	1.02	D	.93	1.02	D	.77	*
Seaford	2.10	2.9	D	2.10	2.9	D	1.90	*
Smyrna	.66	0.81	D	.66	0.81	D	.45	*
Woodbridge	1.03	0.93	I	1.03	0.93	I	.71	*

3. Table 10 provides a comparison of the LEAs exceeding the 1% requirement for 2018 and 2019. There are no business rules applied, information from Table 8 was used. We have reduced our LEAs exceeding the 1% Cap by 2 in ELA and 1 in Math. For Science, LEAs didn't provide any information as Science was a field test the prior year.

Table 10: Comparison of the Number of LEAs Exceeding the 1.0% Cap for 2018 and 2019

Content Area	Number of LEAs Exceeding 1% Cap in 2018	Number of LEAs Exceeding 1% Cap in 2019
ELA	14	12
Mathematics	14	13
Science	(Field Test)	10

4. Delaware has made progress on the assurances outlined in the 2018-19 Plan as indicated below in our evidences.

Evidences

<table>
<tr><th>Task</th><th>State Provides</th><th>Evidences - Date - Document</th></tr>
<tr><td>1.1</td><td>Data collection, analyses, and reporting of overall data and subgroup data</td><td>State Summary - Looking at Participation rates of the DeSSA-Alt and trends in the Justification Forms submitted Oct. 2019.
Trends include:
- Students taking the Alternate Assessment who score PL4 or higher who may be moved to the general assessments
- Students with Specific Learning Disabilities as a primary category
- Confusing students who are low performing with intellectual disability

A review of our districts Level 1 Checklist and Level 2 Support Plans showed possible disproportionality in some subgroups.
<table>
<tr><th>Subgroup</th><th>Action Steps</th></tr>
<tr><td>Males</td><td>The state will :
Use multiple measures over time to identify if this a subgroup with disproportionality. (2018-19 and 2019-20 support plans)
Determine if there is a need to revise policies or practices
Require LEAs to submit possible rationale for the high numbers</td></tr>
<tr><td>African-American</td><td>The state will :
Use multiple measures over time to identify if this a subgroup with disproportionality. (2018-19 and 2019-20 support plans)
Determine if there is a need to revise policies or practices
Require LEAs to submit possible rationale for the high numbers</td></tr>
</table></td></tr>
</table>

		Low Income: The state will : Use multiple measures over time to identify if this a subgroup with disproportionality. (2018-19 and 2019-20 support plans) Determine if there is a need to revise policies or practices Require LEAs to submit possible rationale for the high numbers
1.2	Defining oversight for LEAs exceeding one percent	Revision of the Level 1 Supports Checklist and Level 2 Supports Plan due 1/25/2020 Using the business rules to determine the LEAs on the Universal, Level 1 and Level 2 supports. Changed Level 3 to pertain to LEAs who have not moved from Level 2 in three years.
1.3	Clarifying the state definition of "students with the most significant cognitive disabilities"	Expansion of state definition to include the word pervasive. **Participation Guidelines** - Added State Definition to the guidelines. Changed content area stipulation to state that student must be eligible to test in all content areas.
1.4	Updating the State Guidelines, as needed, for participation in alternate assessments	AGEC – Meeting – shared **completed Companion Guide,** posted to our website. Updated **Participation Guidelines and state definition. (Appendix B-3)**
1.5	Launching a webinar specific to the State Guidelines	Offered Two dates of live webinars: 1/30/2019 and 2/13/2019 Webinar: **DeSSA-Alternate State Guidelines and Participation Criteria Overview** Participants will learn each of the criteria for determining student participation in the DeSSA-Alternate Assessment. Participants will become familiar with Appendix F-1 of our Accessibility Guidelines as well as the Decision-Making Tree 2 more webinars scheduled for 1/8/2020 and 3/4/2020
1.6	Highlight the updated **Accessibility Guidelines** manual and the accompanying training available via Schoology	Course # 26484 - Accessibility Guidelines/Coordinator Training - Released November 2019 - Provides a complete overview of the Accommodations available on the General Assessment. - Provides training on the DOE-Approved Request Process.
1.7	Provide additional IEP and accommodations training for staff and families	Training on the Alternate Achievement standards as indicated on the DDOE Office of Assessment State Professional Development training calendar Training on IEP Writing, Accommodations & Instructional Implications scheduled for 11/20/2019 and 2/5/2020 1 Parent workshop scheduled for 10/1/2019 – another will be scheduled

1.8	Increase awareness and solicit feedback related to the one percent threshold for alternate assessments, the state plan, along with related state and LEA level data stakeholder groups including Access to General Curriculum committee AND Governor's Advisory Council for Exceptional Citizens (GACEC) (state advisory council)	AGEC – Meeting – shared **completed** **Companion Guide**, posted to our website. Updated **Participation Guidelines and state definition. (Appendix B-3)** GAGEC – November 2019– shared information on the 1% Cap, Waiver with the council
1.9	Provide monthly training and updates related to the definition, participation guidelines, and one percent topics to cadres, coalitions, and coordinator meetings	Meeting agendas of the 1% Cap Committee. Committee members include Office of Assessment, Exceptional Children's Resources, and Center for Disability Studies. The committee meets to review data, make support decisions and address one-percent cap related concerns. Trainings indicated on the DDOE Office of Assessment State Professional Development training calendar
1.1	Provide one percent data collection and justification forms to LEAs	Justification Forms returned October 2019. Justifications were revamped to include subgroup information. 2021 forms will include criteria using the applied business rules.
1.11	Publicly post justification forms, state waiver request, and plan with timeline	2019 Justification Forms will be posted by December 30, 2019 to our **1% Website.** 2018 Justification forms are already posted.

Delaware Department of Education

Alternate Assessment Justification Form 2019-2020

Name of District/Charter: _____District/Charter Code: _____

Person Completing Form: _____ Contact information: _____

Alternate Assessment rates for **ELA/Literacy**	**2017-18**	**2018-19**	**2019-20 Projection**
1. Total number of DeSSA-Alt students in grades 3, 4, 5, 6, 7, 8, and 11. Residential students with disabilities in, in- and out-of-district placements should also be included.			
2. Total number of special education and general education students taking a state assessment during the spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)			
3. Divide the line 1 number by the line 2 number.			
4. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content area.			
Calculate Alternate Assessment rates for **Mathematics**	**2017-18**	**2018-19**	**2019-20 Projection**
5. Total number of DeSSA-Alt students at in grades 3, 4, 5, 6, 7, 8, and 11. Residential students with disabilities in, in- and out-of-district placements should also be included.			
6. Total number of special education and general education students taking a state assessment during the spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)			
7. Divide the line 1 number by the line 2 number.			
8. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content area.			
Calculate Alternate Assessment rates for **Science**	**2017-18**	**2018-19**	**2019-2020 Projection**
9. Total number of DeSSA-Alt students at in grades 5, 8, and 10. Residential students with disabilities in, in- and out-of-district placements should also be included.	Field Test		
10. Total number of special education and general education students taking a state assessment during the spring window (DeSSA ELA/Math, DeSSA-Alt, SAT)	Field Test		
11. Divide the line 1 number by the line 2 number.	Field Test		
12. Multiply the line 3 number by 100 to determine the Districtwide anticipated Alternate participation rate for each content area.	Field Test		

After completing sections 1-12, if the percent is greater than 1 percent in either subject area (lines 4, 8 or 12), complete the Justification information. Please submit to Michelle Jackson (Michelle.Jackson@doe.k12.de.us) at the Delaware Department of Education, by **October 11, 2019.**
Districts/Charters who exceed the 1% Cap are placed into one of three categories of support: Level 1 Support; Level 2 Supports or Level 3/Special School Supports.

Category of Support	**Criteria**
Universal Supports	≤ 1% DeSSA-Alt Participation
Level 1 Supports	1.1% - 1.5% DeSSA-Alt Participation
Level 2 Supports	1.6 % - 2.5% DeSSA-Alt Participation
Level 3/Special School Supports	≥ 2.6% DeSSA-Alt Participation

Justification: • To be completed if above 1% in any of the content areas in the Spring 2019 administration	**2018-19**	**2019-20 Projection**
Category of Support • Refer to the table above	☐ Universal ☐ Level 1 ☐ Level 2 ☐ Level 3/Special School	☐ Universal ☐ Level 1 ☐ Level 2 ☐ Level 3/Special School
Has your participation rate increased/decreased from the 2018 Spring Administration? • Please provide rationale in the lines below	☐ Increased ☐ Decreased ☐ Remained the same	☐ Anticipate increase ☐ Anticipate decrease ☐ Anticipate the same
There is a school, community or health program in the district that draws large numbers of students with significant intellectual disabilities.	☐	☐
The total test population is less than 300 and the total number of students participating in DeSSA-Alt is 3 or less.	☐	☐
There is a high incidence of students with disabilities in the district.	☐	☐
*Other (Please elaborate on the lines below)	☐	☐

Justification:_____

_____

_____

By submitting this application, the district/charter verifies that all students participating in the DeSSA-Alt meet the Delaware Department of Education's participation criteria (available online at www.doe.k12.de.us/alt).

_____

Signature of Superintendent or Charter School Lead

Notification of One Percent Waiver Request

On November 27, 2017, the Delaware Department of Education (DDOE) posted the 1% Cap notification and draft waiver request for 10 business days, on the Announcements webpage of the DDOE website, for public comment. DDOE shared the waiver information with stakeholder groups, such as the Access to General Curriculum committee and the Governor's Advisory Council for Exceptional Citizens (GACEC). DDOE also shared the waiver information with superintendents, special education directors, and district test coordinators. Public comments specifically related to the waiver were positive; comments included, "I don't see any issues with the waiver request. It seems appropriate" and "The waiver looks thorough." In addition, DDOE received feedback related to the Delaware plan; stakeholders are interested in more information about technical assistance for LEAs. Delaware DOE will continue to solicit feedback from stakeholder groups to guide and shape the final plan and timeline. The stakeholder feedback and plan will guide DDOE's commitment to support the appropriate reduction of the number of students participating in the alternate assessments. Delaware respectfully submits this waiver request.
Delaware Department of Education

Public Notice and Comment Period

Waiver Request- Pursuant to 34 C.F.R. §200.6(c)(4)
November 27, 2017

The Delaware Department of Education (DDOE) Office of Assessment is seeking comments on the following waiver request. DDOE will request a waiver from the United States Department of Education for the 2017-2018 school year, pursuant to the regulation found at 34 C.F.R. §200.6(c)(4) requiring State Education Agencies (SEAs) to limit the number of students participating in state alternate assessment in a required subject area to be at or below one percent of the total number of all students taking the state level assessment.

34 C.F.R. §200.6(c)(2) states:

> For each subject for which assessments are administered under §200.2(a)(1), the total number of students assessed in that subject using an alternate assessment with alternate academic achievement standards under paragraph (c)(1) of this section may not exceed 1.0 percent of the total number of students in the State who are assessed in that subject.

State Education Agencies requesting a waiver are required to adhere to the requirements stipulated at 34 C.F.R. §200.6(c)(4) and may be found below. Recent data on the numbers of students participating in the alternate assessments shows alternate participation in spring 2017 to be at 1.4% for ELA, 1.4% for mathematics, and 1.5% for science. DDOE is requesting a waiver for the anticipated greater than one percent alternate assessment participation in accordance with waiver requirements below.

> If a State anticipates that it will exceed the cap under paragraph (c)(2) of this section with respect to any subject for which assessments are administered under §200.2(a)(1) in any school year, the State may request that the Secretary waive the cap for the relevant subject, pursuant to section 8401 of the Act, for one year. Such request must—(i) Be submitted at least 90 days prior to the start of the State's testing window for the relevant subject;

Pursuant to the stated federal requirements, DDOE will submit a one-year waiver request, along with a plan and timeline intended to begin to address the reduction of percentages exceeding the one percent cap of alternate assessment participation. The following information, as detailed in 34 C.F.R. §200.6(c)(4), will be included in the waiver:

- Delaware state-level data including
  - subgroup counts and percentages
  - participation rates in alternate assessments
- State assurances that LEAs exceeding the one percent cap followed State guidelines in determining eligibility for participation in alternate assessments
- A statewide plan and timeline including
  - Clarification of State guidelines, in conjunction with professional development, to expand understanding and implementation of the guidelines and the identification process
  - Support and oversight for LEAs exceeding the one percent cap, as well as addressing any identified areas of disproportionality

STATEWIDE PROFESSIONAL DEVELOPMENT: DDOE Office of Assessment, 2019-20 School Year

Course #	SECTION #	Event	Date / Time
27749	52326	AAS Math Standards Training (DLM Essential Elements)	4-Sept-19 30-Jun-20
			12:00am-11:55pm
27748	52327	AAS ELA Standards Training (DLM Essential Elements)	4-Sept-19 30-Jun-20
			12:00am-11:55pm
27911	52328	AAS Science Standards Training (DLM Essential Elements)	4-Sept-19 30-Jun-20
			12:00am-11:55pm
28138	52637	Inclusive Practices linking Assessment to Instruction	12-Dec-19
			8:30am-11:30am
28631	52817	Reporting and Data Literacy: ACCESS	19-Dec-19
			3:30pm-4:30pm
27776	52642	DeSSA-Alt State Guidelines Participation Criteria Overview	8-Jan-20
			4:00pm- 5:30pm
28629	52815	Reporting and Data Literacy: DeSSA Alt	9-Jan-20
			3:30pm-4:30pm
27770	51959	Alternate Assessment Participation Decision Making	21-Jan-20
			8:30 am – 3:30 pm
28138	52639	Inclusive Practices linking Assessment to Instruction	29-Jan-20
			8:30am-11:30am
28138	52640	Inclusive Practices linking Assessment to Instruction	29-Jan-20
			12:30pm-3:30pm
27775	52644	IEP Writing, Accommodations & Instructional Implementation	5-Feb-20
			4:00-5:00pm
28637	52823	Connecting Assessment to Curriculum and Instruction: ACCESS	6-Feb-20
			3:30-4:30pm
#27770	#52711	Alternate Assessment Participation Decision Making Workshop	11-Feb-20
			8:30am-3:30pm
28635	52821	Connecting Assessment to Curriculum and Instruction: DeSSA Alt	13-Feb-20
			3:30-4:30pm
28138	52654	Inclusive Practices linking Assessment to Instruction	26-Feb-20
			8:30am-11:30am
27776	52641	DeSSA-Alt State Guidelines Participation Criteria Overview	4-Mar-20
			3:30-4:30pm
28382	51961	DeSSA-Alt: Using Score Reports and Mini-Maps to Guide Instruction	6-Mar-20
			8:30 am – 3:30 pm